

# **APPLICATION FOR THE GRANT OF A NEW LICENCE**

## **LAZYJACKS BAR AND RESTAURANT**

### **RESPONSE TO THE REPRESENTATIONS**

#### **Formal matters**

##### **The Site Notice**

Issue has been taken with regard to the site notice in that it was undated – there is no requirement in the regulations for it to be so dated but it does need to specify the end of the consultation period and it did so.

A complaint has been made to the effect that the original application could not be viewed over the Christmas period. However, the site notice made it clear that full copies of the application and plans could be obtained from Laceys and no request was made for the same. In addition, details of the application were properly advertised on the Council's website as also mentioned in the site notice.

##### **The stated rateable value**

It is accepted that this was incorrect – an error on my part in that I had not appreciated that the first floor was separately rated and for which I apologise. However, the rateable value of the premises is only relevant in terms of the fee payable on the application and even with the increase, that remains the same (and has been properly paid).

#### **Points of clarification**

##### **Planning consents**

Planning and Licensing are separate regimes but overlap in many regards. The planning authority is a statutory consultee and has made no representation regarding this application. That there are outstanding planning applications is, with respect, irrelevant – the premises could not lawfully operate unless both licensing and planning consents were in place.

One of the objectors has referred to the Valuation Office website as “proof” that the first-floor area does not have the required planning consent but the rateable value of the premises is calculated on the actual use of the premises (or parts thereof) and not the consented use.

##### **The size of the different parts of the premises**

It is correct to say that the “restaurant area” on the ground floor is calculated to be 93 sqm. However, the total ground floor space is actually (as per the VOA website again) 172.85 sqm.

In contrast, the entire first floor area is 147 sqm but this includes the proposed kitchen and storage areas, an office, store and new corridor. The actual “restaurant/bar” area will be smaller than the ground floor area (and smaller than the area being removed from the existing licence).

##### **The proposed use of the first floor**

The premises as built included a lift shaft but because of the configuration/layout of the ground floor and the need to go across the lift shaft to access storage and other “behind bar” areas, no lift was ever installed. The intention is to operate the first floor

very much as per the ground floor – i.e. food led - which is why the proposal includes a kitchen/storage area on the first floor. It is wrong to say that the use would be limited to a bar/drinking area. Note also that there is an emergency fire exit from the first floor.

### **The existing Licence**

As is frequently the case, the existing Premises Licence (which was granted without objection many years ago) authorises longer hours (in this case solely for the supply of alcohol and the opening of the premises) than are actually used by the operator, particularly during the winter months.

The current application is for precisely the same hours and licensable activities as the existing licence.

Note however that the application does not include any form of regulated entertainment (in particular live and recorded music) although in the interest of openness, I should mention that the Live Music Act will apply as it does to all premises that are licensed for the supply of alcohol for consumption on the premises.

Note also that there is nothing to prevent the giving of Temporary Event Notices either to extend permitted hours or to include other licensable activities but the current operators have not given any such notice and have no intention of doing so in future. To assert that “where extended hours have been permitted, we have had cause to complain to Environmental Health regarding noise and disturbance” makes little immediate sense given the foregoing and no specific date(s) or time(s) are mentioned.

### **Noise complaints**

Given the allegations made by more than one of those who have made representations to the effect that they have had occasion to complain about noise from the premises, we have made further enquiries.

The response from the Police (Vanessa Roslases) was “I have reviewed the application and the premises has never come to our attention to be a problematic premises, therefore, I am satisfied with the conditions that the applicant offered. On behalf of Dorset Police, I will not be making a representation against this application”.

Your Licensing Officer advised that “Our records show and EHO has confirmed that the most recent noise complaint was in August 2025. Prior to that was in August 2023.”

Asked for more details regarding the latest complaint, the response was “The noise complaint in August was received via our out-of-hours control room. It was reported on 7 August at 23:16, stating that the premises had been playing very loud music since 19:00. Noise logs were sent to the complainant for completion; however, none were returned, and the complaint was subsequently closed.

Please also see further commentary in the “conclusion” section of this.

### **Parking**

Parking issues are not a concern of the Licensing Authority.

### **Conclusion**

If granted, this application will NOT be imposing a “night club atmosphere” on residents.

The allegations of nuisance in particular from music noise are neither supported by any evidence nor substantiated by the responsible authorities.

The application does NOT seek to extend the existing permitted hours beyond those currently permitted.

There is in fact “an established track record” here – please note the absence of any representation from any Responsible Authority.

The existing licence conditions are not only being retained but enhanced to further promote the licensing objectives.

Members will of course be well aware that if local residents have any issues with any licensed premises, they can at any time apply (free of charge) to review the premises licence (but would need to provide evidence that one or more of the licensing objectives is being undermined). I mention this for the benefit of residents who may not be aware of this.

Members will also be mindful of the presumption in favour of granting applications such as this and that they should take their lead from the relevant responsible authorities in terms of the effect that the grant of the licence might have on promoting (or indeed undermining) the licensing objectives

In this case, it would appear that the only licensing objective that is engaged is that of the prevention of public nuisance. The relevant officers have raised no objections and against that background, I invite the sub-committee to grant the application as submitted.

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