

LICENSING SUB-COMMITTEE



Report subject	Pirata, 125 Charminster Road, Bournemouth, BH8 8UH
Meeting date	3 July 2024
Status	Public Report
Executive summary	To consider an application by Dorset Police for the review of the premises licence as they no longer have confidence in the licence holder or designated premises supervisor (DPS) to uphold the licensing objectives.
Recommendations	<p>It is RECOMMENDED that:</p> <p>Members consider the following options:-</p> <ul style="list-style-type: none">(a) Modify the conditions of the licence; and/or(b) Exclude a licensable activity from the scope of the licence; and/or(c) Remove the Designated Premises Supervisor; and/or(d) Suspend the licence for a period not exceeding three months; or(e) Revoke the licence; or(f) Leave the licence in its current state. <p>Members are asked to make a decision at the end of the hearing after all relevant parties have been given the opportunity to speak. Members must give full reasons for their decision.</p>
Reason for recommendations	<p>Where a review application by a responsible authority, or any other person, has been received the scheme of delegation set out in the Council's Constitution states that these applications should be dealt with by the Sub-Committee.</p> <p>The Licensing Authority may only consider aspects relevant to the application that have been raised in the application.</p>

Portfolio Holder(s):	Councillor Kieron Wilson – Housing and Regulatory Services
Corporate Director	Jillian Key - Wellbeing
Report Authors	Sarah Rogers – Principal Licensing Officer
Wards	Talbot & Branksome Woods
Classification	For Decision

Background

1. The application for review of the premises licence, under Section 51 of the Licensing Act 2003, by Dorset Police was received on 15 May 2024.
2. Dorset Police believe that the premises have undermined all four licensing objectives - the prevention of crime and disorder, prevention of public nuisance, public safety and the protection of children from harm licensing objectives.
3. A copy of the review application is attached at Appendix 1.
4. The premises have had the benefit of a premises licence since January 2007 and were transferred to the current licence holder and DPS in January 2020. No changes to the terms and conditions of the licence have been sought since grant. A copy of the current licence is attached at Appendix 2.
5. It is only since 2020 that information has been received regarding concerns over the premises from Dorset Police which are highlighted in the review application. Prior to that time no complaints were received and no concerns raised to the licensing authority.

Consultation

6. A copy of the review application was served on all responsible authorities and the licence holder on 15 May 2024.
7. The Licensing Officer attended the premises on 16 May 2024 and displayed a site notices on the premises and another on a lamppost directly opposite. Two further notices were placed in the main public noticeboards of the council offices in Bourne Avenue and St Stephen's Road. A notice was also published on the council's website.
8. No representations were received from any of the other responsible authorities or any other person.

Options Appraisal

9. Before making a decision, Members are asked to consider the following matters: -
 - The application made by Dorset Police and supplementary evidence provided.
 - The submissions made by or made on behalf of the premises licence holder.

- 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 the Council's Statement of Licensing Policy.

Summary of financial implications

10. An appeal may be made against the decision of Members by Dorset Police or the holder of the premises licence to the Magistrates' Court which could have a financial impact on the Council.

Summary of legal implications

11. If Members decide on an option available to them which Dorset Police or the premises licence holder does not agree to, they 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

12. There are no human resources implications.

Summary of sustainability impact

13. There are no sustainability impact implications.

Summary of public health implications

14. There are no public health implications

Summary of equality implications

15. There are no equality implications.

Summary of risk assessment

16. There are no risk assessment implications.

Background papers

BCP Council – Statement of Licensing Policy

[SOLP-2020-2025 \(bcp-council.gov.uk\)](https://www.bcp-council.gov.uk/2020-2025-solp)

Hearing Regulations

<https://www.legislation.gov.uk/uksi/2005/44/made>

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

[Revised Guidance issued under section 182 of the Licensing Act 2003 \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/guidance/2023-12-01-revised-guidance-issued-under-section-182-of-the-licensing-act-2003)

Appendices

- 1 – Copy review application and supplementary evidence
- 2 – Location plan
- 3 – Copy current premises licence