

LICENSING SUB-COMMITTEE



Report subject	Bournemouth Electric Club, Broadway Lane, Bournemouth, BH8 0AA
Meeting date	3 January 2024
Status	Public Report
Executive summary	<p>Esmecam Limited have made application for a new premises licence</p> <p>The application seeks to permit regulated entertainment between the hours of 12:00 and 23:00 with late night refreshment and the sale of alcohol, both on and off the premises, between 10:00 and 00:00 Sunday to Thursday and 10:00 to 01:00 Friday and Saturday. For all licensable activities a New Year's Eve extension until 01:00 is requested.</p> <p>The Licensing Authority has received 8 representations on the grounds that to grant the application would undermine the prevention of crime and disorder, prevention of public nuisance, public safety and the protection of children from harm licensing objectives.</p>
Recommendations	<p>It is RECOMMENDED that:</p> <p>Members are asked to decide whether to:-</p> <ul style="list-style-type: none">a) Grant the application as made.b) Refuse the application.c) Grant the application subject to additional conditions. <p>Members are asked to make a decision at the end of the hearing after all relevant parties have been given an opportunity to speak.</p> <p>Members must give full reasons for their decision.</p>
Reason for recommendations	<p>The Licensing Authority has received 8 representations against the application under the prevention of crime and disorder, prevention of public nuisance, public safety and the protection of children from harm licensing objectives.</p> <p>Where representations have been received from a responsible authority or any other person, and the concerns have not been resolved through mediation between all parties, the Scheme of</p>

	Delegation set out in the Council's Constitution states that these applications should be dealt with by the Licensing Sub-Committee.
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Portfolio Holder(s):	Councillor Kieron Wilson – Portfolio Holder for Housing and Regulation
Corporate Director	Jillian Kay - Wellbeing
Report Authors	Sarah Rogers – Senior Licensing Officer
Wards	Muscliff & Strouden Park
Classification	For Decision

Background

1. An application for a new premises licence under Section 17 of the Licensing Act 2003 was made on 15 November 2023.
2. The application is made to permit regulated entertainment in the form of films, indoor sporting events, live and recorded music and performances of dance from 12:00 to 23:00 each day of the week, late night refreshment from 23:00 to 00:00 Sunday to Thursday and 01:00 on Friday and Saturday and the sale of alcohol (on and off the premises) from 10:00 to 00:00 Sunday to Thursday and 01:00 on Friday and Saturday. An extension on New Year's Eve for all activities is requested until 01:00. A copy of the application is attached at Appendix 1.
3. A plan showing the location of the premises is attached at Appendix 2.

Premises History

4. The premises currently benefit from a club premises certificate to allow members and guests of the club to use the entertainment and bar facilities.
5. A club premises certificate differs from a premises licence in that it cannot sell alcohol to members of the public. A club may only supply alcohol to its members and their guests. There are several general conditions which are attached to a club premises certificate which include that there must be a period of at least two days between application to becoming a member of the club and admission. You cannot therefore apply for membership and benefit from club privileges without the two-day interval.
6. The club previously held a premises licence (numbered BH177126) which was granted on 10 July 2020. The licence was used to provide events for members of the public, both inside the premises and out on the playing field. The licence holder company was dissolved on 24 January 2023 which did not come to the attention of the Licensing Authority until May 2023 therefore the licence lapsed.
7. Due to reports of non-compliance and noise complaints Dorset Police, Pollution Control and the Licensing Authority met with the club's committee to provide advice and guidance in an attempt to assist them in understanding their requirements under the club premises certificate.
8. It was agreed that a minor variation application would be made to add relevant conditions onto the club premises certificate which had been imposed on the previous lapsed premises licence. This application was made on 22 May 2023 and

was subsequently granted. A copy of the current club premises certificate is attached at Appendix 4.

9. During the club premise application consultation period on 24 May 2023, following a suggestion by Officers, the club hosted a meeting with neighbouring residents for them to come and express any concerns they may have regarding the application, to understand the future plans of the club and to address any noise issues. Officers from Dorset Police, Pollution Control and the Licensing Authority also attended this meeting to answer any questions as responsible authorities.
10. Since the grant of the minor variation application and despite the additional conditions imposed on the club premises certificate, noise complaints have continued to be reported.
11. The Licensing Authority have also written to the premises on 30 November 2023 to express their concern over Facebook posts which appear to advertise instant membership of the club and events for the public to attend which is not permitted under their current club premises certificate. The email sent and response from the Solicitor acting on behalf of premises is attached at Appendix 5.

Consultation

12. The application was served on all responsible authorities and the applicant confirmed that the statutory notices were displayed on site and published in the local newspaper.
13. Both Dorset Police and Pollution Control, as responsible authorities, made representations to the application under the prevention of crime and disorder and the prevention of public nuisance licensing objectives. There were no representations received from the other responsible authorities.
14. In addition, 6 representations from other persons under the prevention of crime and disorder, prevention of public nuisance, public safety and the protection of children from harm licensing objectives.
15. A copy of all representations is attached at Appendix 3.

Options Appraisal

16. Before making a decision, Members are asked to consider the following matters:-
 - The submissions made by or on behalf of the applicant.
 - The representations made by Dorset Police and Pollution Control.
 - The representations made by 6 other persons.
 - The relevant licensing objectives, namely the prevention of crime and disorder, prevention of public nuisance, public safety and the protection of children from harm.
 - The Licensing Act 2003, Regulations, Guidance and BCP Council's Statement of Licensing Policy.

Summary of financial implications

17. An appeal may be made against the decision of Members by the applicant or any person who has made a representation to the Magistrates' Court which could have a financial impact on the Council.

Summary of legal implications

18. If Members decide to refuse the application or attach conditions to the licence which the applicant does not agree to, the applicant may appeal to the Magistrates' Court within a period of 21 days beginning with the day that the applicant is notified, in writing, of the decision.
19. If the application is granted any person who has made a representation against the application or does not agree to any conditions attached by Members upon decision may appeal to the Magistrates' Court within a period of 21 days beginning with the day that they are notified, in writing, of the decision.

Summary of human resources implications

20. There are no human resource implications.

Summary of sustainability impact

21. There are no sustainability impact implications.

Summary of public health implications

22. There are no public health implications.

Summary of equality implications

23. There are no equality implications.

Summary of risk assessment

24. There are no risk assessment implications.

Background papers

BCP Council – Statement of Licensing Policy

[SOLP-2020-2025 \(bcpCouncil.gov.uk\)](https://www.bcpCouncil.gov.uk/Assets/Document/2020-2025%20Statement%20of%20Licensing%20Policy.pdf)

Revised Guidance issued under Section 182 of the Licensing Act 2003 (updated August 2023)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1178789/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_removal_of_minor_variation_relating_to_off_sales.pdf

Hearing Regulations

[The Licensing Act 2003 \(Hearings\) Regulations 2005 \(legislation.gov.uk\)](https://www.legislation.gov.uk/uksi/2005/1744/contents/make)

Appendices

- 1 – Copy application
- 2 – Location plan
- 3 - Representations
- 4 – Copy current club premises certificate
- 5- Copy of letter from Licensing Authority and response by Solicitor