

# LICENSING SUB-COMMITTEE



Report subject	<b>Papa John's, 176-178 Barrack Road, Christchurch, BH23 2BE</b>
Meeting date	19 February 2025
Status	Public Report
Executive summary	<p>Hamble Food Limited have made an application for a premises licence at 176-178 Barrack Road, Christchurch.</p> <p>The application is to permit Late Night Refreshment between the hours of 23:00 to 03:00 Sunday to Thursday and 23:00 to 05:00 Friday and Saturday.</p>
Recommendations	<p><b>It is RECOMMENDED that:</b></p> <ul style="list-style-type: none"><li><b>a) Grant the application for a premises licence as made;</b></li><li><b>b) Refuse the application for a premises licence;</b></li><li><b>c) Grant the premises licence subject to additional conditions.</b></li></ul> <p><b>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.</b></p>
Reason for recommendations	<p>The Licensing Authority has received one representation from BCP Council's Environmental Health Department and one representation from a local resident on the grounds of the prevention of public nuisance licensing objective.</p> <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 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.</p>

Portfolio Holder(s):	Cllr Kieron Wilson – Portfolio Holder for Housing, and Regulatory Services.
Corporate Director	Jillian Kay – Corporate Director for Wellbeing
Report Authors	Tania Jardim – Licensing Officer
Wards	Commons
Classification	For Decision

## Background

1. An application for a premises licence under Section 17 of the Licensing Act 2003 was initially received on the 18 December 2024.
2. The application is for a pizza take away and the applicants are seeking the provision of late night refreshment between the hours of 23:00 to 03:00 Sunday to Thursday and 23:00 to 05:00 Friday and Saturday. A copy of the application including layout plan is attached at Appendix 1.
3. A plan showing the location of the premises is attached at Appendix 2.
4. Papa John's has operated from this location since 2019, the current operators have ran the premises since October 2022. Since this date, our records show one noise complaint received regarding early morning deliveries.

## Consultation

5. The application was served on all responsible authorities. The advertising regulations under the Licensing Act were not initially adhered to which resulted in the application and consultation period having to re-start, however, the applicant subsequently confirmed that the statutory notices were displayed on site and published in the local newspaper.
6. The application resulted in one representation from one other person in objection to the application under the prevention of public nuisance licensing objective. A copy of this representations is attached at Appendix 3.
7. The Licensing Authority also received a representation from BCP Council's Environmental Health Department on the grounds that granting the application for would undermine the prevention of public nuisance licensing objective. A copy of this representation is attached at Appendix 4.
8. One representation in support of the application was also receive and this is attached at Appendix 5.

## Options Appraisal

9. Before making a decision, Members are asked to consider the following matters: -
  - The representations made by one other persons.
  - The representations made by Environmental Health.

- The submissions made by or made on behalf of the applicant.
- The relevant licensing objectives, namely the prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm.
- The Licensing Act 2003, Regulations, Guidance and Council's Statement of Licensing Policy.

#### **Summary of financial implications**

10. 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**

11. If Members decide to refuse the application or attach conditions to the licence which the applicant, or the responsible authority who made a representation do not agree to, the applicant or such responsible authority 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.

#### **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**

<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)**

[https://assets.publishing.service.gov.uk/media/6579dec8095987000d95e063/Revised\\_guidance\\_issued\\_under\\_section\\_182\\_of\\_the\\_Licensing\\_Act\\_2003\\_-\\_December\\_2023.pdf](https://assets.publishing.service.gov.uk/media/6579dec8095987000d95e063/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_-_December_2023.pdf)

## **Appendices**

- 1 – Copy Application and plan.
- 2 – Copy Location Plan
- 3 – Objection from one other person in objection.
- 4 – Objection from Environmental Health.
- 5 – Representation in support of application.