

# LICENSING SUB-COMMITTEE



Report subject	<b>10.12.25 - Fiveways, 423 Charminster Road, Bournemouth</b>
Meeting date	10 December 2025
Status	Public Report
Executive summary	<p>Marston's Plc have made an application to vary the premises licence for Fiveways, 423 Charminster Road, Bournemouth.</p> <p>The application is made to request the following changes:-</p> <ul style="list-style-type: none"> <li>• Change the internal and external layout of the premises due to refurbishment of the premises.</li> <li>• Extend hours for supply of alcohol, regulated entertainment and late-night refreshment until 01:00 on Friday and Saturday and until 00:00 on Sunday.</li> <li>• Add films (indoors and outdoors) and indoor sporting events from 10:00 to 00:00 on Sunday to Thursday and 10:00 to 01:00 on Friday and Saturday.</li> <li>• Add a further condition to further promote the protection of children from harm licensing objective.</li> </ul>
Recommendations	<p><b>It is RECOMMENDED that:</b></p> <p><b>Members are asked to decide whether to: -</b></p> <p><b>a) Grant the application for variation as made;</b></p> <p><b>b) Refuse the application, or part of, for variation to the premises licence;</b></p> <p><b>c) Grant the application, or part of, subject to additional conditions.</b></p> <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.</b></p> <p><b>Members must give full reasons for their decision.</b></p>
Reason for recommendations	The Licensing Authority has received 21 representations and a petition containing 23 signatures against the application 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

	<p>objectives.</p> <p>The Licensing Authority may only consider aspects relevant to the application that have been raised in the representations.</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 Delegation, set out in the Council's Constitution states that the application should be dealt with by the Licensing Sub-Committee.</p>
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Portfolio Holder(s):	Councillor Kieron Wilson – Housing and Regulatory Services
Corporate Director	Glynn Barton – Wellbeing
Report Authors	Sarah Rogers – Principal Licensing Officer
Wards	Winton East
Classification	For Decision

## **Background**

1. The application to vary the premises licence, under Section 34 of the Licensing Act 2003, was made by Marston's plc on 22 October 2025. A copy of the application is attached at Appendix 1.
2. A plan showing the location of the premises is attached at Appendix 2.
3. The premises have held a premises licence, issued under the Licensing Act 2003, since 25 November 2005 when the licence was converted from the previous Justices' Liquor Licence under the 1964 Act. A copy of the current premises licence is attached at Appendix 3.
4. Following receipt of representations, the application was amended to request that regulated entertainment and films be restricted to 23:00 hours but with a retention of the proposed licensable activity of retail sale of alcohol midweek until 23:00 hours and on Friday and Saturday until 12 midnight.
5. This amendment resulted in one representation being withdrawn.
6. The application also offered to implement a Noise Management Plan.

## **Consultation**

7. The application was served on all responsible authorities and the applicant confirmed that the statutory notices were displayed on the premises and published in the local newspaper.
8. Environmental Health have made representation as a responsible authority and there have been 20 representations made by other persons and a petition with 23 signatures against the application.
9. A copy of the representations are attached at Appendix 4
10. Dorset Police have agreed the following conditions, which will be imposed on the licence, should the application be granted:-
  - a) SIA door supervisors shall be provided for the period of one hour before and until one hour after the undertaking of England Football Tournament games, further the premises licence holder shall conduct a written risk assessment to determine the need for door staff during any high risk events, a copy of which shall be made available for inspection by a Police officer and shall deploy door supervisors in

accordance with the outcome of the risk assessment. In any event a minimum of 2 SIA will be employed from 20.00 on New Years Eve until the close of business.

- b) Any person working at the premises in a security capacity shall clearly display his or her name badge at all times whilst on duty and shall wear high visibility arm bands.
- c) Polycarbonate/plastic drink ware is to be used by all persons during any high risk events, all alcoholic and 'soft' drinks are to be decanted by premises staff into such drink ware at the point of sale.

11. No other representations were received from any of the other responsible authorities.

### **Options Appraisal**

12. Before making a decision, Members are asked to consider the following matters: -
  - The representations made by Environmental Health and other persons.
  - The conditions agreed with Dorset Police.
  - The submissions made by or made on behalf of the applicant.
  - All four licensing objectives are relevant to this application namely the prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm.
  - The Licensing Act 2003, Regulations and Guidance.
  - BCP Council's Statement of Licensing Policy in particular Section 12 which deals with the licensing objective of the prevention of public nuisance. Paragraphs 12.5 and 12.6 highlight factors which should be considered and paragraphs 12.9 and 12.10 deal with outside areas and how they are expected to be managed.

### **Summary of financial implications**

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

### **Summary of legal implications**

14. 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.

### **Summary of human resources implications**

15. There are no human resources implications.

### **Summary of sustainability impact**

16. There are no sustainability impact implications.

## **Summary of public health implications**

17. There are no public health implications.

## **Summary of equality implications**

18. There are no equality implications.

## **Summary of risk assessment**

19. There is no requirement for a risk assessment.

## **Background papers**

### **BCP Council – Statement of Licensing Policy**

#### [Statement of licensing policy | BCP](#)

### **Hearing Regulations**

#### [The Licensing Act 2003 \(Hearings\) Regulations 2005](#)

**Revised Guidance issued under Section 182 of the Licensing Act 2003 (February 2025)**

[Revised guidance issued under section 182 of the Licensing Act 2003 \(February 2025\) \(accessible version\) - GOV.UK](#)

## **Appendices**

1 – Copy Application

2 – Location Plan

3 – Current Premises Licence

4 – Representations Received