

LICENSING SUB-COMMITTEE



Report subject	Application for a Premises Licence at AFC Bournemouth - Match Days
Meeting date	2 September 2024
Status	Public Report
Executive summary	<p>Mr Paul Fudge has made an application on behalf of AFC Bournemouth Ltd for 2 new premises licences at Vitality Stadium, Dean Court, Kings Park, Bournemouth.</p> <p>The venue currently benefits from one premises licence covering all licensable activity at the premises. AFC Bournemouth Ltd have made the decision to apply for 2 premises licences, one to cover match day activities and one to cover non match day activities.</p> <p>These applications have been made to enable the existing licence to be split between match day events and non-match day entertainment events and reflect the licensable activity, hours and conditions that are appropriate for each type of event.</p> <p>The Licensing Authority has received representations from 2 other persons in respect of each of the applications on the grounds that to grant the application would undermine the prevention of public nuisance licensing objective. The representations are identical for each application. No representations have been made by a Responsible Authority.</p>
Recommendations	<p>It is RECOMMENDED that:</p> <p>a) Grant the application for a premises licence as made;</p> <p>b) Refuse the application for a premises licence;</p> <p>c) Grant the premises licence subject to additional conditions.</p> <p>Members of the Licensing Sub-Committee 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>The Licensing Authority may only consider aspects relevant to the application that have been raised in representation.</p> <p>Where representations have been received in relation to an application by a responsible authority or any other person, and the concerns have not been resolved through mediation between all</p>

	parties, the Scheme of Delegation set out in the Council's Constitution states that these applications should be dealt with by the Licensing Sub-Committee.
--	---

Portfolio Holder(s):	Cllr Kieron Wilson – Portfolio Holder for Housing, and Regulatory Services.
Corporate Director	Jillian Kay – Corporate Director for Wellbeing
Report Authors	Ellie King – Licensing Officer
Wards	Littledown & Iford;
Classification	For Decision

Background

1. Application was made by Mr Paul Fudge on behalf of AFC Bournemouth Ltd on 15 July 2024 for 2 premises licences. As set out in the executive summary above these applications have been made to split the existing licence to cover match day and non-match day activities.
2. The table below sets out the differences between the existing licence and the applications being considered.

Licensable activity	Existing Licence – All events	Match day application	Non-Match Day application
Films (Indoors and Outdoors)	Mon – Thur 10:00 to 01:00 Fri – Sat 10:00 to 01:30 Sun 10:00 to 00:00	Mon-Sun 09:30 to 23:00	Mon – Thur 09:00 to 01:00 Fri – Sat 09:00 to 01:30 Sun 09:00 to 00:00
Indoor Sporting Events	Not included on this licence	Mon-Sun 09:30 to 23:00	Mon – Thur 09:00 to 01:00 Fri – Sat 09:00 to 01:30 Sun 09:00 to 00:00
Live Music (Indoors and Outdoors)	Mon – Thur 10:00 to 01:00 Fri – Sat 10:00 to 01:30 Sun 10:00 to 00:00	Mon-Sun 09:30 to 23:00	Mon – Thur 09:00 to 01:00 Fri – Sat 09:00 to 01:30 Sun 09:00 to 00:00
Recorded Music (Indoors and	Mon – Thur 10:00 to 01:00	Mon-Sun 09:30 to 23:00	Mon – Thur 09:00 to 01:00

Outdoors)	Fri – Sat 10:00 to 01:30 Sun 10:00 to 00:00		Fri – Sat 09:00 to 01:30 Sun 09:00 to 00:00
Performances of Dance (Indoors and Outdoors)	Mon – Thur 10:00 to 01:00 Fri – Sat 10:00 to 01:30 Sun 10:00 to 00:00	Mon-Sun 09:30 to 23:00	Mon – Thur 09:00 to 01:00 Fri – Sat 09:00 to 01:30 Sun 09:00 to 00:00
Activity like Music and Dance (Indoors and Outdoors)	Mon – Thur 10:00 to 01:00 Fri – Sat 10:00 to 01:30 Sun 10:00 to 00:00	Not included on this application	Not included on this application
Late Night Refreshment (Indoors and Outdoors)	Mon – Thur 23:00 to 01:30 Fri – Sat 23:00 to 02:00 Sun 23:00 to 00:00	Not included on this application	Mon – Thur 23:00 to 01:30 Fri – Sat 23:00 to 02:00 Sun 23:00 to 00:00
Supply of Alcohol (On and Off sales)	Mon – Thur 10:00 to 01:00 Fri – Sat 10:00 to 01:30 Sun 10:00 to 00:00	Mon-Sun 09:30 to 23:00	Mon – Thur 09:00 to 01:00 Fri – Sat 09:00 to 01:30 Sun 09:00 to 00:00

3. The licence conditions attached to each licence application have also been amended to reflect conditions appropriate to the event type.
4. A copy of the existing licence is attached at appendix 1
5. A copy of the application for match day events is attached at appendix 2
6. A location plan is attached at appendix 3.

Consultation

7. The applications were served on all responsible authorities. The applicant confirmed that the statutory notices were displayed on site and published in the local newspaper.
8. The applications prompted representations from 2 other persons under the prevention of public nuisance Licensing objective.
9. A copy of the representations received is attached at appendix 4.

10. Mr Fudge has contacted the other persons who have made representation against the applications with a view to mediation, however at the time of preparing this report mediation has not been successful and the representations stand.
11. Copies of the emails sent from Mr Fudge to the other persons are attached at appendix 5 and 6.
12. There are no representations from any of the Responsible Authorities.

Options Appraisal

13. Before making a decision, Members are asked to consider the following matters:
 - The representations made by the 2 other persons
 - The relevant licensing objectives, namely the prevention of public nuisance
 - The Licensing Act 2003, appropriate Regulations, Statutory Revised Guidance issued under Section 182 of the Licensing Act 2003 (December 2023) and the Council's Statement of Licensing Policy

Summary of financial implications

14. An appeal may be made against the decision of the Sub-Committee by the applicant or any party making representation to the Magistrates' Court which could have a financial impact on the Council.

Summary of legal implications

15. If Members decide to determine the application or attach conditions to the licence, in a way which the applicant or those making representations do not agree to, then those parties may appeal to the Magistrate's Court within a period of 21 days beginning with the day such parties are notified in writing, of the decision.

Summary of human resources implications

16. There are no human resources implications.

Summary of sustainability impact

17. There are no sustainability impact implications.

Summary of public health implications

18. There are no public health implications.

Summary of equality implications

19. There are no equality implications.

Summary of risk assessment

20. There are no risk assessment implications

Background papers

BCP Council – Statement of Licensing Policy

<https://democracy.bcpCouncil.gov.uk/documents/s21122/Statement%20of%20Licensing%20Policy.pdf>

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/government/uploads/system/uploads/attachment_data/file/123456/Revised_Guidance_issued_under_section_182_of_the_Licensing_Act_2003.pdf)

Appendices

Appendix 1 - Existing AFC Bournemouth Licence

Appendix 2 - Application form - Match Day Events

Appendix 3 - Location Plan

Appendix 4 - Copy of representations

Appendix 5 - Applicant response to James and Carol Hartley

Appendix 6 - Applicant response to Jon Hartley