

REPORT TO LICENSING BOARD

Subject: Application for a Variation to a Premises Licence
Cabinet Portfolio: Planning and Transport Services
Corporate Lead: Service Director: Environmental Health & Consumer Services
Meeting Date: 8th January 2013
Status: **Public**
Contact: Mrs T Barlow, Licensing Technician
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1.0 Summary:

Mr David Ramsay of David Ramsay Licensing Consultants applied on behalf of Habourfield Ltd for a variation to premises licence known as Peppinos at 27-37 Charminster Road, Bournemouth

A representation was received from a person described as 'other person' based on the Prevention of Public Nuisance, licensing objective.

As Responsible Authorities Dorset Police, Environmental Health Pollution and Trading Standards have agreed conditions.

2.0 Recommendation:

Members are asked to decide whether to:

- Grant the application for variation of Premises Licence as made;
- Refuse the application for variation of Premises Licence;
- Grant the variation of Premises Licence subject to additional conditions;

Members of the Licensing Board 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.

3.0 Reason for Recommendation:

The Licensing Authority has received a representation from a person described as 'other person' due to the lack of address, based on the Prevention of Public Nuisance, licensing objective.

The Licensing Authority may only consider aspects relevant to the application that has been raised in the representation.

Where representations have been received in relation to an application 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 a Licensing Board.

4.0 Background detail:

The application was submitted by David Ramsay Licensing Consultants on behalf of Harbourfield Ltd for a variation to the premises licence at 27-37 Charminster Road, Bournemouth as contained in the application attached at Appendix 1.

The variation is -

Supply of Alcohol

To increase the terminal hour for the sale of alcohol to 03.00 on Friday & Saturday

Current Licence 10.00 to 01.00 Monday to Sunday

Late Night Refreshment

To increase the terminal hour for the provision of hot food and drink to 03.00 on Friday & Saturday

Current Licence 10.00 to 01.30 Monday to Sunday

Opening Hours

To increase the trading hours to 03.30 on Friday & Saturday

Current Licence 10.00 to 01.30 Monday to Sunday

Agreement has been reached that all other licensable activities will remain the same as shown on the current licence.

A copy of the current licence is attached at Appendix 2.

A location plan of the premises is attached at Appendix 3.

5.0 Consultation:

The applicant has declared that the application was submitted to all Responsible Authorities and that the statutory notices were displayed on site and published in a local newspaper.

A copy of the representation made by an 'other Person' is attached at Appendix 4.

A copy of the conditions agreed by Dorset Police, Environmental Health Pollution and Trading Standards as responsible authorities are attached at Appendix 5.

No other Responsible Authorities made representation to the application.

6.0 Options:

Before making a decision, Members are asked to consider the following matters:

- The representations made by the Interested Parties.
- The submissions made by or made on behalf of the applicant.
- The relevant Licensing Objective, namely the Prevention of Public Nuisance.
- The Licensing Act 2003, Regulations, Guidance and the Council's Statement of Licensing Policy.

7.0 Summary of legal implications:

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.

If Members decide to grant the application and the Interested Parties or Responsible Authorities are not satisfied that their concerns have been addressed, they will also have the right to appeal to the Magistrates' Court.

8.0 Summary of Financial/Resource Implications:

9.0 Summary of Environmental impact:

10.0 Summary of Equalities and Diversity impact:

11.0 Summary of Risk Assessment:

Background Papers:

Bournemouth Council Statement of Licensing Policy:

http://www.bournemouth.gov.uk/Library/PDF/Business/Public_Protection/Licensing/Licensing_Act_2003/Statement%20of%20Licensing%20Policy%20LA2003.pdf