

LICENSING SUB-COMMITTEE



Report subject	The Governor, 364 Lymington Road, Highcliffe, BH23 5EY
Meeting date	14 August 2024
Status	Public Report
Executive summary	<p>To consider an application by BCP Council Environmental Health for the review of the premises licence as they can demonstrate that the premises are not upholding the prevention of public nuisance licensing objective.</p> <p>Dorset Police and BCP Council Licensing Authority have make representations in support of the review in addition to 4 other persons. A total of 8 representations have been received in support of the review.</p>
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/orb) Exclude a licensable activity from the scope of the licence; and/orc) Remove the Designated Premises Supervisor; and/ord) Suspend the licence for a period not exceeding three months; and/ore) Revoke the licence; orf) 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 relevant aspects that have been raised in the application.</p>

Portfolio Holder(s):	Councillor Kieron Wilson – Portfolio Holder for Housing a Regulatory Services
Corporate Director	Jillian Kay – Corporate Director for Wellbeing
Report Authors	Sarah Rogers – Principal Licensing Officer
Wards	Highcliffe & Walkford
Classification	For Decision

Background

1. The application for review of the premises licence, under Section 51 of the Licensing Act 2003, by Mr Andrew Hill, Senior Environmental Health Officer of BCP Council, was received on 6 June 2024.
2. Environmental Health believe that the premises are not upholding the prevention of public nuisance licensing objective.
3. A copy of the review application is attached at Appendix 1.
4. The premises have had the benefit of a premises licence since transition to the Licensing Act 2003 in November 2005. The original licence was issued by legacy Christchurch Borough Council when the premises were named “Napoleons”. No plan of the layout of the premises was supplied by Christchurch Borough Council following the merger into BCP Council so there is no current layout plan available.
5. An application to transfer the premises licence and vary the DPS into the current holder, Ms Syeda Ruzina Khatun, was made on 26 October 2023. The name of the premises to “The Governor” was changed at that time. There were no changes to the terms and conditions of the licence. A copy of the current premises licence is attached at Appendix 2.
6. Since these changes were made and the premises has been under the control and management of Ms Khatun complaints have started to be made as set out by Mr Hill in his review application.

Consultation

7. A copy of the review application was served on all responsible authorities and the licence holder on 6 June 2024.
8. A Licensing Officer attended the premises on 7 June 2024 to display the site notice. The officer had to return on the 11 June 2024 after it was noted by Dorset Police Licensing Officers that the notices were no longer on display.
9. Two further notices were placed on the main public noticeboards of the Council offices at Bourne Avenue and St Stephens Road. A notice was also published on the Council's website.
10. Dorset Police and BCP Council's Licensing Authority have made representations in support of the review application.

11. 6 other persons have also supported the review and submitted representations in support.
12. A copy of the representations received are attached at Appendix 3. You will note from the Licensing Authority's representation (#8) that Ms Khatun was invited to make an application for a minor variation, in line with the suggestions made by Mr Hill, but to date no such application has been received.

Options Appraisal

13. Before making a decision, Members are asked to consider the following:-
 - The application made by Environmental Health and supplementary evidence.
 - The submissions made by or on behalf of the premises licence holder.
 - The representations in support from Dorset Police and the Licensing Authority as responsible authorities.
 - The representations made by 6 other persons in support of the review application.
 - The relevant licensing objectives, namely the prevention of crime and disorder, the prevention of crime and disorder, 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

14. An appeal may be made against the decision of Members by Environmental Health or the holder of the premises licence to the Magistrates' Court which could have a financial impact on the Council.
15. Dorset Police, the Licensing Authority or any of the other persons also have the right to appeal any decision made to the Magistrates' Court.

Summary of legal implications

16. If Members decision on an option available to them which Environmental Health, the premises licence holder, Dorset Police, the Licensing Authority or any other person 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

17. There are no human resource implications.

Summary of sustainability impact

18. There are no sustainability impact implications.

Summary of public health implications

19. There are no public health implications.

Summary of equality implications

20. There are no equality implications.

Summary of risk assessment

21. There is no requirement for a risk assessment.

Background papers

BCP Council – Statement of Licensing Policy

[SOLP-2020-2025 \(bcpcouncil.gov.uk\)](https://www.bcp-council.gov.uk/2020/05/2025-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 Licensing Act 2003 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/123456/Revised_guidance_issued_under_section_182_of_Licensing_Act_2003_-_GOV.UK.pdf)

Appendices

- 1 – Copy Review Application
- 2 – Copy Current Premises Licence
- 3 – Copy Representations