

Notice of Licensing Sub-Committee

Date: Tuesday, 14 January 2020 at 10.00 am

Venue: Council Chamber, Civic Offices, Bridge Street, Christchurch BH23 1AZ



Membership:

Chairman:

Vice Chairman:

Cllr S Baron

Cllr R Burton

Cllr D A Flagg

All Members of the Licensing Sub-Committee are summoned to attend this meeting to consider the items of business set out on the agenda below.

The press and public are welcome to attend.

There is a [Protocol for Public Speaking at Licensing Committee and Sub Committees](#)

If you would like any further information on the items to be considered at the meeting please contact: Joseph Tyler 01202 451107 or email joseph.tyler@bcpcouncil.gov.uk

Press enquiries should be directed to the Press Office: Tel: 01202 454668 or email press.office@bcpcouncil.gov.uk

This notice and all the papers mentioned within it are available at democracy.bcpCouncil.gov.uk

GRAHAM FARRANT
CHIEF EXECUTIVE

6 January 2020



AGENDA

Items to be considered while the meeting is open to the public

1. Election of Chairman

To elect a Chairman of this meeting of the Licensing Sub-Committee.

2. Apologies

To receive any apologies for absence from Councillors.

3. Declarations of Interests

Councillors are required to comply with the requirements of the Localism Act 2011 and the Council's Code of Conduct regarding Disclosable Pecuniary Interests.

Councillors are also required to disclose any other interests where a Councillor is a member of an external body or organisation where that membership involves a position of control or significant influence, including bodies to which the Council has made the appointment in line with the Council's Code of Conduct.

Declarations received will be reported at the meeting.

4. Review of Premises Licence - Camden Bar and Kitchen, 4-6 Bournemouth Road, Poole BH14 0ES

5 - 30

An application has been received from Environmental Health for a review of the Premises Licence for the premises known as Camden Bar and Kitchen, 4-6 Bournemouth Road, Poole BH14 0ES. This matter is brought before the Licensing Committee for determination.

5. Application for a New Premises Licence - Bar Beyond, Whitley Hotel, West Cliff Gardens, Bournemouth BH2 5HL

31 - 110

6. Application for Review of Premises Licence - Riviera Bar & Restaurant, 560 Christchurch Road, Bournemouth

The Sub Committee is asked to formally open and adjourn the above hearing until 4 February 2020, in order to comply with the requirements of the Hearing Regulations, as agreed by the applicant and police.

7. Review of Premises Licence - Polski Sklep, 17 Lansdowne Road, Bournemouth BH1 1RZ

The Sub Committee is asked to formally open and adjourn the above hearing until 28 January 2020 in order to comply with the requirements of the Hearing Regulations.

8. Application for New Premises Licence - Co-op, 101-107 Commercial Road, Poole BH14

The Sub Committee is asked to formally open and adjourn the above hearing until 28 January 2020 in order to comply with the requirements of

the Hearing Regulations.

No other items of business can be considered unless the Chairman decides the matter is urgent for reasons that must be specified and recorded in the Minutes.

This page is intentionally left blank



LICENSING SUB COMMITTEE

Report subject	An application for a Review of a Premises Licence for the premises known as: Camden Bar and Kitchen, 4-6 Bournemouth Road, Poole BH14 0ES
Meeting date	Thursday 14 January 2020
Status	Public Report
Executive summary	An application has been received from Environmental Health for a review of the Premises Licence for the premises known as Camden Bar and Kitchen, 4-6 Bournemouth Road, Poole BH14 0ES. This matter is brought before the Licensing Committee for determination.
Recommendations	It is recommended that: The Committee consider the application and subsequent representation submitted and determine what action should be taken.
Reason for recommendations	As required under the Licensing Act 2003

Portfolio Holder(s):	Cllr Lewis Allison, Portfolio Holder for Tourism, Leisure and Communities
Corporate Director	Kate Ryan, Corporate Director for Environment & Community
Contributors	Cassie Schofield, Consumer Protection Officer Frank Wenzel, Licensing Manager
Wards	Parkstone
Classification	For decision

Background

1. The Licensing Act 2003 enables the Licensing Committee to consider applications for review of Premises Licences or Club Premises Certificates from responsible authorities or interested parties, and have regard to any relevant representations received.
2. The Licensing Act 2003 gives the Licensing Committee the power to take such steps (if any) as it considers necessary for the promotion of the licensing objectives. The steps are to;
 - modify the conditions of the licence by altering, omitting or adding conditions;
 - exclude a licensable activity from the scope of the licence;
 - remove the designated premises supervisor from the licence;
 - suspend the licence for a period not exceeding three months;
 - revoke the licence.

Should the Licensing Committee take such steps as to modify the conditions or exclude a licensable activity, the Licensing Act 2003 allows for such actions to have effect for a temporary period, not exceeding three months.

3. The Live Music Act 2012 amended the Licensing Act 2003 by deregulating the performance of live and recorded music on premises, licensed for the sale of alcohol on the premises, between the hours of 08:00 and 23:00 hours and if the music is amplified in the presence of an audience of no more than 500 people. If these criteria are met then live and recorded music ceases to be regulated entertainment and any existing conditions relating to live and recorded music are suspended. This also allows premises without live and recorded music on the licence to have live and recorded music.

Where the licensing objectives are not being met a review can be called and section 177A allows for the modification of the conditions of the premises licence to add a statement that s177A(2) of the Licensing Act 2003 does not apply so as

to ensure all existing conditions relating to live and recorded music continue to apply and conditions can be added relating to music as if –

- a) the live and recorded music were regulated entertainment, and
- b) the licence or certificate licensed the live and recorded music

Any new conditions relating to music that may be added as a result of the review will continue to apply in accordance with s177A(4) of the Licensing Act 2003.

4. Camden Bar and Kitchen is located at 4-6 Bournemouth Road, Poole.

A location map is attached as Appendix 1.

5. Environmental Health has submitted a review following a number of visits to the premises due to complaints of noise nuisance from music. The application for review relates to the prevention of public nuisance licensing objective.

The application is attached as Appendix 2.

6. The current premises licence is attached as Appendix 3.

7. Consultation has been carried out in accordance with the Licensing Act 2003.

8. 1 letter of representation from a responsible authority, Planning, has been received.

The letter of representation is attached as Appendix 4.

Summary of financial implications

9. None

Summary of legal implications

10. Following the outcome of the committee hearing, all parties to the application have the right to appeal to the magistrate's court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

The determination of the application for review will not have effect until the end of the period given for appealing against the decision or, if the decision is appealed against, until the appeal is disposed of.

Summary of human resources implications

11. None

Summary of environmental impact

12. Noise from the premises is affecting residential properties.

Summary of public health implications

13. None

Summary of equality implications

14. None

Summary of risk assessment

15. Not applicable

Background papers

Licensing Act 2003 – published works

Guidance issued under section 182 of the Licensing Act 2003 – published works

Appendices

Appendix 1 - Location map

Appendix 2 – Review application

Appendix 3 – Premises Licence

Appendix 4 – Representation letter

Google Maps Camden Bar and Kitchen



Appendix 2

[Insert name and address of relevant licensing authority and its reference number (optional)]

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I Environmental Health, BCP Council

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Camden Bar 4-6 Bournemouth Road	
Post town Poole	Post code (if known) BH14 0ES

Name of premises licence holder or club holding club premises certificate (if known) Poole Leisure Ltd 4 Rowland Avenue Poole BH15 3DE
--

Number of premises licence or club premises certificate (if known) BOP_M008503

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

☐

2) a responsible authority (please complete (C) below)

☒

3) a member of the club to which this application relates (please complete (A) below)

☐

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

☐

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Environmental Health – BCP Council Unit 1 New Fields Business Park Stinsford Road Poole BH17 0NF
Telephone number (if any) 01202 261743
E-mail address (optional) paul.barker@bcpcouncil.gov.uk

This application to review relates to the following licensing objective(s)

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>

Please state the ground(s) for review (please read guidance note 2)

Prevention of public nuisance

Please provide as much information as possible to support the application (please read guidance note 3)

Since the middle of June 2019 noise complaints regarding this premises has increased substantially. There have been many complaints about various things including noise from customers to the moving of barrels. The one constant complaint has been about amplified music. The premises has no regulated entertainment on their licence and as such is using the permissions granted by the Live Music Act 2012 to play recorded music above background levels in the premises.

Out of hours officers have attended the premises on 4 occasions in recent weeks and each visit was beyond 23:00hrs. The music was well above background level on each occasion and as such was causing nuisance in neighbouring residential properties. After the first incident the duty manager was spoken to regarding unregulated entertainment and the volume. The licensing Authority wrote a formal warning to the DPS. Since receiving the warning 2 further visits were made and again the music levels were causing disturbance. Upon making the DPS aware of my intention to call a review, it has transpired that the required attenuation work that was supposed to have been implemented when Camden extended into 4 Bournemouth Road has not been carried out. Conversations have taken place with the owners of the premises in order to resolve the situation and a further noise attenuation report was commissioned by the owners of the bar. This report will be submitted to the committee. I had a discussion with the Acoustic engineer that carried out the tests and we both agreed that background music is all that the current attenuation is capable of containing. Ongoing conversations with the business owner have revealed that stopping all entertainment may prove to have a substantial detrimental effect on the business as they have had some regular low key events for a number of years that haven't given cause for complaints. An example of this is an open microphone acoustic evening. In order to provide long term protection to local residents we would ask the Licensing committee for the following.

The review is called to request that the Sub-Committee make a statement dis-applying the live music exemption given to the premises under Section 177A(2) of the Licensing Act 2003, pursuant to Sections 177A(3) and 177A(4) of the said Act and as such apply the following condition in relation to the playing of live music to the premises licence

1. Any amplified music played at the premises, using the permissions granted by the Live Music Act 2012, must be played through an in house system that is controlled by a noise limiting device. This noise limiter must have the levels agreed by officers from BCP Council Environmental Health Department.

Have you made an application for review relating to the premises before

Please tick ✓ yes
☐

If yes please state the date of that application

Day		Month		Year	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

If you have made representations before relating to the premises please state what they were and when you made them

yes

Please tick ✓

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☐
- I understand that if I do not comply with the above requirements my application will be rejected ☐

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date **05/11/2019**

Capacity **Environmental Health Officer**

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6) Paul Barker Environment & Communities BCP Council Unit 1, New fields Business Park Stinsford Road	
Post town Poole	Post Code BH17 0NF
Telephone number (if any) 01202 261743	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) Yes please	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

Borough of Poole
PREMISES LICENCE SUMMARY ISSUED
UNDER THE LICENSING ACT 2003

Appendix 3

Premises licence Number:	BOP_M008503
--------------------------	-------------

Premises Details	
Postal Address of premises, or if none, ordnance survey map reference or description	CAMDEN BAR AND KITCHEN
Address	4/6 BOURNEMOUTH ROAD
Post town	POOLE
Post code	BH14 0ES
Telephone number	01202 383879

Where the Licence is time limited the dates	N/A
---	-----

Licensable activities authorised by the licence	Plays, Late night refreshment, Supply of alcohol
---	--

The times the Licence authorises the carrying out of licensable activities											
Licensable Activity		A	B	C	D	E	F	G	H	I	J
Mon	Start	10:00								23:00	10:00
	Finish	22:00								00:00	00:00
Tue	Start	10:00								23:00	10:00
	Finish	22:00								00:00	00:00
Wed	Start	10:00								23:00	10:00
	Finish	22:00								00:00	00:00
Thur	Start	10:00								23:00	10:00
	Finish	22:00								00:00	00:00
Fri	Start	10:00								23:00	10:00
	Finish	22:00								02:00	02:00
Sat	Start	10:00								23:00	10:00
	Finish	22:00								02:00	02:00
Sun	Start	10:00								23:00	10:00
	Finish	22:00								00:00	00:00

Non-Standard Timings

On Christmas Eve and Bank Holiday Sundays activities I and J will finish at 02:00 hours and the premises will close at 02:00 hours

On New Years Eve activities I and J will finish at 03:00 hours and the premises will close at 03:00 hours

Key to Licensable Activities:

- A. Performance of Play – indoors only
- B. Exhibition of Film
- C. Indoor Sporting Events
- D. Boxing or Wrestling
- E. Performance of live music

- F. Playing of recorded music
- G. Performance of dance
- H. Anything similar to (e) (f) or (g)
- I. Late night refreshment – indoors only
- J. Supply of Alcohol –on the premises only

The opening hours of the Premises	Day	Time of opening	Time of closing
	Monday	10:00	00:00
	Tuesday	10:00	00:00
	Wednesday	10:00	00:00
	Thursday	10:00	00:00
	Friday	10:00	02:00
	Saturday	10:00	02:00
	Sunday	10:00	00:00

Where the licence authorises supplies of alcohol whether these are on and/or off supplies	On the premises
--	-----------------

Name, (registered) address of holder of premises licence	Poole Leisure Ltd
Address	4 Rowland Avenue
Post town	POOLE
Post code	BH15 3DE

Registered number of holder, for example company number, charity number (where applicable)	Limited company: 7435325
---	--------------------------

Name of Designated Premises Supervisor where the premises licence authorises for the supply of alcohol	Mrs Lauren Nolan
---	------------------

State whether access to the premises by children is restricted or prohibited	Children will be permitted on the premises until 21:00
---	--

This licence is granted subject to the statutory provisions and regulations.

Date Signed: 5 January 2015



S. Robson

Head of Environmental and Consumer Protection Services

Borough of Poole
PREMISES LICENCE ISSUED UNDER THE LICENSING ACT 2003

Premises licence Number:	BOP_M008503
---------------------------------	--------------------

Part 1 – Premises Details

Postal Address of premises, or if none, ordnance survey map reference or description	CAMDEN BAR AND KITCHEN
Address	4/6 BOURNEMOUTH ROAD
Post town	POOLE
Post code	BH14 0ES
Telephone number	01202 383879

Where the Licence is time limited the dates	N/A
--	------------

Licensable activities authorised by the licence	Plays, Late night refreshment, Supply of alcohol
--	---

The times the Licence authorises the carrying out of licensable activities

Licensable Activity		A	B	C	D	E	F	G	H	I	J
Mon	Start	10:00								23:00	10:00
	Finish	22:00								00:00	00:00
Tue	Start	10:00								23:00	10:00
	Finish	22:00								00:00	00:00
Wed	Start	10:00								23:00	10:00
	Finish	22:00								00:00	00:00
Thur	Start	10:00								23:00	10:00
	Finish	22:00								00:00	00:00
Fri	Start	10:00								23:00	10:00
	Finish	22:00								02:00	02:00
Sat	Start	10:00								23:00	10:00
	Finish	22:00								02:00	02:00
Sun	Start	10:00								23:00	10:00
	Finish	22:00								00:00	00:00

Non-Standard Timings

On Christmas Eve and Bank Holiday Sundays activities I and J will finish at 02:00 hours and the premises will close at 02:00 hours

On New Years Eve activities I and J will finish at 03:00 hours and the premises will close at 03:00 hours

Key to Licensable Activities:

- A. Performance of Play – indoors only
- B. Exhibition of Film
- C. Indoor Sporting Events
- D. Boxing or Wrestling
- E. Performance of live music
- F. Playing of recorded music
- G. Performance of dance

- H. Anything similar to (e) (f) or (g)
- I. Late night refreshment –indoors only
- J. Supply of Alcohol –on the premises only

The opening hours of the Premises	Day	Time of opening	Time of closing
	Monday	10:00	00:00
	Tuesday	10:00	00:00
	Wednesday	10:00	00:00
	Thursday	10:00	00:00
	Friday	10:00	02:00
	Saturday	10:00	02:00
	Sunday	10:00	00:00

Where the licence authorises supplies of alcohol whether these are on and/or off supplies	On the premises
---	-----------------

Part 2	
Name, (registered) address, telephone number and email (where relevant) of holder of premises licence	Poole Leisure Ltd
Address	4 Rowland Avenue
Post town	POOLE
Post code	BH15 3DE
Telephone number	01202 383879
email	lauren@camdenbar.co.uk

Registered number of holder, for example company number, charity number (where applicable)	Limited company: 7435325
--	--------------------------

Name, address and telephone number of Designated Premises Supervisor where the premises licence authorises the supply of alcohol	Mrs Lauren Nolan
Address	77 Victoria Road
Post town	POOLE
Post code	BH12 3AA
Telephone number	

Personal licence number and issuing authority of personal licence held by Designated Premises Supervisor where the premises licence authorises for the supply of alcohol	Bop_M006857 Borough of Poole
--	---------------------------------

This licence is granted subject to the statutory provisions and regulations.

Date Signed: 5 January 2015



S. Robson
Head of Environmental and Consumer Protection Services

Annex 1 – Mandatory conditions

1. Supply of alcohol:

- (1) No supply of alcohol may be made under the premises licence –
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence

2. Security:

- (1) Where one or more individuals must be at the premises to carry out a security activity, each such individual must:
 - a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
 - b) be entitled to carry out that activity by virtue of section 4 of that Act.

3.

- (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries significant risk of undermining a licensing objective.
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries significant risk of undermining a licensing objective
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti - social behaviour or to refer to the effects of drunkenness in any favourable manner

- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
- 4 The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 5
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either –
 - (a) a holographic mark, or
 - (b) an ultraviolet feature
- 6 The responsible person must ensure that –
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises, and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.
- 7
 - (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
 - (2) For the purposes of the condition set out in paragraph 1—
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) “permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$

where—

- (i) P is the permitted price,
 - (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence—
- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "valued added tax" means value added tax charged in accordance with the Value Added Tax Act 1994
- (3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (4) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the operating Schedule

1. The premises shall be an active member of the local Pub Watch Scheme (when such a scheme is in existence).
2. The premises shall install and maintain a CCTV system to meet the requirements of Dorset Police
3. Prior to undertaking the sale of alcohol, all staff shall be trained in the legality and procedure of alcohol sales using the SWERCOTS 'No Proof of Age – No Sale' training package, or equivalent. All training shall be refreshed at least on a yearly basis and accurate records kept of the training (signed by the trainer and the recipient).
4. The premises shall employ a minimum of 2 SIA registered door supervisors when directed by Dorset Police. Any direction made by the Police will be made in writing.
5. A 'Challenge 25' policy shall be adopted by the premises and appropriate signage displayed.
6. There will be a strict rule in place forbidding patrons to take drinks outside the premises. There will be signs in place detailing this prohibition.
7. The premises shall display the policy in regards to the admission of children which will state that children are welcome on the premises until 21:00 hours.
8. The noise limiter shall be set at a level that is satisfactory to the Head of Environmental and Consumer Protection Services and is consistent with that of background music.
9. Background music shall be turned off at:-
 - a. 22:30 hrs on Sunday evenings
 - b. 23:30 hrs between Monday and Thursday evenings, inclusive
 - c. 01:30 hrs on both Saturday and Sunday mornings
10. There shall be clear signage fitted at appropriate points within the Premises, to include the exit point thereto, which states an encouragement to patrons to leave quietly and to encourage the ordering of taxis from within the Premises.
11. The premises licence holder will commission a full acoustic report on the premises and act on any recommendations from the consultant and/or an Environmental Health Officer.

Annex 3 – Conditions attached after a hearing by the licensing authority

None

Annex 4 – Plans

As attached

Cassie Schofield
Consumer Protection Officer
By e-mail only

Date: 3 December 2019
Our Ref: EN/19/00534
Contact: Caroline Turner
Email: caroline.turner@bcpcouncil.gov.uk
Tel: 01202 633304

Dear Cassie

Consultation Response from Planning to the Review of Premise Licence – Camden Bar, 4-6 Bournemouth Road BH15 0ES

The relevant Planning history for the above premises is as follows:-

6 Bournemouth Road

14 February 2011 - APP/10/01607/C granted *Change of use from A1 to A3, installation of new shopfront, fascia sign & retractable awning to front elevation. Small flat roof extension to rear & installation of new extract duct. Ashley Cross Conservation Area***

Condition 2 states: *No deliveries shall be taken at or despatched from the site other than between 08:00 and 23:00 hours on Mondays to Saturdays inclusive and 10:00 and 23:00 hours on Sundays unless otherwise agreed in writing by the Local Planning Authority.*

Condition 3 states: *The premises shall not be open for the serving of or consumption of food or drink outside of the following hours*

08.00 hours - 12.30 hours Monday to Thursday

08.00 hours - 02.00 hours Friday to Saturday

10.00 hours - 22.30 hours Sunday

Condition 5 states: *No sound amplifying equipment or music, which would produce audible noise outside the premises shall be installed or played without the prior written consent of the Local Planning Authority.*

From the details supplied in the Premises Review Application, the owners are in breach of Condition 5 as there is no written consent from the LPA for sound amplifying equipment or music to be installed or played.

4 Bournemouth Road

23 December 2014 - APP/14/01405/C granted *Change of Use for the existing sandwich shop (assumed A1 at present) to A3 use as cafe/bar*

Condition 3 states: *Within 1 month from the date of this permission a noise/sound attenuation report shall be submitted to and approved in writing by the Local Planning Authority, which shall include timescales for implementation. The report shall thereafter be implemented in accordance with the agreed details and timescales and thereafter retained as such.*

Condition 4 states: *The use hereby permitted shall not operate and no deliveries taken at or despatched from the site otherwise than between 08:00 and 23:00 hours on Mondays to Saturdays inclusive and 10:00 and 23:00 hours on Sundays.*

From the details supplied in the Premises Review Application, the owners are in breach of:-

- a) Condition 3 as no noise/sound attenuation report has been submitted for approval in writing from the LPA and also
- b) Condition 4 as it would appear they are operating outside the permitted hours of use.

Planning, therefore, supports the application made by Environmental Health.

Yours sincerely

Caroline Turner
Enforcement Officer



Licensing Board

Report subject	Application for a New Premises Licence Bar Beyond Whitley Court West Cliff Gardens Bournemouth BH2 5HL
Meeting date	14 January 2020
Status	Public Report
Executive summary	Mr P Day of Lacey's Solicitors has made an application on behalf of Mr Shaun De Kment and Ms Wendy Lovett for a new premise licence at Bar Beyond, The Basement, Whitley Court, West Cliff Gardens, Bournemouth. The application is for the supply of alcohol on the premises Monday to Sunday 10:00 to 23:00 hours and late-night refreshment Monday to Sunday 23:00 to 23:30 hours.
Recommendations	<p>Members are asked to decide whether to: -</p> <ul style="list-style-type: none"> a) Grant the application for a premises licence as made; b) Refuse the application for a premises licence; c) Grant the premises licence subject to additional conditions. <p>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.</p>
Reason for recommendations	<p>The Licensing Authority has received 31 representations from interested parties based on all the licensing objectives namely, the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.</p> <p>The Licensing Authority may only consider aspects relevant to the application that have been raised in the 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 Board.</p>

Portfolio Holder(s):	Councillor Lewis Allison - Tourism, Leisure and Communities
Corporate Director	Kate Ryan – Corporate Director for Environment & Community
Contributors	Mrs T Barlow ☎ (01202) 451180 ✉ trudi.barlow@bcpcouncil.gov.uk
Wards	Westbourne and West Cliff
Classification	For Decision

Background

1. An application for a new licence under the Licensing Act 2003 was made on the 30 October 2019 as attached at Appendix A. The application is for the supply of alcohol on the premises Monday to Sunday 10:00 to 23:00 hours and late-night refreshment Monday to Sunday 23:00 to 23:30 hours. The new premise is to be known as Bar Beyond, and is situated at The Basement, Whitely Court, West Cliff Gardens, Bournemouth.
2. A plan is attached as Appendix B showing the location of the premises.

Consultation

3. The application has been served on all responsible authorities and the applicant confirmed that the statutory notices were displayed on site and published in the local newspaper.
4. Mediation took place with Environmental Health Pollution Control and the following condition was agreed.

“At all times the premises are open for licensable activities, either the door leading into/out from the premises or the door between the entrance lobby and the function room itself (or both) shall be kept closed, save for normal access and egress.”

A copy of a draft licence that includes conditions offered in the application as well as the above agreed condition is attached at Appendix C.

5. The application prompted representations from 31 interested parties on the grounds of all four of the licensing objectives and that the premises are located in the Town Centre cumulative impact area. Copies of these representation are attached at Appendix D.

Options

6. 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 objectives, namely the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.
 - The Licensing Act 2003, Regulations, Guidance and the Council’s Statement of Licensing Policy.

Summary of financial implications

7. N/A

Summary of legal implications

8. 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

9. N/A

Summary of environmental impact

10. N/A

Summary of public health implications

11. N/A

Summary of equality implications

12. N/A

Summary of risk assessment

13. N/A

Background papers

Bournemouth Borough Council's Statement of Licensing Policy:

<http://www.bournemouth.gov.uk/Business/Documents/StatementofLicensingPolicyLA2003.pdf>

Appendices

A – Copy of application for a premises licence

B – Location plan of premises

C – Draft Licence

D – Objections from interested parties

This page is intentionally left blank

RECEIVED 30 OCT 2019

174055

Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

We Shaun Christopher De Kment and Wendy Christianne Lovett

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description "Bar Beyond" The Basement, Whitely Court Hotel West Cliff Gardens			
Post town	Bournemouth	Postcode	BH2 5HL

Telephone number at premises (if any)	None at present
Non-domestic rateable value of premises	£None – rated as a domestic property

Part 2 - Applicant details

Please state whether you are applying for a premises licence as **Please tick as appropriate**

- | | | |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input checked="" type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i as a limited company/limited liability partnership | <input type="checkbox"/> | please complete section (B) |
| ii as a partnership (other than limited liability) | <input type="checkbox"/> | please complete section (B) |
| iii as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |
| e) the proprietor of an educational establishment | <input type="checkbox"/> | please complete section (B) |
| f) a health service body | <input type="checkbox"/> | please complete section (B) |
| g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales | <input type="checkbox"/> | please complete section (B) |
| ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England | <input type="checkbox"/> | please complete section (B) |

- h) the chief officer of police of a police force in ☐ please complete section (B)
England and Wales

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☒

I am making the application pursuant to a
statutory function or ☐

a function discharged by virtue of Her Majesty's prerogative ☐

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname De Kment			First names Shaun Christopher		
Date of birth			I am 18 years old or over <input type="checkbox"/> Please tick yes		
Nationality					
Current residential address if different from premises address		28 Browning Avenue Boscombe			
Post town	Bournemouth			Postcode	BH5 1NN
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input checked="" type="checkbox"/>	Other Title (for example, Rev)	
Surname Lovett			First names Wendy Christianne		
Date of birth			I am 18 years old or over <input checked="" type="checkbox"/> Please tick yes		
Nationality					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					
Current residential address if different from premises address		28 Browning Avenue Boscombe			
Post town	Bournemouth			Postcode	BH2 1NN
Daytime contact telephone number					
E-mail address (optional)					

Part 3 Operating Schedule

When do you want the premises licence to start?

DD		MM		YYYY			

AS SOON AS POSSIBLE

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD		MM		YYYY			

Please give a general description of the premises (please read guidance note 1)

The premises consist of a small basement room below the Whitley Court Hotel which has a small serving area, lavatories and a kitchen. It can safely accommodate a maximum of sixty persons. There is no internal staircase and the room can only be accessed from an external set of steps. There is also an external area that could be used by smokers.

The intention is that the room will be made available for hire for a multitude of uses, many of which would not necessarily involve licensable activities. These include yoga classes, business breakfast meetings and society meetings. The room would also be available for functions such as wakes.

Although the premises sit within the Bournemouth Cumulative Impact area, the applicants consider that the size of the premises, the restricted hours and the conditions proposed are such that the grant of this licence would not contribute to the cumulative impact of licensed premises in the locality.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

Not applicable

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- | | |
|---|-------------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |
| <u>Provision of late night refreshment</u> (if ticking yes, fill in box I) | <input checked="" type="checkbox"/> |
| <u>Supply of alcohol</u> (if ticking yes, fill in box J) | <input checked="" type="checkbox"/> |

In all cases complete boxes K, L and M. Boxes A to H are blank and have not been reproduced in the interest of sustainability.

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon	23:00	23:30			
Tue	23:00	23:30	Hot food and drink may be made available whenever the premises are open.		
Wed	23:00	23:30	State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Thur	23:00	23:30			
Fri	23:00	23:30	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6)		
Sat	23:00	23:30			
Sun	23:00	23:30			
			None.		

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	10:00	23:00			
Tue	10:00	23:00	None		
Wed	10:00	23:00	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		
Thur	10:00	23:00			
Fri	10:00	23:00			
Sat	10:00	23:00	None		
Sun	10:00	23:00			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name Shaun Christopher De Kment	
Date of birth	Place of Birth Poole
Address 28 Browning Avenue, Boscombe, Bournemouth	
Postcode	BH5 1NN
Personal licence number (if known)	
Issuing licensing authority (if known) BCP Council --	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).
No adult entertainment or the like will be provided

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5) None.
Day	Start	Finish	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6) None.
Mon	08:00	23:30	
Tue	08:00	23:30	
Wed	08:00	23:30	
Thur	08:00	23:30	
Fri	08:00	23:30	
Sat	08:00	23:30	
Sun	08:00	23:30	

M

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

The relevant mandatory conditions shall apply.

b) The prevention of crime and disorder

A digital CCTV system shall be installed and thereafter maintained in good working order, covering all public parts of the premises (including the external area but excluding the lavatories) at all times the premises are open.

And enabling frontal identification of all persons entering the building in any light condition.

Recordings shall be accurately date and time stamped and retained for a minimum period of 32 days.

Facilities shall be made available for recordings to be shown to police and other authorized officers on request and for copies in recordable format to be provided as soon as is reasonably practicable, provided that all requests are compliant with data protection legislation.

The system shall be checked weekly, a written record of the check will be made and a note of any fault and the steps taken to rectify the same.

An incident log shall be kept at the premises. The log shall include the date and time of the incident and the name of the member of staff who has been involved, and made available on request to an authorised officer of the Council or the Police, which shall record the following:

- (a) any complaints received
- (b) any incidents of disorder
- (c) any faults in the CCTV system / or searching equipment /or scanning equipment
- (d) any refusal of the sale of alcohol
- (e) any visit by a relevant authority or emergency service
- (f) all crimes reported to the venue
- (g) all ejections of patrons
- (h) all seizures of drugs or offensive weapons

This log to be checked on a weekly basis by the DPS of the premises.

The holder of the licence shall consider all events that take place at the premises (such as, but not limited to, the showing of rugby, football or private parties) and in respect of any event that the premises consider medium risk or above, the event shall be subject to a written risk assessment and appropriate SIA registered door staff shall be deployed for such events.

A copy of any risk assessment that has been undertaken shall be maintained on the premises and a copy provided to police on request. Any such risk assessment shall be reviewed annually or at the request of the Police.

The premises shall also and in any event abide by any reasonable request by Dorset Police for SIA registered door staff to be deployed at the premises. Any request of this type shall be made in writing.

The premises shall maintain membership of the Townwatch scheme (or any successor scheme); a senior member of staff shall attend all Townwatch meetings unless an emergency arises preventing such attendance and the premises will support Townwatch initiatives.

The premises shall operate and maintain a text/radio/pager link system (whichever is used by Townwatch), to be activated, made available to and monitored by the DPS or their authorised agent.

c) Public safety

No glass shall be permitted in the external area and no alcohol shall be sold or supplied by the premises in that area.

No further conditions are proposed as all relevant matters are covered by other regulations.

d) The prevention of public nuisance

The external area shall not be used for drinking after 21:00 hours daily and thereafter, a maximum of 10 persons will be allowed to smoke in that area at any one time.

When in use, the outside area will be monitored/checked by staff at least every 30 minutes.

The premise will adhere to a written dispersal policy ensuring all customers do not loiter in the immediate vicinity of the premise. A copy of this policy will be made available to Police or the licensing authority upon request.

Details of a taxi company will be displayed in the entrance lobby of the building.

No further conditions are proposed as the application does not include any form of regulated entertainment.

e) The protection of children from harm

A Challenge 25 policy shall be operated at the premises where the only acceptable forms of identification are those specified by the mandatory conditions. Appropriate signage advising customers of the policy shall prominently displayed in the premises.

All staff involved in the sale of alcohol shall receive training on the law relating to prohibited sales, the age verification policy adopted by the premises and the conditions attaching to the premises licence.

Refresher training shall be provided at least once every 6 months.

A record shall be maintained of all staff training and that record shall be signed by the person receiving the training and the trainer and the records shall be kept for a minimum of 12 months and made available for inspection by police, licensing or other authorised officers.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee. ☒
- I have enclosed the plan of the premises. ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☒
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. ☒
- I understand that I must now advertise my application. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15). ☒

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking confirmed their right to work (please see note 15)
Signature	_____ for Lacey's Solicitors LLP
Date	30 th October 2019
Capacity	Solicitors for the First Applicant

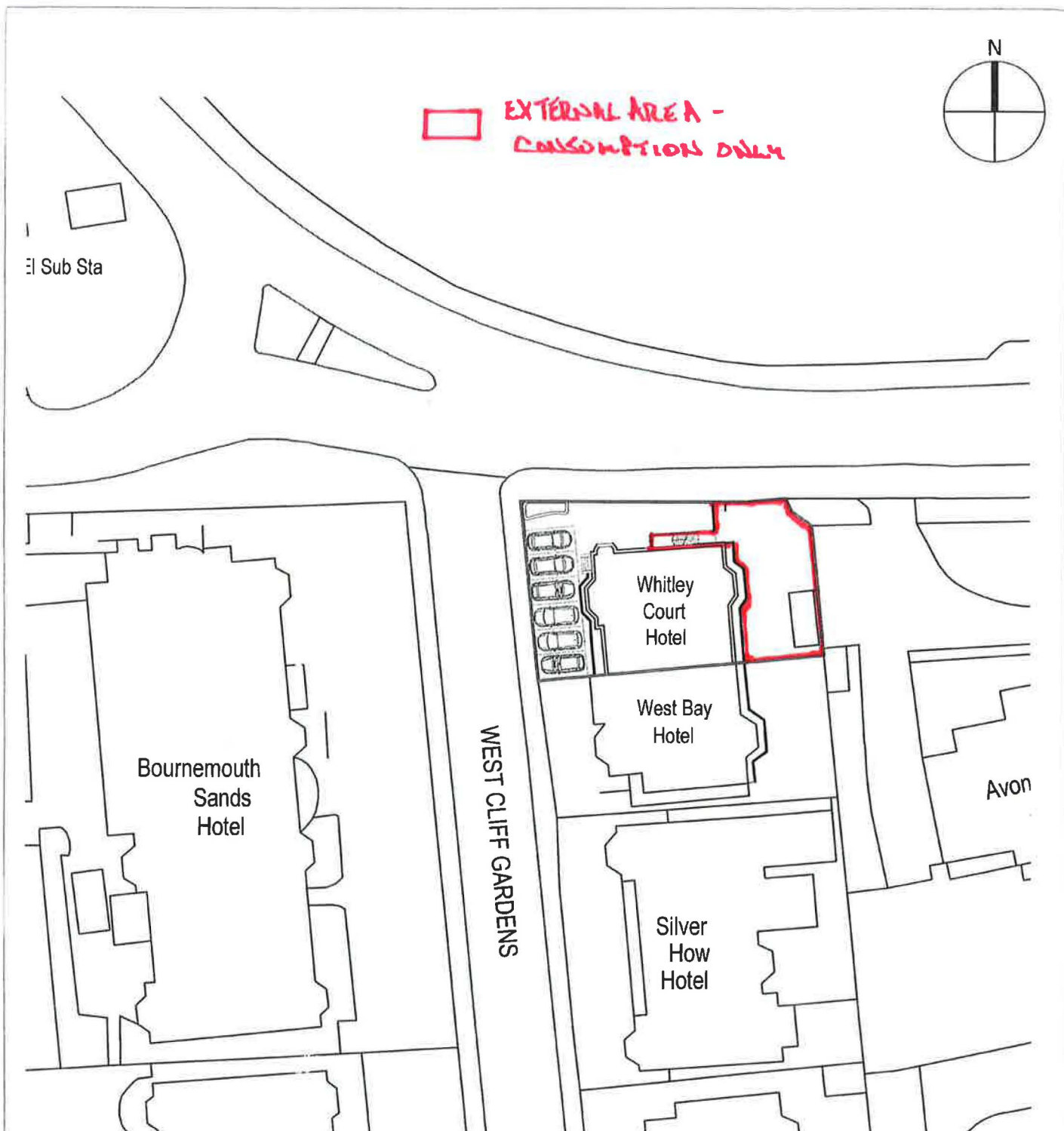
For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	_____ for Lacey's Solicitors LLP
Date	30 th October 2019
Capacity	Solicitor for the Second Applicant

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Philip Day Laceys Solicitors LLP 9 Poole Road			
Post town	Bournemouth	Postcode	BH2 5QR
Telephone number (if any)	01202 755216		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) p.day@laceyssolicitors.co.uk			

Notes for Guidance

The notes do not form part of the application form and have not been reproduced in the interest of sustainability.



A	SITE LOCATION PLAN LEGALS	14/10/19	JM	IMF LTD
REV	DESCRIPTION	DATE	AUTHOR	CHK'D



LEGAL PLAN					
Project/Dwg No.	Rev	Scale	Date	Drawn By	Checked By
IMF2019/206/ L01	A	1:500@A4	08/10/19	J Mayorga	IMF LTD

ALL DIMENSIONS TO BE CHECKED ON SITE
WORK TO FIGURED DIMENSIONS ONLY
REPORT DISCREPANCIES TO THE
ARCHITECT AT ONCE BEFORE PROCEEDING.

MATERIALS AND WORKMANSHIP

All works are to be carried out in a workmanlike manner. All materials and workmanship must comply with Regulation 7 of the Building Regulations, all relevant British Standards, European Standards, Agreement Certificates, Product Certification of Schemes (Kite Marks) etc. Products conforming to a European technical standard or harmonised European product should have a CE marking.

SITE PREPARATION

Basement & External Areas to be prepared for new works by removing all unsuitable material, vegetable matter and tree or shrub roots to a suitable depth to prevent future growth. Seal up, cap off, disconnect and remove existing redundant services as necessary. Reasonable precautions must also be taken to avoid danger to health and safety caused by contaminants and ground gases e.g. landfill gases, radon, vapours etc. on or in the ground covered, or to be covered by the building.

EXTERNAL WALL UPGRADE

The existing external walls must be checked for stability and be free from defects as required by the Building Control Officer.

PUBLIC LICENSED AREA

GA LOWER GROUND FLOOR

Scale 1:50@A3



WHITLEY COURT HOTEL
WEST CLIFF GARDENS
BOURNEMOUTH
BH2 5HL

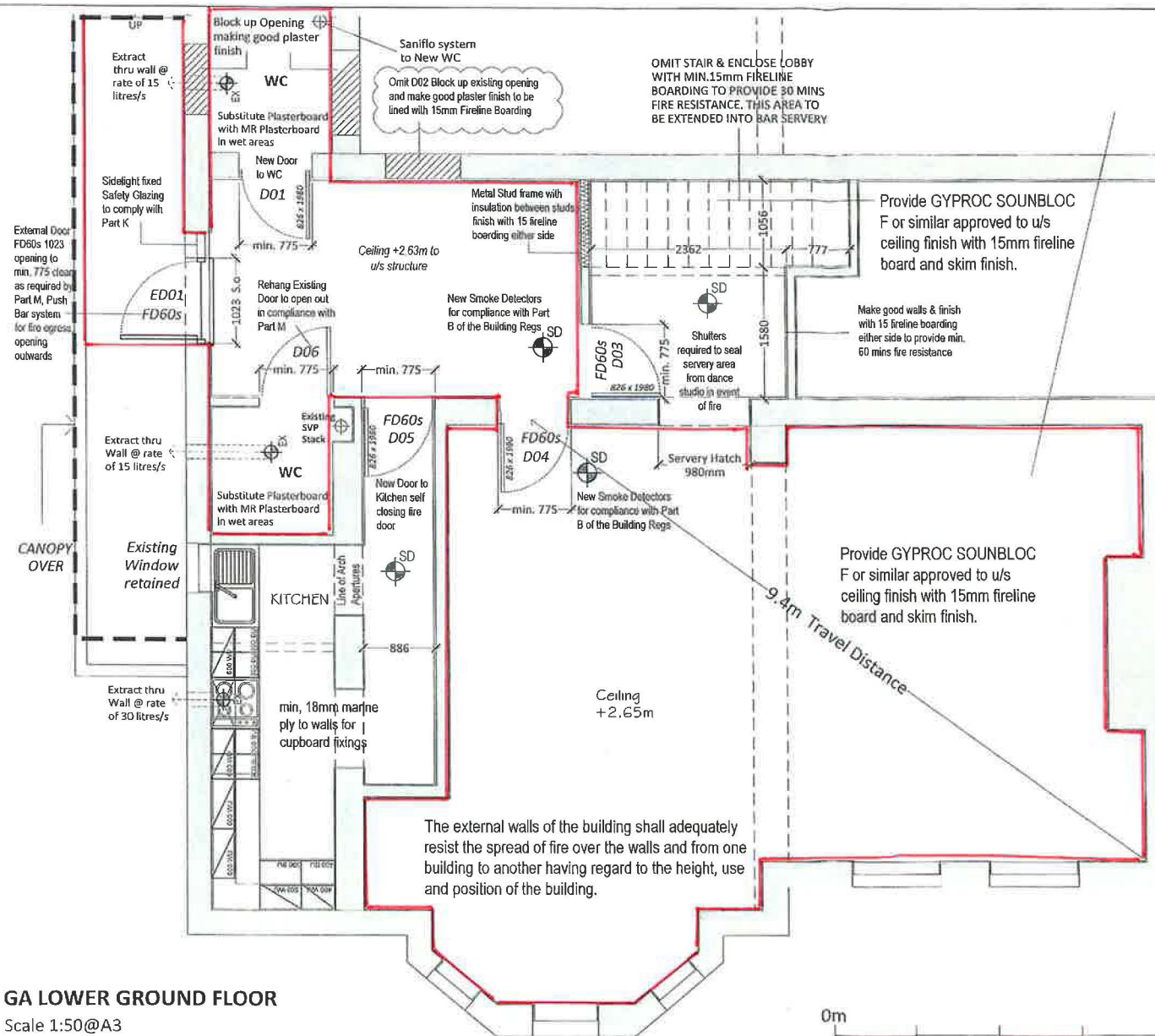
Replacement Signage to side of
Whitley Court Hotel to serve
basement

GA LOWER GROUND FLOOR

Project/Draw No.	Rev	Scale	Date	Drawn By
IMF2019/200/ 201	B	1:50@A3	30/04/19	J Mayorga
				Checked By
				Image Fusion Ltd

IMAGE FUSION

www.imagefusionltd.com jose@imagefusionltd.com
5 Kew Road, Richmond, Surrey TW9 2PR Tel: 0207 856 0184



Push bar to open

* All Signs to be Illuminated

Fire door
Keep shut

Staff Fire Action

1. Operate the nearest fire alarm call point
2. Call the Fire Brigade by dialling 999
3. Fight the fire if possible using the correct appliances provided unless the fire is beyond control
4. Leave the building by the nearest available exit

1. Do not use the lifts
2. Do not stop to collect personal belongings



0m 5m

GA LOWER GROUND FLOOR

Scale 1:50@A3

EXTERNAL FIRE DOOR
FD60s

B	D02 omitted	19/06/19	JM	IF
A	Issue for Building Regs	04/06/19	JM	IF
REV	DESCRIPTION	DATE	AUTHOR	CHKD

**WHITLEY COURT HOTEL
WEST CLIFF GARDENS
BOURNEMOUTH
BH2 5HL**

**Replacement Signage to side of
Whitley Court Hotel to serve
basement**

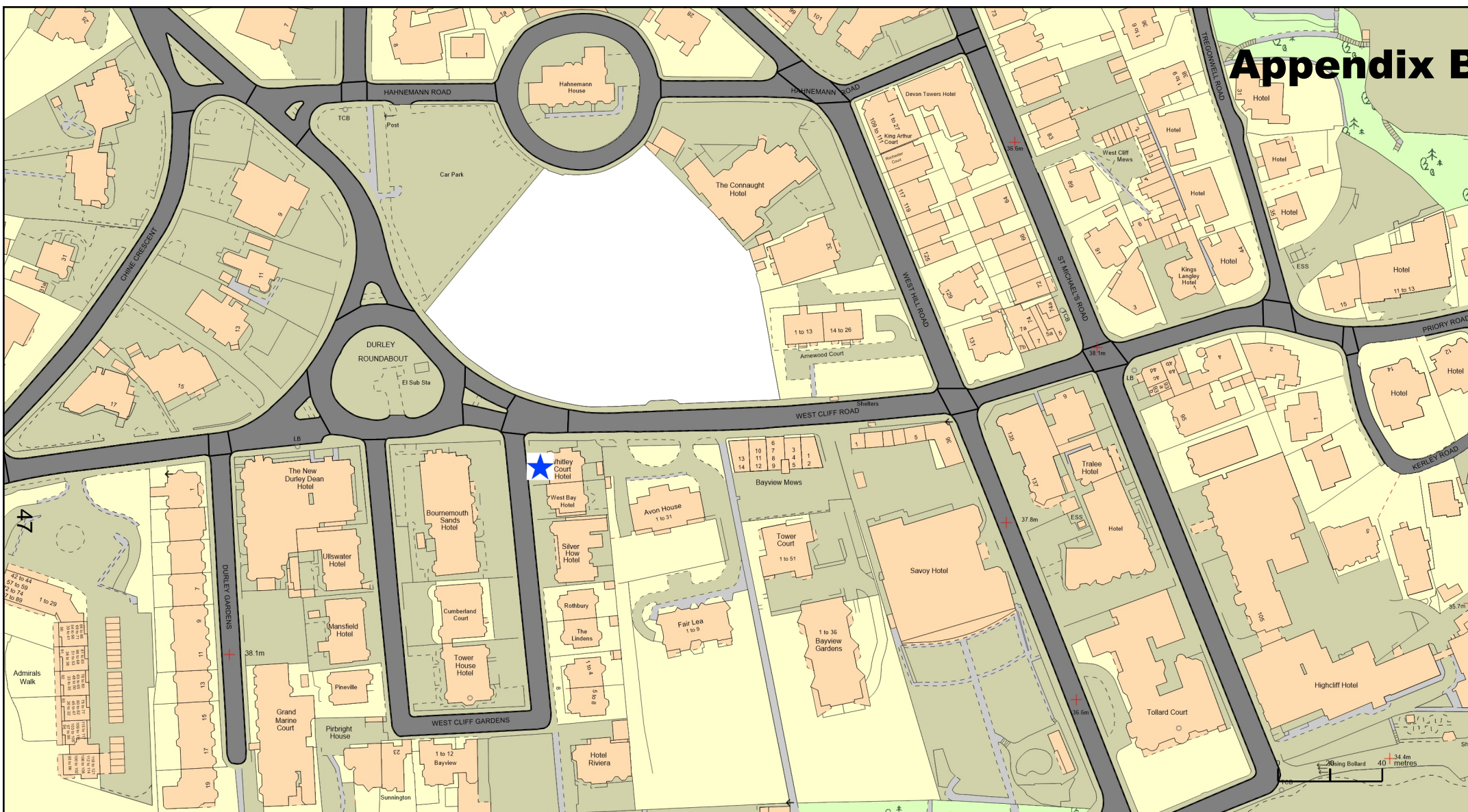
LOWER GROUND FIRE STRATEGY

Project/Drq No.	Rev	Scale	Date	Drawn By
IMF2019/200/ 203	B	1:50@A3	30/04/19	J Mayorga
				Checked By
				Image Fusion Ltd

IMAGE FUSION

www.imagefusiontd.com jase@imagefusiontd.com
5 New Road, Richmond, Surrey, TW9 2PA Tel: 0207 856 0101

Appendix B



Whitley Court
West Cliff Road
 Licensing Act 2003
 New Application



Scale: 1:2000 @ A4
 Date: 02 January 2020
 Creator: USER NAME

This map is produced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office (c) Crown Copyright Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 BCP Council. Licence: 100000019829. 2019



Premises Licence Part A

Premises licence number: BH174055

Postal address of premises, or if none, ordnance survey map reference or description:

Bar Beyond Whitley Court West Cliff Gardens

Post town: Bournemouth

Post Code: BH2 5HL

Telephone number:

Licensable activities authorised by the licence:

Late Night Refreshment, Supply of Alcohol

The times the licence authorises the carrying out of licensable activities:

Late Night Refreshment: Indoors

Monday - 23:00 to 23:30

Tuesday - 23:00 to 23:30

Wednesday - 23:00 to 23:30

Thursday - 23:00 to 23:30

Friday - 23:00 to 23:30

Saturday - 23:00 to 23:30

Sunday - 23:00 to 23:30

Supply of Alcohol

Monday - 10:00 to 23:00

Tuesday - 10:00 to 23:00

Wednesday - 10:00 to 23:00

Thursday - 10:00 to 23:00

Friday - 10:00 to 23:00

Saturday - 10:00 to 23:00

Sunday - 10:00 to 23:00

The opening hours of the premises:

Monday - 08:00 to 23:30

Tuesday - 08:00 to 23:30

Wednesday - 08:00 to 23:30

Thursday - 08:00 to 23:30

Friday - 08:00 to 23:30

Saturday - 08:00 to 23:30

Sunday - 08:00 to 23:30

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies:

Alcohol will be consumed on the premises.

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Mr S De Kment
28 Browning Avenue
Bournemouth

Ms W Lovett
28 Browning Avenue
Bournemouth

Registered number of holder, for example company number, charity number (where applicable):

N/A

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:

Mr S De Kment
28 Browning Avenue
Bournemouth

Annex 1 – Mandatory conditions

Mandatory Conditions (Sections 19,20,21 LA 2003)

- 1.1. There shall be no sale or supply of alcohol when there is no designated premises supervisor in respect of this premises licence or at a time when the said premises supervisor does not hold a personal licence or when his/her licence is suspended.
- 1.2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014

- 1.3.
 1. The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 2. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises –
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti- social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
- 1.4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 1.5.
 1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 2. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 3. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either

- (a) a holographic mark, or
- (b) an ultraviolet feature.

1.6. The responsible person must ensure that -

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

The Licensing Act 2003 (Mandatory Conditions) Order 2014

1.7.

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1 -
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) “permitted price” is the price found by applying the formula —

$$P = D + (D \times V)$$

Where –

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence -
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the operating schedule

Prevention of Crime & Disorder

- 2.1. A digital CCTV system shall be installed and thereafter maintained in good working order, covering all public parts of the premises (including the external area but excluding the lavatories) at all times the premises are open. And enabling frontal identification of all persons entering the building in any light condition.
 - 2.1.1 Recordings shall be accurately date and time stamped and retained for a minimum period of 32 days.
 - 2.1.2 Facilities shall be made available for recordings to be shown to police and other authorized officers on request and from copies in recordable format to be provided as soon as is reasonably practicable, provided that all requests are compliant with data protection legislation.
 - 2.1.3 The system shall be checked weekly, a written record of the check shall be made, and a note of any fault and the steps taken to rectify the same.
- 2.2. An incident log shall be kept at the premises. The log shall include the date and time of the incident and the name of the member of staff who has been involved, and made available on request to an authorised officer of the Council or the Police, which shall record the following:
 - (a) any complaints received
 - (b) any incidents of disorder
 - (c) any faults in the CCTV system I or searching equipment /or scanning equipment
 - (d) any refusal of the sale of alcohol
 - (e) any visit by a relevant authority or emergency service
 - (f) all crimes reported to the venue
 - (g) all ejections of patrons
 - (h) all seizures of drugs or offensive weapons
 - 2.2.1 This log to be checked on a weekly basis by the DPS of the premises.
- 2.3. The holder of the licence shall consider all events that take place at the premises (such as, but not limited to, the showing of rugby, football or private parties) and in respect of any event that the premises consider medium risk or above, the event shall be subject to a written risk assessment and appropriate SIA registered door staff shall be deployed for such events.
- 2.4. A copy of any risk assessment that has been undertaken shall be maintained on the premises and a copy provided to police on request. Any such risk assessment shall be reviewed annually or at the request of the Police.

- 2.5. The premises shall also and in any event abide by any reasonable request by Dorset Police for SIA registered door staff to be deployed at the premises. Any request of this type shall be made in writing.
- 2.6. The premises shall maintain membership of the Townwatch scheme (or any successor scheme); a senior member of staff shall attend all Townwatch meetings unless an emergency arises preventing such attendance and the premises shall support Townwatch initiatives.
- 2.7. The premises shall operate and maintain a text/radio/pager link system (whichever is used by Townwatch), to be activated, made available to and monitored by the DPS or their authorised agent.

Public Safety

- 2.8. No glass shall be permitted in the external area and no alcohol shall be sold or supplied by the premises in that area.

Prevention of Public Nuisance

- 2.9. The external area shall not be used for drinking after 21:00 hours daily and thereafter, a maximum of 10 persons shall be allowed to smoke in that area at any one time.
- 2.10. When in use, the outside area shall be monitored/checked by staff at least every 30 minutes.
- 2.11. The premise shall adhere to a written dispersal policy ensuring all customers do not loiter in the immediate vicinity of the premise. A copy of this policy shall be made available to Police or the licensing authority upon request.
- 2.12. Details of a taxi company shall be displayed in the entrance lobby of the building.
- 2.13. At all times the premises are open for licensable activities, either the door leading into/out from the premises or the door between the entrance lobby and the function room itself (or both) shall be kept closed, save for normal access and egress.

Protection of Children from Harm

- 2.14. A Challenge 25 policy shall be operated at the premises where the only acceptable forms of identification are those specified by the mandatory conditions.
 - 2.14.1 Appropriate signage advising customers of the policy shall prominently displayed in the premises.
- 2.15. All staff involved in the sale of alcohol shall receive training on the law relating to prohibited sales, the age verification policy adopted by the premises and the conditions attaching to the premises licence.
 - 2.15.1 Refresher training shall be provided at least once every 6 months.
- 2.16. A record shall be maintained of all staff training and that record shall be signed by the person receiving the training and the trainer.
 - 2.16.1 These records shall be kept for a minimum of 12 months and made available for inspection by police, licensing or other authorised officers.

Annex 3 – Conditions attached after a hearing by the licensing authority

N/A

Annex 4 – Plans

This licence is issued in accordance with the plan submitted with the application, as attached.

From: Councillor John Beesley
 Sent: 04 November 2019 13:03
 To: Licensing Com; Licensing Democratic Services
 Cc: Trudi Barlow; Councillor Nicola Greene; Alan Burton-Smith
 Subject: Whitley Court, Durley Gardens - License Application No 174055
 Attachments: whitley-court---bar-beyond-new-application-westbourne-west-cliff.pdf

Categories: Jenny

Dear Sir or Madam,

I am writing to object to License Application No 174055 dated 30 October 2019 in respect of Bar Beyond, Whitley Court Hotel, West Cliff Gardens, Bournemouth, BH2 5HL.

Based on the Licensing Objectives, my objections are as follows:-

1. The prevention of crime and disorder

The premises are currently operated as a House in Multiple Occupation and in terms of liquor licensing fall within the Cumulative Impact Zone on the West Cliff. They have not traded as a hotel for many years and are unsuitable now as licensed premises. I have significant concerns about whether it will be possible to operate these premises for the consumption of alcohol without a high risk of crime and disorder. This risk will be very difficult for the license holders to prevent, particularly around access to and egress from the premises. Even with a requirement for active door staff at the premises at all times, disorder outside and noise from within the premises are unlikely to be contained. The current use of the premises indicates that the introduction of the sale and consumption of alcohol will be incompatible and add to the risks of crime, particularly in respect of drugs which I assume will be a matter of concern to the police. In terms of the inability of the management to prevent disorder outside the premises, I understand that the Bar Beyond premises were used this past weekend for a social event. There is photographic evidence, collected by residents of the adjoining Avon House through their CCTV system, of some of those seen leaving the premises (Bar Beyond) and then urinating in the grounds of that property. The images were recorded at 00.10hrs on Sunday 3 November 2019 and can no doubt be supplied by the Management Committee of Avon House.

2. Public safety

There is a high degree of risk around public safety and the use of a basement as a bar. It would appear that what is proposed is effectively a night club beneath an HMO and is therefore not going to be without a substantial risk of harm. The degree of anti-social behaviour is likely to increase, judging from the effects of other licensed premises in the area, and that in turn will have an effect on the public safety aspects for users of the premises and those members of the public using the pavements and roads adjacent to the premises.

3. The prevention of public nuisance

There is already a degree of public nuisance in the late evening in the vicinity of the premises and the grant of a license for the Whitley Court will increase this harm for local residents who occupy most of the built environment within 500 yards of the property. The premises are situated adjacent to a busy road and the increased noise and disturbance to the adjoining residential streets will be very difficult to control and will inevitably cause harm for nearby residents. That is the central reason why this was made a cumulative impact zone and there is an obvious risk that a further set of licensed premises will add to the public nuisance experienced by residents in and near to this location. It appears that an outside smoking area is envisioned which will inevitably increase the degree of public nuisance, noise and disturbance,

particularly in the evenings and later into the night.

Should this license application be heard by the Licensing Board, I confirm that I wish to be present to support local residents who have objected to the application, provided that I am available on the date set for the hearing.

Yours faithfully,

John Beesley

Cllr John Beesley FIH
Westbourne & West Cliff Ward
Bournemouth Christchurch & Poole Council
john.beesley@bcpccouncil.gov.uk

From: Alan Burton-Smith
Sent: 05 November 2019 20:42
To: licencing@bcpcouncil.gov.uk

Subject: Whitley Court Hotel licence application 174055

Bayview
West Cliff Gardens
Bournemouth
BH25HL
5/11/2019

Licenceing act 2003. New application 174055

I wish to object to granting a licence to Bar Beyond trading at Whitley Court. West Cliff Gardens, Bournemouth on the following grounds.

1. This hotel is trading as an HMO (house of multiple occupancy) and has done for a decade or more. This application calls for a licence to serve alcohol to the general public from 10:00hrs to 23:30hrs everyday of the week. The location is on a busy main road(West Cliff Rd) B3066 and a quite side road West Cliff Gardens.

West Cliff Gardens is a busy residential and hotel dominated area. The residential aspect is 8 blocks +1 in construction numbering well over 400 flats.

The 7 local hotel clientele is a predominantly elderly coach party with weekly stays in these hotels. Within 100yds of Whitley Court is a further 20 hotels including the Savoy, Travel Lodge, The Marriott, The Durlly Dene, The Hilton and Cumberland, The Sands hotel and Trouville and a large number of smaller hotels again all with licenced premises, along with 2 public house's, The Hop Inn and The Goat and Tricycle so the choice to the general public is overwhelming depending on their taste's.

The area is designated as a

C.I.Z and it's potential impact on the licenceing objectives (which are the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children) that a significant concentration of licenced premises in one area can be significantly increased.

THE PRESUMPTION IS THAT APPLICATIONS FOR NEW PREMISES LICENCE OR VARIATIONS TO EXISTING

PREMISES LICENCE (increase in hours, capacity or change of conditions) WILL BE REFUSED.

This is unless it can be demonstrated that the grant will not negatively impact on the licenceing objectives of usually Prevention of crime and Disorder and Prevention of Public Nuisance.

Already after a recent party at the premises on 3rd November 2019 both the above conditions were broken by revelers from Bar Beyond urinating in a residential car park Avon House. CCTV recording this incident is available.

That is a public order offence and a public nuisance.....

AS WHITLEY COURT IS NOT DESIGNATED AS A HOTEL OR PUBLIC HOUSE but an HMO I suggest that it fails to meet any existing requirements for licence granting.

2

With applications for licenceing one has to show that the named applicants are fit and proper people to hold such responsibility and this cannot be demonstrated with the named applicants as total avoidance

of planning requirements, change of use, building regs have been routinely ignored or not submitted.

Licence holders have to show that licencing rules be implemented and managed and strictly adhered to. This application does not show any plans for control of noise, safety of the public, and harm to children, noise at closing time, noise from smoking areas and exiting revelers into a busy main road I fear it is an accident waiting to happen. I also fear it will create anti social behaviour to the area.

As stated earlier to grant a licence in a CIZ zone it has to be demonstrated it will not negatively impact on the licencing objectives.

No positive impact of objectives have been demonstrated at all to the application and I strongly recommend the committee reject this application.

Alan Burton-Smith

Sent: 11 November 2019 09:29
To: Trudi Barlow; Licensing Com
Cc: Councillor John Beesley; Alan Burton-Smith
Subject: Objection to License Application No 174055

Dear Sir or Madam,

I am writing to object to License Application No 174055 in respect of Bar Beyond, Whitley Court Hotel, West Cliff Gardens, Bournemouth, BH2 5HL.

Based on the Licensing Objectives, my objections are as follows:-

1. Public safety

This is effectively a night club beneath a HMO in a basement and is therefore not going to be without a substantial risk of harm. I raise concerns of an increase in anti-social behaviour particularly late at night when the premises close when customers would disperse and noise will naturally increase with alcohol being added to the equation. This is already a knock on effect of the many other licensed premises in the area. I also raise concerns for public safety aspects for users of the premises and those members of the public using the pavement and road adjacent to the premises. There are many families who occupy this area as it is an area with many HMOs, a further licensed premises will only further add to the noise and public nuisance that these families many of whom have children already have to tolerate.

2. The prevention of crime and disorder

This building has not traded as a hotel for a long time it has been operated as a HMO and falls within the Cumulative Impact Zone on West Cliff. I have significant concerns about how an additional licensed premises in this already saturated licensed area would have an impact on both crime and disorder. Even with a requirement for active door staff at the premises at all times, disorder outside and noise from within the premises are unlikely to be contained which is unfair on the many working families that reside the surrounding areas and have done peacefully for a long time. The current use of the premises indicates that the introduction of the sale and consumption of alcohol will be incompatible and add to the risks of crime, particularly in respect of drugs which I assume will be a matter of concern to the police. The premises itself has very limited parking which raises concerns as to where customers would park and furthermore there is a proposed smoking area which will take the noise from inside the premises to the outside.

The license itself is being applied to a building that has been a HMO for more than a decade, one of which neighbours 8 residential blocks, 400 flats and will impact hundreds of people. An alcohol license holds with it great responsibility and the holders of such must be fit and proper. The applicants for the license in question have persistently ignored or failed to submit to planning requirements and regulations.

Sent: 11 November 2019 18:47
To: Licensing Com
Subject: Licensing Application Reference 174055
Attachments: Whitley Court 11Nov19.jpg

Dear Sirs

I am writing to lodge my objections to the above Licensing Application.

Following their earlier, withdrawn application, the owners/applicants continue to develop the site - clearly demonstrating their lack of respect for the relevant planning/licensing laws and their intention to do as they please regardless of the fine words on their application paperwork.

Works include the erection of a perimeter fence which, I understand, contravenes height restrictions and major excavation work to create what appears to be a basement entry.

Cars parked at the rear of the premises continue to reverse onto West Cliff Road, a major route into Bournemouth. The new perimeter fence significantly impedes visibility, as does the bin that was left on the corner of West Cliff Gardens for several days, requiring pedestrians to step into the road to walk around it - picture below.

Given the nature of the business/venue it is likely that the majority of customers will arrive by taxi which, on the balance of probabilities, will drop off /pick up on the corner of West Cliff Road/West Cliff Gardens creating an increased risk to other motorists and pedestrians.

Their Facebook page states that Bar Beyond is 'Open Now' and advertises General Room Hire, Business Meeting and Party/Event Hire, offering Surround Sound Speakers, Prosecco Pong/Beer Pong, Mobile Bar and DJ/Live Music.

A recent event at the venue led to revelers urinating in the car park of neighbouring Avon House, CCTV footage available, clearly no or inadequate security and scant or no regard for their neighbours.

The venue is situated in a Cumulative Impact Area and I strongly believe that by granting an alcohol and music licence to them at least 3 of the four major objectives of a CIA will be breached:

The prevention of Crime & Disorder

Public Safety

The prevention of Public Nuisance

In summary, the actions of the Applicant/s clearly demonstrate their unsuitability to run an entertainment venue/ hold a Licence to serve Alcohol.

I strongly urge that the Licence Application is refused.

Yours sincerely

Charles Gunton

Seacroft Court
8 West Cliff Gardens
Bournemouth
BH2 5HL



From: stephen nichols
Sent: 13 November 2019 08:27
To: Licensing Com
Subject: Whitley Court Hotel Reference: 174055 OBJECTION

Application Date: 30 October 2019
Applicant Name: Whitley Court Hotel/Bar Beyond Limited Premises
Address: West Cliff Gardens Bournemouth BH2 5HL
Application Type: LA03 Premises Licence Application
Late Night Refreshment Monday to Sunday 23:00 to 23:30 Supply of Alcohol
Monday to Sunday 10:00 to 23:00

I object to the above application, on the grounds that the application will result in noise and parking management issues in an area that is both residential and given over to the hospitality industry

I object to the above application, on the grounds of Public Nuisance, and Prevention of Crime and Disorder.

I object to the above application, the application will result in noise and parking management issues. This is an area that is both residential and given over to the hospitality industry. Night time drinkers will potentially impact on tourists, residents and workers, trying to get a nights undisturbed peace.

I object to the above application, as local residents and tourists do not wish to be disturbed by drunks and rowdy revellers. Who may be heard shouting, and being generally anti social, causing incidents in the nearby residential areas of West Cliff Gardens, Durley Gardens, West Cliff Road and the cliff tops, causing incidents for Dorset Police.

These incidents may occur with the granting of a licence to allow the sale of alcohol until 23:30.

This application is opposed, as I object to the character of our community being altered from this building located in the West Cliff and Poole Hill (1989) Conservation Area, being turned into a licensed premises which is not required.

Should you wish any further information, please do not hesitate to contact me

Yours faithfully
Stephen Nichols

My address is:

Grand Marine Court
Durley Gardens
Bournemouth
BH2 5HS

From: TED OTOOLE
Sent: 12 November 2019 18:43
To: Licensing Com
Subject: Whitley Court Bar Beyond License Application

We refer to reference 174055 concerning an alcohol license application for the subject location. We own property in Avon House residential block close to the site and understand already some disturbance at late nights has been experienced by some occupants of Avon House.

The Council will know of the residential nature of both Avon House and its adjoining Fairley Block in this quite and sedate area of Westcliff Road and consider such an alcohol license would adversely affect behavior in this area.

We therefore consider such an application, for the safety & peace and mind of adjoining residents, should be withheld.

Regards

Ted & Audrey O'Toole
Avon House

From: Michael Edwards
Sent: 13 November 2019 11:46
To: Licensing Com
Subject: Whitley Court - Bar Beyond - Reference 174055

The Licensing Team
Town Hall Annex
St Stephens Road
Bournemouth BH2 6DY

13 November 2019

Dear Team

Re - Whitley Court - Bar Beyond - Reference 174055

I would like to strongly object to the Application made on 30 October 2019 for the Whitley Court - Bar Beyond to be granted an Alcohol Licence.

On Sunday 3 November 2019 at midnight my wife and I witnessed a disturbance at the Whitley Court - Bar Beyond premises with many young people leaving the backyard to these premises. We live on the 8th floor overlooking these premises and were woken by the excessive noise of the people below. What we witnessed next was shocking to say the least, a number of young guys entered the grounds of Avon House and urinated over our plants in the border, which we take great pride in growing for everyone's enjoyment.

The following day we looked at the events that had unfolded on our CCTV system and we now have footage of the activities that took place and can supply video evidence on a memory stick.

We understand this was the first "party" held at these premises and the residents of Avon House hope it will be the last. Our local community Avon House, Fairlea, Tower Court, and others plus the small family hotels in this vicinity have enjoyed a peaceful and friendly atmosphere for many years and we fear this will come to an end if this Licence Application is granted. It is understood that these premises will have an outside smoking area that overlooks Avon House, a consequence of which the noise disturbance will continue whilst the premises remain open.

This anti-social behaviour must not be allowed to materialise as it is clear the Management of Whitley Court - Bar Beyond will have no control of their patrons once they leave their premises and it will then give our already overstretched Police Force more unnecessary disturbances to handle.

We already have enough Licenced premises in our area, which are well controlled and we therefore look to the Licensing Team to refuse this application.

Kind regards

Mike & Cheryl Edwards
Avon House
16A West Cliff Road
Bournemouth BH2 5EZ

Sent: 14 November 2019 18:08

To: Licensing Com

Subject: Whitley Court - Bar Beyond - Reference 174055

The Licensing Team
Town Hall Annex
St Stephens Road
Bournemouth BH2 6DY

Dear Sir

Re - Whitley Court - Bar Beyond - Reference 174055 - OBJECTION

I wish to strongly object to the proposed Alcohol Licence being granted to Whitley Court - Bar Beyond for the reasons below:-

1. Avon House recently witnessed customers coming out of the Whitley Court - Bar Beyond in the early hours of Sunday 3 November and entering the private grounds of Avon House where a number of youths deliberately defaced a number of our plants by urinating on our borders. When challenged from a window one of our residents received a barrage of abuse from these offenders. We have always considered our area to be a quiet residential area and the hotels within our vicinity mainly cater for elderly clients on coach tours.
2. The Management of the Whitley Court will have no control whatsoever when they close up after any event and it will be for the local community to suffer from the unruly behaviour that follows.
3. We recently found workmen from Whitley Court erecting a fence on top of our adjoining wall to Whitley Court without permission and when one resident asked if they had permission to enter our property the reply they received was "we don't need permission, its only a block of flats". If this is the sort of behaviour we are expected to endure then both the Council and Police will be receiving many complaints if Whitley Court - Bar Beyond is granted an Alcohol Licence and Avon House residents have to suffer as a result.
4. Whitley Court - Bar Beyond is currently advertising this venue in the media as Licenced Premises able to cater for various parties, including Hen Nights and Stag Nights for up to 60 people, and this is BEFORE the Licence has been granted. Management show a total disregard for anyone in authority and the same team caused havoc in Sandbanks when "party houses" were rented out causing much distress to the neighbouring community.

This is going to cause our local quiet community havoc if this Alcohol Licence is permitted. The Licensing Team should have enough information on the background of this operation and put a stop to the Licence being granted, before more havoc is created in our community.

Yours faithfully

Ken & Helen Young
Avon House
16A West Cliff Road
Bournemouth BH2 5EZ

From: A Parker
Sent: 15 November 2019 16:56
To: Licensing Com
Subject: Whitley Court - Bar Beyond - Ref 174055

FAO: The Licensing Team, Town Hall Annex, St. Stephens Road, Bournemouth, BH2 6DY

Dear Sirs,

I and my elderly mother are a Flat Owner at Avon House. We reside adjacent (next door) to the application made on 30/10/2019 for an alcoholic license to be granted at the Whitley Court - 'Bar Beyond'.

Although we weren't at our Flat on the night of 03/11/2019 we were deeply troubled and concerned to learn of the activities that happened in the grounds of Avon House following the 'party' held at Whitley Court. This includes noise from party revellers and anti social behaviour including using our grounds as a 'toilet'! I understand from another flat owner there is video evidence available for you if need it. It is clear to me, and beyond any reasonable doubt, that if a license is granted, this type of behaviour will be one our community will have to endure on a regular basis. I very much hope you agree this is unacceptable and that you take my objection to alcoholic licence NOT to be granted in its strongest possible terms.

I feel It is important for you to consider that we have had quiet and peaceful enjoyment of our House and it's communal areas since our property was built - some 40 years ago. The residents at Avon House are most all 50+ years of age and retired. Indeed our neighbours at Fairlee and Tower Court and family run B&B's which are nearby will also feel the brunt of inevitable unwanted disturbance and anti social behaviour if alcoholic license is granted. I think this grossly unfair. There is plenty of opportunity for party places that exist or have scope to be extended in already controlled environments within current town centre without having to encroach on outlying largely residential location. I fear the authorities ie Police are already overstretched to tackle the inevitable problems of drunkenness in a different area.

On these grounds I hope you the Licensing Team will make the right decision in not allowing alcoholic license to be granted.

Yours faithfully

Alan Parker and Hildegard Sharp
Avon House
16a Westcliffe Road
Bournemouth
BH2 5EZ

From: Phillip Arnold
Sent: 15 November 2019 21:56
To: Licensing Com
Subject: Objection to Whitley Court Hotel application for a licence to sell alcohol
Ref: 174055

Dear Sir / Madam

I wish to object to the application for a Licence to sell Alcohol made by Whitley Court Hotel – Bar Beyond, West Cliff Gardens, Bournemouth BH25HLApplication No: 174055

I wish to object on the following basis:

Firstly the establishment is a low cost rent premises – not a hotel – it hasn't been used for a hotel for years.

West Cliff Gardens is in a Conservation Area & as well as a Cumulative Impact Area with family friendly hotels (accommodating many elderly holiday makers) - which primarily cease entertainment at 11pm.

Whitley Court Hotel Bar Beyond appears not have any concrete opening times.

The application is for the sale of alcohol from 10.00 to 23.00 – along with refreshments to be available from 23.00 to 23.30.

With the premises still occupied at 23.30 how will it be possible to manage drinking to the specified hours? What happens post 23.30? How will it be possible to restrict the consumption of refreshments to inside – particularly when smokers need to be outside?

It will be almost impossible to transition the guests immediately post 23.30 when drinking is supposed to cease – people will still be outside smoking & with heightened conversation noise.

It also states hot food & drink may be available whenever the premises are open – given there are no concrete hours – this could be 24hrs a day.

Bar Beyond will attract late night revellers – who will be drinking & smoking outside, which will result in a huge increase in noise & nuisance – impacting local residents (Avon House & the adjoining / adjacent hotels ..The Sands Hotel in particular) ...significantly destroying the peace & tranquillity for both residents & holidaymakers.

There is already evidence of late night 'guests' leaving the premises using Avon House gardens as a toilet.

This is a tourist area – not a late night drinking area - we have a right to peace & quiet.

There is more than enough Bars, Clubs & Hotels in the vicinity to satisfy the demand for late night drinking without adding another one.

I have a real concern about an escalation in public safety, nuisance and crime & disorder.

There is a big drugs issue in West Cliff Gardens with dealing & using, so an establishment seeking a late night Liquor Licence (due to it's proximity of drugs selling / using at the pathway to the Green) will no doubt attract this clientele & will further exacerbate crime & disorder issues - impacting public safety. The Whitley Court Hotel is a straight line few hundred yards away from the main drug dealing pathway area.

This will put residents & holiday makers at risk of harm as well as being accosted for money.

I have a further concern regarding the parking.

West Cliff Gardens is notorious for it's lack of available parking – there are only a couple of parking spots available for users of the Whitley Court Hotel within it's own space – but virtually nothing for any visitors– which means clientele will try to use the private premises spots or attempt to use Hotel spaces.

There is a very strong likelihood the public car park opposite Whitley Court in Durley Road will shut – which will put even further strain on parking in the vicinity

Whitley Court have erected a wooden fence (higher than the regulation height) bordering West Cliff Road – which is causing sight restrictions for motorists as they approach the turning to West Cliff Gardens from the town.

There is also likely to be a big issue whereby taxis dropping off clientele will allow disembarking on the very busy West Cliff Road at the corner of West Cliff Gardens - thus creating an issue for pedestrians & for cars trying to turn into West Cliff Gardens.

This establishment has already made significant structural changes to it's roadside & basement area in anticipation of securing a Licence to sell alcohol – without the required Planning permission – which they are very aware of!

Given this lack of adherence to the clear planning process how can it be believed that Bar Beyond will realistically satisfy, deliver & manage the sale of alcohol responsibly?

For all the above reasons I urge you not to grant the Licence to sell alcohol which has been applied for.

Yours faithfully

P. Arnold
Seacroft Court
West Cliff Gardens
BH2 5HL

**A. PATLEWICZ, BA,MBA,FCCA,FCIS,
Avon House, 16A West Cliff Road,
BOURNEMOUTH BH2 5EZ.**

Licensing Team,
Town Hall Annexe,
St Stephen's Road,
Bournemouth BH2 6DY

15-11-2019

Dear Sir/Madam,

Re Licensing Application with Reference No. 174055 - Whitley Court –Bar Beyond, West Cliff Gardens, Bournemouth BH2 5HL

I write to lodge objections to the application for the reasons set out below : -

1. The premises lie within what the Council has termed a Cumulative Impact Area. The Council's policy states that (paragraph 15.11) :

"Where representations are received in respect of applications in the stress area for new premises licence or club premises certificates or variations for premises currently licensed, the following will apply :

A presumption will be made that the Licensing Authority will refuse such applications if a relevant representation is received in regard to any licensing objective."

I would draw the Council's attention to the fact that the premises constitute half of a semi-detached property and currently operate as a house in multiple occupation surrounded predominantly by residential properties and further back some small hotels.

The area is therefore already very well served with premises offering alcohol and some seventy metres away is the first of many pubs and restaurants.

2. To be able to grant a licence generally the Council will doubtless want to feel that it can trust the principals to follow its rules and objectives. What is obvious or known to neighbours is that all is not right in that regard :

- a) For instance the premises have not been formally registered as an HMO.
- b) The latest planning refusal has been ignored (canopy).
- c) Planning rules have been flouted, e.g. fencing.
- d) Building alterations are being carried out without planning permission, e.g. staircase/canopy, in a Conservation area.
- e) Parking is not in compliance with the 2007 planning decision.

Ms Fairclough in Planning Enforcement is aware of the above matters except for (e).

3. If one refers to the attached screenshots they indicate the business model for Bar Beyond which is to rent out the premises for events, with Stag and Hen parties likely to be very popular and a money spinner.

It seems to me, thinking this through, that this is a case of putting the cart before the horse. With this business model Whitley should probably be classed as a potential leisure business and therefore requires planning permission for change of use before it can operate and logically before it can validly apply for an alcohol licence.

Committee members may be aware of the September outrage of Sandbanks' residents at 'raucous Stag and Hen parties at all the wrong hours' as quoted in the media, e.g. Mail Online – 18/9/19.

The neighbours count for nothing when the owners are making big money from such 'events' in their properties.

I would like to suggest that the Committee ascertain who currently is the legal owner of Whitley Court.

4. The original application 171899 was amended principally following discussions with Dorset Police who reduced the hours of operation and made additional conditions. At the time I put in a representation against that application the Council's website was not operational so Mrs Barlow kindly sent me a legible hard copy of those conditions. I have to alert the Committee to the fact that those conditions have been watered down in this latest application 174055. I cannot imagine Dorset Police has agreed to the changes which I shall endeavour to point out in the following paragraphs.

5. The Council's Licensing Policy seeks to promote four licensing objectives, one of which is Public Safety.

My concerns around **public safety** :

We don't know the safe capacity of the establishment but the attached Facebook advert claims the premises can accommodate 60 people.

I would be surprised if the Fire Officer granted a fire certificate for that number in the basement but let's assume that 30 cars descend on the area. As there is no spare parking capacity we would be likely to see cars parked on yellow lines everywhere and possibly even on West Cliff Road, constituting a traffic hazard for all.

Even now people connected with the building alterations are parking on the double yellow lines in West Cliff Road in the daytime !

There is no commitment to control consumption of alcohol on the premises.

There is no prohibition on bringing alcohol into the building.

There is no commitment to refuse bar service to intoxicated customers.

Customers leaving late evening would be exiting onto a big roundabout with cars speeding in different directions, and so could be at risk after perhaps too many drinks.

Alternatively a group of young people exiting late at night might proceed to harass lone residents, particularly women, returning home from wherever, or a crowd of drinkers could force pedestrians to walk in the road.

We shall also have an extra 200 to 400 more residents in the former Wessex Hotel area soon,

which is just opposite Whitley Court, to add to the current footfall.

There will be a risk of alcohol-fuelled anti-social behaviour.

6. The second licensing objective is the prevention of public nuisance.

In the previous application Dorset Police required the premises to close at 23:30 hours daily. This latest application has no stated closing time. In other words a Stag or Hen party event could go on all day and then all night like the Sandbanks premises mentioned earlier in point 3.

Given the type of events advertised as possible on Bar Beyond's Facebook 'pages', and which in the main are accompanied by music, there is likely to be a huge noise nuisance from the premises first and foremost from the live music or DJ, which Bar Beyond says it can offer. Such music tends to be played at high decibel volumes. The property operates as a house in multiple occupation so occupants renting will be most affected, then the residents in the adjoining semi – West Bay.

The third group of residents affected will be those in premises nearby. My wife and I reside in Avon House, which overlooks/looks down on Whitley Court and will be the most affected property after West Bay, particularly when windows in Whitley are left open. The noise nuisance could potentially be incessant for 365 days a year.

Even if an element of soundproofing has been installed, the premises are in an old building which was not designed to contain modern levels of sound and vibration, and the noise will inevitably escape from the premises and affect all the aforementioned groups of residents.

The builder of the 2 metre fence around the property called it a noise barrier but unfortunately noise travels upwards rather than horizontally through fences.

There is also no proposal to keep doors and windows shut when any music entertainment is in flow nor any winding down of the music prior to the end of alcohol sales.

I would also draw attention to the wording of the proposed conditions. Refreshments are to take place indoors but as regards alcohol the wording is: 'consumed on the premises.' Glass is not permitted in the external area but there is nothing to stop alcohol being taken outside in plastic containers.

There is now no mention of staff limiting noise pollution to a minimum, no promise to ensure customers exit the venue quietly and respectfully and no mention of anti-noise signage.

This suggests to me that it is unlikely staff will spend time checking on whether customers have taken glass outside or they may be afraid to challenge those that have.

It goes without saying that if drinking/smoking by noisy revellers went on in the backyard till the early hours of the morning or later, day after day, life would become intolerable and stressful. This is first and foremost a quiet residential area and we need action by the Council to ensure it remains one.

The conditions fail to specify whether entry to and exit from the premises will be via the premises front entrance. If customers are allowed to use the back yard then a number of people will leave by the back gate and those leavers will worsen the noise and disturbance for local residents.

Litter could add to the nuisance. We understand Whitley Court has already had visits by Council officers this year because of piles of rubbish. If stacks of empty bottles are added into the

equation the neighbourhood will look more unpleasant and it will be less pleasant to live here and house prices will be affected adversely too.

There is no mention of where beer barrels or bottles might be stored but we know moving barrels or bottles is a noisy operation.

A grant of the application would therefore create public nuisance, not prevent it.

7. The third licensing objective is the **prevention of crime and disorder**

Most of the conditions laid down by Dorset Police in the previous application might be said to relate to the prevention of crime and disorder. In this current application there is no requirement for the CCTV to enable frontal identification of persons exiting the building in any light condition. In fact the entry and exit points are not specified.

There is no requirement for recordings to be made available immediately upon the request of Police or the council.

There is no requirement for the CCTV system to be updated and maintained according to Police recommendations.

There is no requirement for a staff member from the premises who is conversant with the operation of the CCTV system to be on the premises at all times when the premises are open to the public.

There is no requirement for CCTV signage to be displayed....

There is no requirement for the CCTV system to continually record and cover areas where alcohol is kept for selection and purchase by the public, whilst the premises are open for licensable activities.

There is no requirement spelling out that the CCTV must operate at all times when customers remain on the premises.

There is no mention of the requirement for the weekly CCTV check to ensure that the 31 days storage for recordings is being made.

Given that there is no stated time for the premises to close and no mention of any control on who can enter the premises there have to be huge concerns around the risk of crime, disorder and drug problems. Undesirables such as drug users/drug pedlars from the cliff-top green would be attracted to the premises.

One can imagine County lines operatives slipping into the back yard looking for new business.

If you add to the above the fact that there is no mention of monitoring by staff of the outside area every 30 minutes nor of documenting such monitoring nor of the need to make this recording available for inspection by Police or the licensing authority, you reach the conclusion that management would be too light touch and/or is maybe completely lacking in experience of managing licenced premises.

In the same vein there is no condition about adhering to a written dispersal policy ensuring all customers do not loiter in the immediate vicinity of the premises, with a copy of the policy available for the Police/Council.

Nor is there any condition that details of a taxi company will be displayed at the exit(s).

Security is not allowed for except where there is deemed to be a medium risk. Allowing the public to enter the building must also create some security fears for the other house residents.

It seems to me blatantly unfair for those residents in the property, now seemingly operating as an HMO, to have their lives disrupted by a significant part of the building being turned into an alcohol serving establishment with potentially non-stop music. And what about their bathroom

facilities ? Will they have to share them with up to 60 venue entrants ?? I can't imagine the basement toilet facilities could cope with such numbers.

To summarise point 7 there is no credible plan to prevent crime and disorder and with such large numbers predicted, crime and disorder is likely to occur at some point and spiral. There would thus be a hugely detrimental impact for residents and any tourists in the area and an increased workload for the Police.

8. The fourth licensing objective is the protection of children from harm.

Conceivably an event could mean children enter the building.

There is no requirement for children to be accompanied by an adult.

There is no stated requirement that staff will be subject to CRB/DBS checks;

So children are not properly protected.

To summarise all the foregoing it is fair to say :

- a) granting the application would not promote the Council's licensing objectives, quite the opposite in fact, and
- b) it is in the interests of local residents' health and welfare that this application is rejected.

I therefore request that the Licensing Committee refuse the application and refuse any appeal without a change of use certificate.

Yours faithfully

A. Patlewicz

Email or Phone

Password

Forgotten account?



Bar Beyond
@BespokeEventSpace

Home

Services

About

Photos

Videos

Posts

Reviews

Community

Create a Page



Like Share

Book Now Send Message

General Room Hire

30 minutes and over • Price varies

Hire this magical space for any use. Access to surround sound speakers, projector and hot drinks.

Business Meeting

1 hour • Price varies

Hire entire room for at least one hour. Access to large projector and seating facilities for up to 20 persons.

Party/Event Hire

2 hours and over • Starting at £220

If you would like to rent out this magical venue for a party or celebration please book here. Use of projector and surround sound speakers included. At this venue you are able to bring your own alcoholic drinks. Bar Beyond offers extras to make your event even more special and personal, please enquire if any of the following extras interest you:

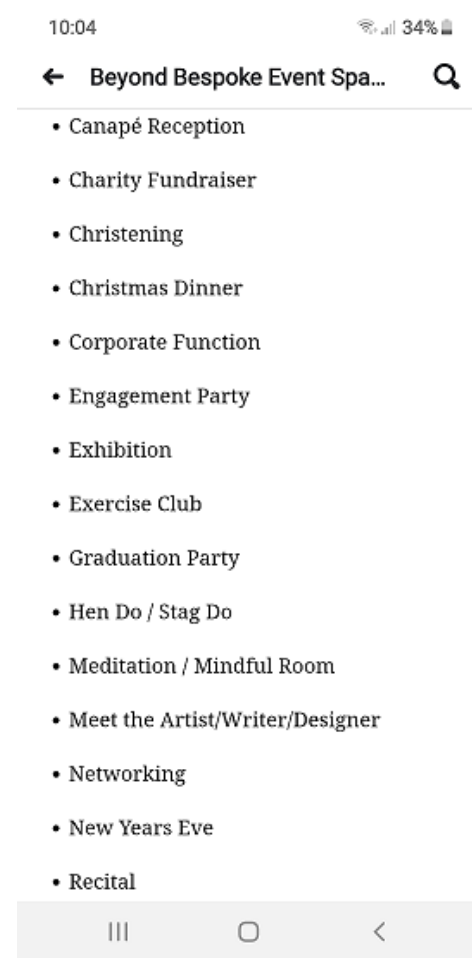
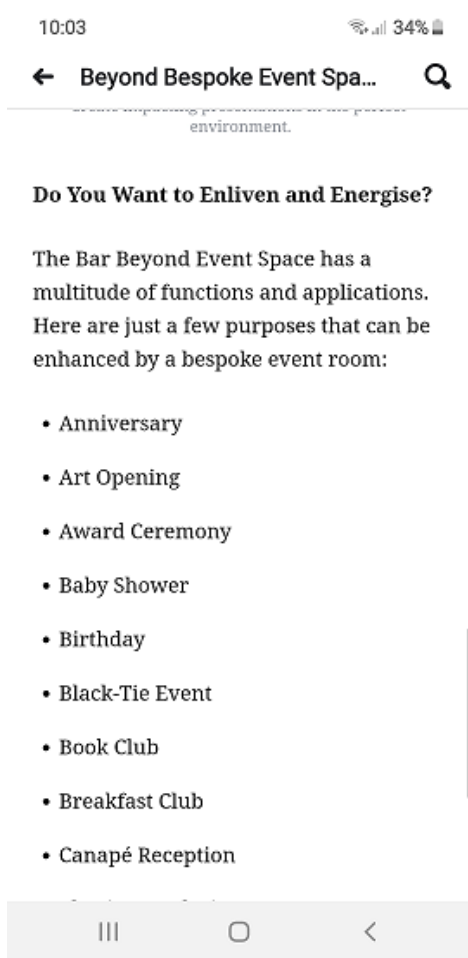
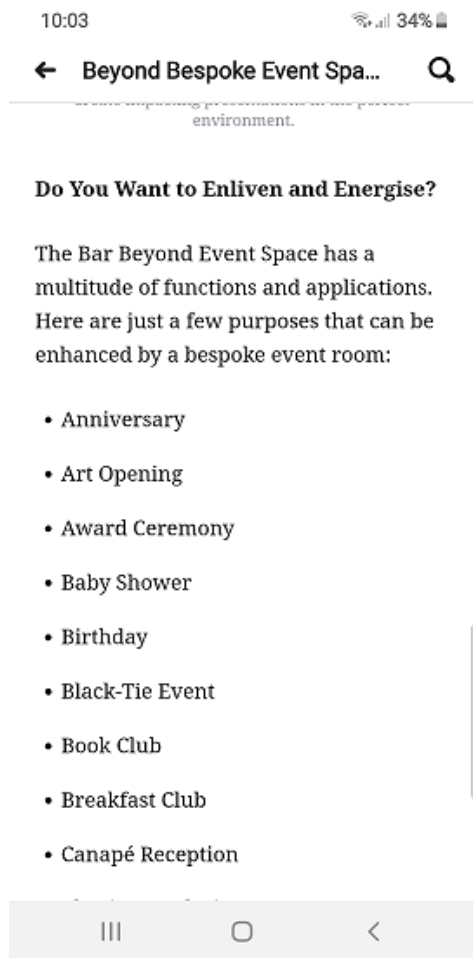
Prosecco Pong/Beer Pong (tables and cups provided)
Mobile Bar
DJ/Live Music [Less](#)

See more of Bar Beyond on Facebook

Log In

or

Create New Account



Sent: 18 November 2019 11:38
To: Licensing Com
Subject: REF : 175044 - Whitley Court - Bar Beyond

OBJECTION TO LICENCE APPLICATION : 175044 - Whitley Court / Bar Beyond

Dear Sirs

I would like as a resident of Avon House to object to the granting of any licence for Whitley Court/Bar Beyond.

Mrs Fairclough of BCP planning dept has already written to me and her interpretation of events at Whitley Court Hotel states there is a 10 year historical period of planning infringements and also after that period which just beggar's belief.

As regards the liquor licence application, once again Bar Beyond /Whitley Court has gone ahead and is promoting party events at a venue with no formal liquor licence approval and in a building with no planning permission. Obviously they have total disregard for the BCP council and the Police and the correct legal process.

What has now happened is the company held an event on a recent Saturday night possibly projected as a private party but we have at Avon House photographic evidence of people from that party urinating in our car park and making threatening remarks when challenged. This is an absolute disgrace and shows this venue is totally unacceptable and that the company will never have any control over its clientele doing these disgusting things to local residents property.

In addition, there is very restricted parking facilities at Whitley Court and therefore it is likely that revelers will use the visitor spaces outside Avon House instead!

The Bar Beyond application is completely void of information such as how they will control certain factors:

Prevention of crime and disorder

Prevention of public nuisance

Protection of children from harm

Public safety

Sale of alcohol

Disabled access.

I don't suppose a fire safety inspection has been undertaken. Do they need one?

What is the police policy to a further drinking establishment? Already there are numerous bars along the West Cliff Road in the vicinity of Avon House and we residents continuously suffer from late night noise from revelers and cars along with assorted bottles & rubbish being dumped over our wall into the garden!

Is an entertainment licence required?

In conclusion, I would ask the licensing board to stand up to any

pressure being applied by Whitley Court/Bar Beyond 's representatives and their "I will do it anyway method of working planning approval or not". I will certainly be contacting the Police on every occasion I see revelers from Whitley Court/Bar Beyond fouling our private gardens/driveway or making a disturbance outside our premises.

I ask the Licensing Board to reject this licence application!

Thank you

LICENSING TEAM 18 NOV 2019
TOWN HALL ANNEX
ST STEPHENS ROAD
BOURNEMOUTH BH2 6EA

COLIN CULLEY
- AVON HOUSE
16A WEST CLIFF ROAD
BOURNEMOUTH BH2 5EZ

14 November 2019

SUBJECT: LICENSING ACT 2003 NOTICE OF APPLICATION
YOUR REF 174055 30 OCTOBER 2019
WHITLEY COURT - BAR BEYOND
LA03 PREMISES LICENCE APPLICATION

Dear Sir

I am writing to strongly object to the above application to serve late night refreshment and supply alcohol.

This is in the main a residential area and based in a Conservation Area. My flat is next door to Whitley Court where I pay Band E Council Tax for a 2 bedroom flat.

There is no need for this proposed venue which is highly likely to increase unreasonable behaviour in the area. There are plenty of venues in Bournemouth Town Centre & The Triangle.

I am surprised that the owners of Whitley

Court have already carried out extensive
alterations to the building without appearing
to have planning permission.

Please put a stop to any non
authorised alterations to the building and
for the sake of all surrounding residents
refuse this application.

Yours faithfully

20 NOV 2019

MRS J. H. DUFFIELD,
Avon House, 16A West Cliff Road,
BOURNEMOUTH BH2 5EZ.

Licensing Team,
Town Hall Annexe,
St Stephen's Road,
Bournemouth BH2 6DY

17-11-2019

Dear Sir/Madam,

Re Licensing Application with Reference No. 174055 - Whitley Court –Bar Beyond, West Cliff Gardens, Bournemouth BH2 5HL

I write to lodge objections to the application for the reasons set out below : -

The premises constitute half of a semi-detached property and currently operate as a house in multiple occupation surrounded predominantly by residential properties and further back some small hotels.

The area is therefore already very well served with premises offering alcohol.

My first concern is that there will be **public nuisance** :

Facebook tells us that the plan is to rent out the premises for events, with Stag and Hen parties likely to be very popular.

I recall watching on TV in Sept. the outrage of Sandbanks' residents at 'raucous Stag and Hen parties at all the wrong hours'.

The neighbours count for nothing, it seems, when the owners are making big money from such 'events' in their properties.

This latest application has no stated closing time. In other words a Stag or Hen party event could go on all day and then all night like the Sandbanks premises mentioned above.

Given the type of events advertised as possible on Bar Beyond's Facebook 'pages', and which in the main are accompanied by music, there is likely to be a huge noise nuisance from the premises first and foremost from the live music or DJ, which Bar Beyond says it can offer. Such music tends to be played at high decibel volumes. I reside in Avon House, which overlooks/looks down on Whitley Court and will be the most affected property after West Bay and the rented upper floors of Whitley Court, particularly when windows in Whitley are left open. The noise nuisance could potentially be incessant for 365 days a year.

Even if an element of soundproofing has been installed, the premises are in an old building which was not designed to contain modern levels of sound and vibration, and the noise will inevitably escape from the premises and affect all the aforementioned groups of residents.

Note that there is nothing to stop alcohol being taken outside in plastic containers.

It goes without saying that if drinking/smoking by noisy revellers went on in the backyard till the early hours of the morning or later, day after day, life would become intolerable and stressful. This is first and foremost a quiet residential area and we need action by the Council to ensure it remains one.

There are issues too around **the protection of children from harm.**

Conceivably an event could mean children enter the building.

There is no requirement for children to be accompanied by an adult.

There is no stated requirement that staff will be subject to CRB/DBS checks;
so children are not properly protected.

To summarise all the foregoing it is fair to say :

- a) granting the application would not promote the Council's licensing objectives, quite the opposite in fact, and
- b) it is in the interests of local residents' health and welfare that this application is rejected.

I therefore request that the Licensing Committee refuse the application.

Yours faithfully

Mrs J. ~~A~~ Duffield

P.S.

On a personal level Having already had unsocial and lewd behaviour from this venue I don't feel encouraged to invite my grandchildren to visit.

Also I can't see prospective buyers to the luxury apartments being built opposite on the Wessex side being very impressed !!

The Manager
Tower House Hotel
West Cliff Gardens
Bournemouth
BH2 5HL

16th November 2019

Planning & Regulation Services
Licensing Authority
Town Hall Annex
St Stephens Road
Bournemouth
BH2 6DY

Objection to application for a Licence to sell alcohol made by Whitley Court Hotel Ref No: 174055

Dear Sir / Madam

I wish to object to the application for a Licence to sell alcohol made by Whitley Court Hotel, West Cliff Gardens, Bournemouth BH2 5HL

I wish to object on the following basis:

The establishment is not a hotel – it hasn't been used for a hotel for years - it's low cost rent premises.

West Cliff Gardens is in a Conservation Area as well as a Cumulative Impact Area.

My hotel is a family friendly hotel with primarily elderly holiday makers – many of who return year after year. Our entertainment generally finishes at 11pm, so if the Whitley Court were allowed to attract late night revellers drinking and making noise and nuisance, it is totally out of line with my clientele, their life style and their expectations.

This is a tourist area not a late night drinking area - we (as hoteliers) and our guests have a right to peace and quiet.

There are many Bars, Clubs & Hotels in the locality to satisfy the demand for late night drinking without adding another one.

There is a continuing drugs issue in West Cliff Gardens (dealing & using) - the Whitley Court is a just a few hundred yards away in a straight line from the main drug dealing pathway area – I am very concerned for the safety of my guests – that they will be at risk of harm as well as potentially being accosted for money.

Finally there is the issue of parking - there is absolutely no capacity in West Cliff Gardens for casual parking, Whitley Court probably only have 2 spaces – which means their clientele will try to use the private premises spots or attempt to use Hotel spaces – including mine!

It will be impossible for Whitley Court to ensure customers vacating their premises on

closure will leave via the main road and not the residential area. The obvious destination for many who have been drinking will be the West Cliff Green – past all the hotels and residential apartments at 1am!

For all these reasons I urge you not to grant the Licence to sell alcohol.

Yours Sincerely

Manager Tower House Hotel

Sent: 20 November 2019 20:52
To: Licensing Com
Subject: Whitley Court Hotel - Bar Beyond objection to Ref: 174055

David Widdowson
Avon House
16A West Cliff Road
Bournemouth
BH2 5EZ

Dear Sir / Madam

Application No. 174055

I am objecting to the licence application by Whitley Court Hotel.

This application is totally unnecessary and unwarranted as it's not a hotel.

Whitley Court is very close to my building – too close not to have any impact of excessive noise and nuisance.

West Cliff Road is a busy road so by allowing people to congregate at the corner of West Cliff Gardens it's inevitable it will create a risk and danger that isn't currently there.

There are plenty of alternative premises to get a late night drink without allowing another one!

Reject this licence application please.

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

Sent: 20 November 2019 20:52

To: Licensing Com

Subject: Objection to Whitley Court Hotel Licence to sell alcohol Ref 174055

Anna Kierkowicz

Avon House

16A West Cliff Road

Bournemouth

BH2 5EZ

Dear Sir / Madam

Application No. 174055

I object to the licence application by Whitley Court Hotel.

This building backs right onto the back of my property and I do not want a late night drinking establishment. It would create a public nuisance with new noise levels that don't exist today.

I would be fearful of going out at night – fearful that I may be asked for money or accosted.

I would be worried that people from the Club may get into the garden.

Please don't allow the licence.

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

Sent: 20 November 2019 20:47
To: Licensing Com
Subject: Whitley Court Hotel – Bar Beyond Application No: 174055

Norman Todd
Avon House
16A West Cliff Road
Bournemouth
BH2 5EZ

Dear Sir / Madam

I would like to object to the application for a Licence to sell Alcohol made by Whitley Court Hotel, West Cliff Gardens, Bournemouth BH2 5HLApplication No: 174055

My objection is as follows

There is no need for another licenced premises in the West Cliff area – there are more than enough to cater for the demand.

West Cliff Road and the corner of West Cliff Gardens is a busy area, so cars and people arriving late at night will cause congestion and safety problems.

Late night drinking will bring significant noise in an area that has a lot of hotels populated by families and senior citizens.

The area outside where smokers will be drinking is next to my building – so it's inevitable there will be lots of shouting and probably swearing after 12 o'clock

We have a right to peace, quiet, safety and protection from crime.

Please do not authorise this licence

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

Sent: 19 November 2019 10:17
To: licencing@bcpcouncil.gov.uk
Subject: Whitely Court Licence Objection 174055

Steven Williams
Avon House
16A West Cliff Road
Bournemouth
BH2 5EZ

Dear Sir / Madam

I wish to object to the licence application by Whitley Court Hotel - Application Ref: 174055

This is a peaceful area – we don't want the introduction of late night drinking premises – it will bring drunkenness, loudness, anti-social behaviour and drug dealing. People drinking outside will be disproportionately noisy.

It will be dangerous for motorists when people are dropped off or picked up by cars or cabs on the corner of West Cliff Gardens and West Cliff Road.

There are many older / elderly people living in the vicinity as well as a residential property for language students – a late night premises and it's habitants will make people very uneasy and potentially put people at risk and possibly in danger .

Please do not grant the licence.

Yours faithfully

Steven Williams

Sent: 19 November 2019 10:37
To: licencing@bcpcouncil.gov.uk

Subject: Bar Beyond licence app 174055

Verna Barker
Avon House
16A West Cliff Road
Bournemouth
BH2 5EZ

Dear Sir / Madam

Application Ref: 174055

I would like to object to the licence application by Whitley Court Hotel
My property is right behind the place applying for the licence - I don't want it in this area – if people want to drink after 11pm – go to the Town Centre!
There's already enough fear from those using and dealing drugs without encouraging the opportunity for more!

I want to be safe in my home without worrying about the possibility of crime.
I'm sure those people on holiday who stay in the immediate area will want peace and quiet – not rowdy noise at the weekends.

West Cliff Gardens should not be extended into the night club drinking culture that is in the town centre.
It is a nice quite family hotel and residential area not an area for loud music and drunken revellers.

I am elderly, frail and would never go into the town centre after 4pm and it will be the same feeling here, daren't go out. Why should I be made to feel a prisoner in my own home?
Finally I understand that these premises falls within a Police community impact zone and the presumption of licencing is to reject any such further applications so logically as this premises is not for local people and never intended to be according to their web site the presumption should be applied?

I would not like this licence granted.
Ms Verna Baker

Sent: 19 November 2019 11:00
To: licencing@bcpcouncil.gov.uk

Subject: Licence application Bar Beyond 174055

Mr Tom Garside
Avon House
16A West Cliff Road
Bournemouth
BH2 5EZ

Dear Sir / Madam

We wish to object to the Whitley Court Hotel licence application Ref: 174055
How can a place that purports to be a hotel (but isn't) apply for a drinks licence?
The place is a HMO – so how can it apply for a licence?

Why would we want to encourage an influx of people that are alien to the residential / holidaying public at a time of the night when the vast majority would be going to / already in bed.

Noise, drunkenness and high potential of crime are just a few problems that would ensue and it sits in an area where people and family's reside and would be afraid to go past that hotel for fear of safety

Both myself and my wife wish to strongly oppose the granting of a licence
The Police are already stretched to the limit in the Town Centre – they certainly wouldn't come out of town to address any problems at this establishment! - this will be a recipe for a big uplift in public nuisance, crime and disorder and fear of public safety.

Please do not grant this licence.

Tom Garside

Sent: 20 November 2019 11:02
To: licencing@bcpcouncil.gov.uk;
Cc: Councillor John Beesley
Subject: Whitely Court Hotel re Bar Beyond Application 174055

Dear councillors and licencing board

I wish to object to the application of a alcohol licence for the above premises for the following reasons that I think are paramount to the possibility of a possible licence grant
Whitely Court in the last few month has seen a tremendous amount of work undertaken without any planning permission to transform this place into a nightclub under the pretext of a DANCE STUDIO. So much illegal work has been undertaken that planning enforcement, building control and occupancy determination had to make an official visit to determine the exact position of works. Now if this illegal development by the company has taken place and still is what confidence do we have that the applicants Shaun De Kmet and Wendy Lovett will follow the licencing laws. None whatsoever.

The granting of any licence the applicants have to demonstrate that they are fit and proper people who are of good repute and due diligence and their previous escapades in Sand banks of wild alcoholic property rentals with the law circumnavigated by allowing guest to bring their own led to local and national condemnation and complaints to the licencing board of the now BPC council does not give me as a direct neighbour any confidence at all and I strongly recommend the application BE REFUSED

Thirdly and lastly the premises lie within a CIZ area and the presumption is to refuse any more licensed premises in this already saturated licenced premises area with another one and this "club" has already shown anti social behaviour by revellers exiting the club and urinating in my garden.If allowed this could and will happen up to every night of the week with revellers exiting the premises. This is an elderly area with flats and children do we want to be exposed to this sort of behaviourNO WE DO NOT

Please refuse this licence

Paul Wiliamson
Avon House
16A West Cliff Road
Bournemouth
BH2 5EZ

**Avon House, 16A West Cliff Road,
BOURNEMOUTH BH2 5EZ.**

Licensing Team,
Town Hall Annexe,
St Stephen's Road,
Bournemouth BH2 6DY

25-11-2019

Dear Sir/Madam,

Re Licensing Application with Reference No. 174055 - Whitley Court –Bar Beyond, West Cliff Gardens, Bournemouth BH2 5HL

I write to lodge objections to the application for the reasons set out below : -

My first concern is that there will be **public nuisance** :

Facebook tells us that the plan is to rent out the premises for events, with Stag and Hen parties likely to be very popular.

I recall reading recently about the outrage of Sandbanks' residents at 'raucous Stag and Hen parties at all the wrong hours'.

We residents of neighbouring properties count for nothing, it seems, when the owners are making big money from such 'events' in their properties.

This latest application has no stated closing time. In other words a Stag or Hen party event could go on all day and then all night like the Sandbanks premises mentioned above.

Given the type of events advertised as possible on Bar Beyond's Facebook 'pages', and which in the main are accompanied by music, there is likely to be a huge noise nuisance from the premises first and foremost from the live music or DJ, which Bar Beyond says it can offer. Such music tends to be played at high decibel volumes. I reside in Avon House, which overlooks/looks down on Whitley Court and will be the most affected property after West Bay and the rented upper floors of Whitley Court, particularly when windows in Whitley are left open. The noise nuisance could potentially be incessant for 365 days a year.

Even if an element of soundproofing has been installed, the premises are in an old building which was not designed to contain modern levels of sound and vibration, and the noise will inevitably escape from the premises and affect all the aforementioned groups of residents.

Note that there is nothing to stop alcohol being taken outside in plastic containers.

It goes without saying that if drinking/smoking by noisy revellers went on in the backyard till the early hours of the morning or later, day after day, life would become intolerable and stressful. This is first and foremost a quiet residential area and we need action by the Council to ensure it remains one.

The conditions fail to specify whether entry to and exit from the premises will be via the premises front entrance. If customers are allowed to use the back yard then a number of people will leave by the back gate and those leavers will worsen the noise and disturbance for local residents.

A grant of the application would therefore create public nuisance, not prevent it.

My second concern is the potential for **crime and disorder** :

Given that there is no stated time for the premises to close and no mention of any control on who can enter the premises there have to be huge concerns around the risk of crime, disorder and drug problems. Undesirables such as drug users/drug pedlars from the cliff-top green would be attracted to the premises and County lines operatives could slip into the back yard looking for new business.

There is no mention of monitoring by staff of the outside area nor any condition about adhering to a written dispersal policy.

I think the Police need to look closely at the CCTV proposals.

Security is not allowed for except where there is deemed to be a medium risk.

To summarise this point there is no credible control system to prevent crime and disorder and with such large user numbers predicted, crime and disorder is likely to occur at some point and spiral. There would thus be a hugely detrimental impact for residents and any tourists in the area and an increased workload for the Police.

I have concerns around **public safety** :

There could be a fire safety risk if 60 people crowd into the basement area.

There is no spare parking capacity in the area so we are likely to see large numbers of cars parked on yellow lines everywhere including West Cliff Road, constituting a traffic hazard for all, and potentially our car park could be abused.

There is no prohibition on bringing alcohol into the building.

There is no commitment to refuse bar service to intoxicated customers.

Revellers exiting late at night might proceed to harass lone residents, particularly women, or a crowd of drinkers could force pedestrians to walk in the road.

There will be a risk of alcohol-fuelled anti-social behaviour.

There are issues too around **the protection of children from harm**.

There is no requirement for any children to be accompanied by an adult.

There is no stated requirement that staff will be subject to CRB/DBS checks; so children are not properly protected.

To summarise all the foregoing it is fair to say :

- a) granting the application would not promote the Council's licensing objectives, quite the opposite in fact, and
- b) it is in the interests of local residents' health and welfare that this application is rejected.

I therefore request that the Licensing Committee refuse the application.

Yours faithfully

Sent: 25 November 2019 20:12

To: Licensing Com

Subject: Application for Bar Beyond, Whitley Court Ref 174055; NO

Dear Sir

We refer to the licensing application for the Bar Beyond at the Whitley Court, West Cliff Gardens, Bournemouth ref 174055, as SWT out in the attached notice.

We are opposed to the application as set out below.

1. The bar is proposed in the basement of the Whitley Court, West Cliff Gardens which in a residential area and adjacent to residential properties of Avon House. The creation of a bar will create unsociable noise and anti social activities as we have already experienced in recent weeks in this quiet and respectable area.

2. Avon House are private residential flats and CCTV cameras are in constant use to monitor the premises and surrounding grounds. The camera records have evidence of people from the Whitley Court trespassing and urinating in the grounds of Avon House. This is despicable behaviour indicating that Whitley Court is attracting undesirable people to this respectable area.

3. There is no need for a bar at Whitley Court. This establishment is adjacent to the new Wessex Hotel which will be available to no residents. Further there are many nearby well managed hotels with available bars too. Another is unnecessary.

We oppose this application.

Yours faithfully

Dr and Mrs Garry E Hunt
Avon House, BH2 5EZ

26 NOV 2019

The Manager
Riviera Hotel
West Cliff Gardens
Bournemouth
BH2 5HL
15th November 2019

Planning & Regulation Services
Licensing Authority
Town Hall Annex
St Stephens Road
Bournemouth
BH2 6DY

Objection to application for a Licence to sell alcohol made by Whitley Court Hotel Ref No: 174055

Dear Sir / Madam

I wish to object to the application for a licence to sell alcohol made by Whitley Court Hotel, West Cliff Gardens, Bournemouth BH2 5HL

My reasons are as follows:

I have built my hotel business attracting regular coach parties of elderly holiday makers. They have chosen us as we offer a safe and tranquil environment in a beautiful setting. Business this year has been very good and bookings for next year are extremely healthy.

Our evening entertainment will usually end at 11pm – so for the Whitley Court to attract late night revellers will no doubt disturb my guests. As a hotel we trade very much on goodwill – allowing a late night licence with it's associated nuisance of drunkenness, noise , shouting and swearing will be hugely detrimental to our guest's expectations – and could have a big impact on future bookings.

West Cliff Gardens is in a Conservation Area. It's a tourist area not a late night drinking area. It's also a Cumulative Impact Area. Whitley Court will not be able ensure customers leaving the premises will avoid residential areas.

Drugs and trafficking is a problem in the pathway connecting West Cliff Gardens with the green – I would be worried for the safety of my elderly guests – many of whom can be vulnerable.

Traffic and parking in West Cliff Gardens throughout the day and particularly in the evening is chaotic – how would any further influx of traffic be accommodated?

I would ask you take the above points into consideration and not to grant the Licence to sell alcohol.

Yours Sincerely

**Mr A. Edwards,
Avon House, 16A West Cliff Road,
BOURNEMOUTH BH2 5EZ.**

Licensing Team,
Town Hall Annexe,
St Stephen's Road,
Bournemouth BH2 6DY

26-11-2019

Dear Sir/Madam,

Re Licensing Application with Reference No. 174055 - Whitley Court –Bar Beyond, West Cliff Gardens, Bournemouth BH2 5HL

I write to lodge objections to the application for the reasons set out below : -

My first concern is that there will be **public nuisance** :

Facebook tells us that the plan is to rent out the premises for events, with Stag and Hen parties likely to be very popular.

I was shocked to hear about the recent outrage of Sandbanks' residents at 'raucous Stag and Hen parties' in a property owned apparently by the father of the Applicant !

We residents of neighbouring properties count for nothing, it seems, when the owners are making big money from such 'events' in their properties.

This latest application has no stated closing time. In other words a Stag or Hen party event could go on all day and then all night like the Sandbanks premises mentioned above.

Given the type of events advertised as possible on Bar Beyond's Facebook 'pages', and which in the main are accompanied by music, there is likely to be a huge noise nuisance from the premises first and foremost from the live music or DJ, which Bar Beyond says it can offer. Such music tends to be played at high decibel volumes. My property (Avon House) overlooks/looks down on Whitley Court and will be one of the most affected properties, particularly when windows in Whitley are left open. The noise nuisance could potentially be incessant for 365 days a year.

Even if an element of soundproofing has been installed, the premises are in an old building which was not designed to contain modern levels of sound and vibration, and the noise will inevitably escape from the premises and affect all the aforementioned groups of residents.

Note that there is nothing to stop alcohol being taken outside in plastic containers.

It goes without saying that if drinking/smoking by noisy revellers went on in the backyard till the early hours of the morning or later, day after day, life would become intolerable and stressful. This is first and foremost a quiet residential area and we need action by the Council to ensure it remains one.

The conditions fail to specify whether entry to and exit from the premises will be via the premises front entrance. If customers are allowed to use the back yard then a number of people will leave by the back gate and those leavers will worsen the noise and disturbance for local residents.

A grant of the application would therefore create public nuisance, not prevent it.

My second concern is the potential for **crime and disorder** :

Given that there is no stated time for the premises to close and no mention of any control on who can enter the premises there have to be huge concerns around the risk of crime, disorder and drug problems. Undesirables such as drug users/drug pedlars from the cliff-top green would be attracted to the premises and County lines operatives could slip into the back yard looking for new business.

There is no mention of monitoring by staff of the outside area nor any condition about adhering to a written dispersal policy.

I think the Police need to look closely at the CCTV proposals.

Security is not allowed for except where there is deemed to be a medium risk.

To summarise this point there is no credible control system to prevent crime and disorder and with such large user numbers predicted, crime and disorder is likely to occur at some point and spiral. There would thus be a hugely detrimental impact for residents and any tourists in the area and an increased workload for the Police.

I have concerns around **public safety** :

There could be a fire safety risk if 60 people crowd into the basement area.

There is no spare parking capacity in the area so we are likely to see large numbers of cars parked on yellow lines everywhere including West Cliff Road, constituting a traffic hazard for all, and potentially our car park could be abused.

There is no prohibition on bringing alcohol into the building.

There is no commitment to refuse bar service to intoxicated customers.

Revellers exiting late at night might proceed to harass lone residents, particularly women, or a crowd of drinkers could force pedestrians to walk in the road.

There will be a risk of alcohol-fuelled anti-social behaviour.

There are issues too around **the protection of children from harm**.

There is no requirement for any children to be accompanied by an adult.

There is no stated requirement that staff will be subject to CRB/DBS checks; so children are not properly protected.

To summarise all the foregoing it is fair to say :

- a) granting the application would not promote the Council's licensing objectives, quite the opposite in fact, and
 - b) it is in the interests of local residents' health and welfare that this application is rejected.
- It is totally the wrong location.

I therefore request that the Licensing Committee refuse the application.

Yours faithfully,

Arwel Edwards

**Mr A. Hunter,
Avon House, 16A West Cliff Road,
BOURNEMOUTH BH2 5EZ.**

Licensing Team,
Town Hall Annexe,
St Stephen's Road,
Bournemouth BH2 6DY

26-11-2019

Dear Sir/Madam,

Re Licensing Application with Reference No. 174055 - Whitley Court –Bar Beyond, West Cliff Gardens, Bournemouth BH2 5HL

I write to lodge objections to the application for the reasons set out below : -

My first concern is that there will be **public nuisance** :

Facebook tells us that the plan is to rent out the premises for events, with Stag and Hen parties likely to be very popular.

Like my fellow residents I was shocked to read about the recent outrage of Sandbanks' residents at 'raucous Stag and Hen parties' in a property owned, according to the press, by the father of the Whitley Applicant ! Residents of neighbouring properties count for nothing, it seems, when the owners are making big money from such 'events' in their properties.

This latest application has no stated closing time. In other words a Stag or Hen party event could go on all day and then all night like the Sandbanks premises mentioned above.

Given the type of events advertised as possible on Bar Beyond's Facebook 'pages', and which in the main are accompanied by music, there is likely to be a huge noise nuisance from the premises first and foremost from the live music or DJ, which Bar Beyond says it can offer. Such music tends to be played at high decibel volumes. My property overlooks Whitley Court and will be one of the most affected properties, particularly when windows in Whitley are left open. The noise nuisance could potentially be incessant for 365 days a year.

Even if an element of soundproofing has been installed, the premises are in an old building which was not designed to contain modern levels of sound and vibration, and the noise will inevitably escape from the premises and affect all the aforementioned groups of residents.

Note that there is nothing to stop alcohol being taken outside in plastic containers.

It goes without saying that if drinking/smoking by noisy revellers went on in the backyard till the early hours of the morning or later, day after day, life would become intolerable and stressful. This is first and foremost a quiet residential area and we need action by the Council to ensure it remains one.

The conditions fail to specify whether entry to and exit from the premises will be via the premises front entrance. If customers are allowed to use the back yard then a number of people will leave by the back gate and those leavers will worsen the noise and disturbance for local residents.

A grant of the application would therefore create public nuisance, not prevent it.

My second concern is the potential for **crime and disorder** :

Given that there is no stated time for the premises to close and no mention of any control on who can enter the premises there have to be huge concerns around the risk of crime, disorder and drug problems. Undesirables such as drug users/drug pedlars from the cliff-top green would be attracted to the premises and County lines operatives could slip into the back yard looking for new business.

There is no mention of monitoring by staff of the outside area nor any condition about adhering to a written dispersal policy.

I think the Police need to look closely at the CCTV proposals.

Security is not allowed for except where there is deemed to be a medium risk.

To summarise this point there is no credible control system to prevent crime and disorder and with such large user numbers predicted, crime and disorder is likely to occur at some point and spiral. There would thus be a hugely detrimental impact for residents and any tourists in the area and an increased workload for the Police.

I have concerns around **public safety** :

There could be a fire safety risk if 60 people crowd into the basement area.

There is no spare parking capacity in the area so we are likely to see large numbers of cars parked on yellow lines everywhere including West Cliff Road, constituting a traffic hazard for all, and potentially our car park could be abused.

There is no prohibition on bringing alcohol into the building.

There is no commitment to refuse bar service to intoxicated customers.

Revellers exiting late at night might proceed to harass lone residents, particularly women, or a crowd of drinkers could force pedestrians to walk in the road.

There will be a risk of alcohol-fuelled anti-social behaviour.

There are issues too around **the protection of children from harm**.

There is no requirement for any children to be accompanied by an adult.

There is no stated requirement that staff will be subject to CRB/DBS checks; so children are not properly protected.

To summarise all the foregoing it is fair to say :

- a) granting the application would not promote the Council's licensing objectives, quite the opposite in fact, and
 - b) it is in the interests of local residents' health and welfare that this application is rejected.
- It is totally the wrong location.

I therefore request that the Licensing Committee refuse the application.

Yours faithfully,

Alan Hunter

27 NOV 2019

Seacroft Court
West Cliff Gardens
Bournemouth
BH2 5HL

21st November 2019

Planning & Regulation Services
Licensing Authority
Town Hall Annex
St Stephens Road
Bournemouth
BH2 6DY

Dear Sir / Madam

I wish to object to the application for a Licence to sell alcohol made by Whitley Court Hotel, West Cliff Gardens, Bournemouth BH2 5HLApplication No: 174055

1. Cumulative Impact Area (CIA)

- The Whitley Court Hotel is in the Councils CIA. This area is a quiet neighbourhood of hotels and residential properties. The premises are also residential - registered as a House in Multiple Occupation, not a Hotel.

2) Crime and Disorder

- Whitley Court is sited within a quiet Conservation Area made up of hotels and residential properties, close to and with easy pedestrian access to the open space area of West Cliff Green which is constantly used for drug use and dealing.
- Licenced premises, such as proposed here, would further attract the use of drugs and associated dealing which is clearly detrimental to the character and ambience of the area.
- Late night drinking brings with it alcohol excess, resulting in drunkenness and often violent and aggressive behaviours leading to harassment, vandalism, affray and other anti social behaviours. Disorderly behaviour such as this would clearly have a detrimental crime and disorder impact on the tourist and residential aspect of this area.

3) Public Safety

- It's assumed the activities relating to the licencing will take place within the basement area of the property. Has a risk assessment been undertaken?... is there adequate access for disabled in the event of a fire?.....how will the consumption of alcohol be managed to inside the building?....and how will excessive noise levels be managed from those people in the back yard?
- There is a fence bordering on the side of the premises and West Cliff Road higher than regulation height and without planning permission. This is (and will continue) to cause a hazard to traffic and pedestrians as they approach the turning to West Cliff Gardens.
- Pedestrian access is directly to the busy West Cliff Road in close proximity to the Durley Roundabout Junction. Late night revellers will be leaving en- mass onto the narrow footway of the busy West Cliff Road which will create public safety risks.
- The Councils Licencing Policy states – “The Council is committed to ensuring that the safety of any person visiting or working in licenced premises is **not** compromised “

4) Public Nuisance

- Licenced premises, particularly those operating beyond 2300 hours and into the early hours, adversely effect people living or staying in the vicinity of the premises – which is within a quiet area of hotels and residential properties. The application site is also of residential use being registered as a House in Multiple Occupation.
- Easy access to the outdoor space to the rear of the property, will undoubtedly, be used by smokers and drinkers adding to noise and disturbance to nearby properties – particularly Avon House (who have already had experience of Bar Beyond guests using their gardens as a toilet!)
- The combined factor of music, other noise and disturbance and rowdiness generated by the revellers during anti social hours will create a public nuisance detrimental to the character and ambience of the area.

5) Protection of Children

- Within the application it is not clear what measures there are will be to prevent underage drinking and hence, protect children from harm.
- Within the area there are a number of hotels where many of their guest could be 'young people' and in addition there is also a residential language school property where 'young' students reside for a period of time.

Given the significant number of issues highlighted above I ask you not to grant a licence to sell alcohol.

Yours faithfully

Vic Stone

Tibor Cséh
West Bay
West Cliff Gardens
Bournemouth
BH2 5HL

27 NOV 2019

16th November 2019

Planning & Regulation Services
Licensing Authority
Town Hall Annex
St Stephens Road
Bournemouth
BH2 6DY

Dear Sir / Madam

I wish to object to the application for a Licence to sell alcohol made by Whitley Court Hotel, West Cliff Gardens, Bournemouth BH2 5HLApplication No: 174055

I live in the building next to Whitley Court – it's not used as a hotel, more like flats.

I fear that granting a late night licence will totally ruin our life. It will be very noisy, with drunkenness and many people congregating outside my flat every weekend and well after the late night closing time.

I fear for the safety of my family – our quality of life will be taken away.

Please don't let the drinks licence be given.

Yours faithfully

Tibor Cséh

Sent: 27 November 2019 20:41
To: Licensing Com
Subject: Application No 174055 - The Basement, Whitely Court

Categories: Linda

Dear Sirs

As a resident of Avon House, which is adjacent to the above premises, I am writing to object to Application 174055.

The Application for an alcohol licence on the above premises is wholly undesirable on the basis that it is intended to serve as a drinking club in an area of respectable residential and hotel premises. It is inevitable that such a 'club' will attract a high level of noisy clientele who at a late stage of the evening will exit the premises causing a disturbance to local residents. There is already evidence of users of these premises leaving late at night and trespassing on our property and urinating in our grounds. I imagine that as they do not currently hold an alcohol licence the owners were already in breach of the law in serving alcohol before a licence is awarded. It would suggest that even greater abuse would occur in the event of a licence being awarded.

I trust that the Licensing Department will see the necessity to refuse this application in order to preserve this part of Bournemouth as a desirable area to live.

Yours sincerely

Mr L A Hewitt
Avon House
West Cliff Road
Bournemouth
BH2 5EZ



APPLICATION FOR THE GRANT OF A NEW PREMISES LICENCE

Response to representations – Hearing 14th January 2019

Introduction

This is an application for the grant of a new premises licence for the basement of the Whitley Court Hotel, West Cliff Gardens, Bournemouth BH2 5HL. The application has attracted a significant number of objections from local residents (although none from any or the Responsible Authorities) and is listed for a hearing before the licensing sub-committee on 14th January. The relevant regulations prescribe that no new material or evidence may be adduced at the hearing without the consent of all parties unless it has been disclosed in advance, hence this response.

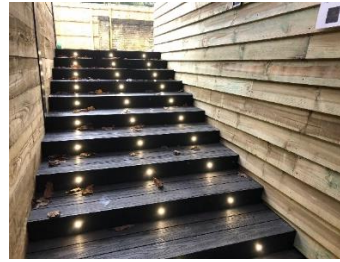
The application site



The premises are situated on the junction of West Hill Road and West Cliff Gardens, an area dominated by hotels and residential accommodation. The Whitley Court Hotel has been used as a house in multiple occupation for many years and is owned by one of the applicants – Wendy Lovett. (The other applicant is her son, Shaun de Kment).



There is no direct access to the premises from the hotel building – the entrance is on West Cliff Road, via a courtyard at the rear of the building.



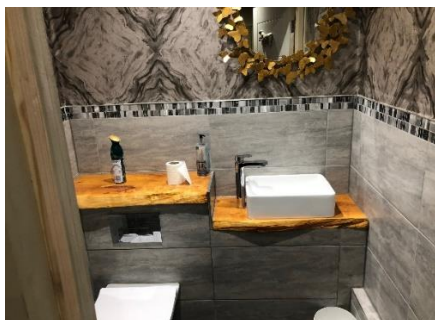
There is then a covered (under lit) staircase at the side of the building leading down to the premises themselves. The only windows are at the front of the building, facing out onto West Cliff Gardens and these are both double glazed and covered so that they cannot be opened.



The entrance to the premises are at the bottom of the staircase (note that the door shown is temporary only and a new door will be installed shortly) and that leads into an entrance lobby.

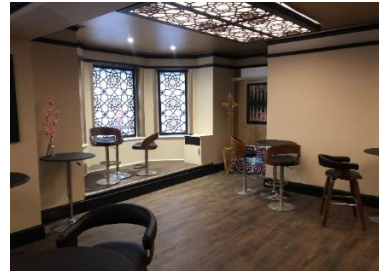
There is a rail for coats, the left hand door at the far end is a storage cupboard and the right hand door is leads into the servery (see below).

Both doors are secured with press key coded locks. Smoking cannot be permitted on the stairs because that area is covered and not at least 50% open at the sides – hence the signage.



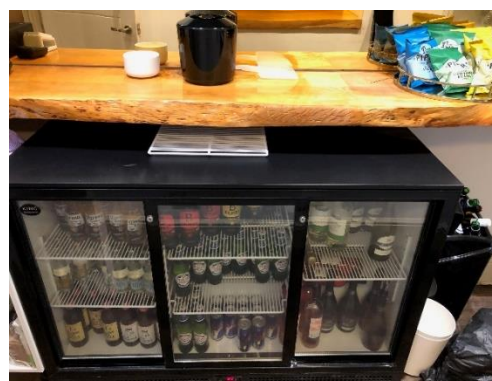
The lavatories are on both sides of the entrance and the kitchen is also accessed from the entrance lobby.

The door into the function room is at the far end of the entrance lobby.

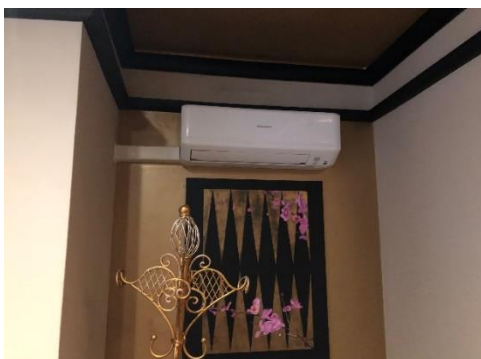


The application is in effect to licence a single room (referred to in this as “the event space”) which is relatively small, although for technical reasons, the licence will encompass the entrance lobby, the staircase and the external area at ground floor level. If these areas were excluded from the licence, it would not be possible to attach conditions relating to their use. The third picture shows the raised “stage” area and the sound system (see below).

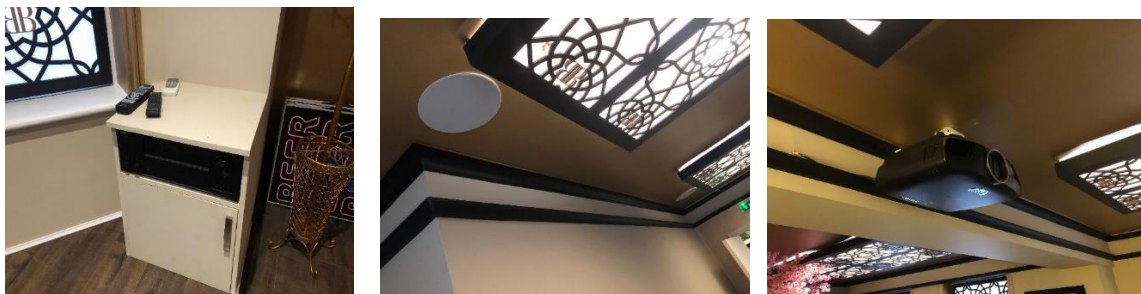
The event space will have a maximum capacity of 60 persons in order to comply with fire regulations.



The “bar” is very small. It is possible that in future, one draft beer or lager might be offered but for the moment at least, the intention is to provide bottled beers and wines, with a selection of soft drinks and “nibbles”.



Given that the event space is at basement level and that windows cannot be opened (to ensure no noise breakout), air conditioning units have been installed at either end of the room to ensure good air quality at all times, heating in winter and cooling in summer. The ceiling is also insulated to prevent noise transmission.



The sound system is boxed and situated on the raised “stage”. There are four ceiling mounted speakers (two are shown) and a ceiling mounted projector that can be used to show pictures and videos on the end wall of the event space.

Background to the application

In August 2019, an application was submitted for a premises licence that included live music until 11 p.m. every night except Sunday (7 p.m.), recorded music until 11.30 p.m. Sundays to Thursdays and 1 a.m. on Friday and Saturday nights, the sale of alcohol until 11.30 p.m. Sundays to Thursdays and until 00:30 hours Friday and Saturday nights and opening hours until midnight Mondays to Thursdays, 1 a.m. on Friday and Saturday nights and 11.30 p.m. on Sundays.

Although a number of conditions were offered, few addressed the issues that the grant of such a licence might have given rise to.

Not only did a significant number of local residents object to that application but the police and environmental health officers also made strong representations.

The applicants had submitted that application without taking legal advice but had engaged marketing consultants who promoted the then intended venue on the basis that a licence would be granted as had then been applied for.

Having regard to the representations that had been made, the applicants reconsidered their position, took legal advice and withdrew the original application.

The application that is before the licensing sub-committee is radically different from the application that was withdrawn.

More specifically, it does not include any form of regulated entertainment (although to be open and transparent, the provisions of the Live Music Act as amended de-regulate (i.e. one doesn’t need a licence for it) the provision of live or recorded music between 8 a.m. and 11 p.m. if the premises has the benefit of a licence that allows the sale of alcohol for consumption on the premises.

The hours sought in the current application are shorter than the previous application – the sale/supply of alcohol from 10 a.m. until 11 p.m. with a further 30 minutes for “drinking up” during which time hot food (but more realistically non-alcoholic drinks such as tea and coffee) can be provided.

Although not specified in the site and newspaper notices that were published in accordance with the regulations, the opening hours of the premises would be from 8 a.m. until 11.30 p.m. as per the application.

The objections



Those objecting to the application are predominantly residents of Avon Court or proprietors of establishments in West Cliff Gardens but reference has also been made to the new development opposite the application site.

It is not practical to try and respond in this submission to each and every point made by those who have raised objections in but in broad terms, the issues (and our responses) are as follows:

The applicants are not fit and proper persons to hold a licence.

References have been made to a BNB “Party House” in Sandbanks that has attracted publicity in the local and national press. The gentleman allegedly concerned with those premises has no interest at all in connection with the application site.

The police (and only the police) can object to the appointment of the Designated Premises Supervisor on the basis that the exceptional circumstances are such that the crime prevention objective would be undermined. No objection has been received from the police.

The premises will in effect be a nightclub

Not true. The licence will not allow the sale of alcohol beyond 11 p.m. and does not include regulated entertainment. Furthermore, the premises will only open for specific events and will not be open generally to the public.

Noise issues – music

The applicants have engaged with the Environmental Health Department whose officer, Mr Andrew Hill, had concerns about the application. He was invited to visit the event space and during the visit, we arranged for the sound system to be turned up so high that within the space, it was impossible to hold a conversation, even shouting at each other at close range.

We then ventured outside to (rather unscientifically) monitor noise levels and nothing could be heard.

The outcome was an exchange with Mr Hill, reproduced below.

From: Andrew Hill [<mailto:andrew.hill@bcpcouncil.gov.uk>]

Sent: 22 November 2019 08:09

To: Philip Day

Cc: Trudi Barlow ; Matthew Taylor

Subject: Re: Bar Beyond, Whitley Court Hotel, Bournemouth (DE780/1)

Hi Philip

Thank you for your email and for facilitating the meeting between myself, yourself and the applicants.

I can confirm that the condition we agreed upon and outlined below would be acceptable and on that basis shall withdraw my objection to the licensing team. As agreed, I am also happy should a resident wish to contact me to discuss my findings at the time of my visit, I am happy to advise them of my opinion with regards to the sound system installed in the premises and the additional structural noise controls which should control break out noise if the premises is used in accordance with the license application.

Kind Regards

Andrew Hill

Senior Environmental Health Officer

Communities

T. 01202 45 6157

Andrew.hill@bcpcouncil.gov.uk

bcpcouncil.gov.uk

The condition referred to is as follows:

“At all times the premises are open for licensable activities, either the door leading into/out from the premises or the door between the entrance lobby and the function room itself (or both) will be kept closed, save for normal access and egress”.

The applicants are happy to agree such a condition.

Planning issues

Concerns have been raised about various matters, including in particular the erection of fencing around the site.

The planning authority is a statutory consultee/responsible authority and has raised no objection to the application.

The use of the basement is long established as a function room. There will be no direct access from the hotel/HMO building to the application site and concerns about such things as the height of the (temporary) fence erected around the site are not matters for the licensing authority.

Previous events

Comments have been made about an event that took place at the premises on 3rd November 2019.

This was a Halloween Party at which no licensable activities took place. It was a private event and no alcohol was sold.

The event finished at midnight and it is not accepted that those attending were responsible for what is alleged.

A further event for family and friends of the applicants (which was licensable) took place on 7th December under the auspices of a Temporary Event Notice. As far as we are aware, there have been no complaints or issues arising from that event.

The event space has also been made available for a number of other events that do not require any authority under the Licensing Act. These include Yoga classes, children's birthday parties (where no alcohol is sold) and entirely private events where those attending bring their own alcohol and simply pay a hire fee for the use of the venue.

The use in connection with the Whitley Court Hotel - HMO

This application is not an application to provide a bar for the use of the residents of the Whitley Court Hotel – there is no direct access as the internal staircase has been blocked off (please refer to the plans forming part of the application). The use of the event space has nothing to do with the residents of the HMO.

Parking issues



The Durley Road car park is less than a minute's walk from the application site which can be seen in the first photograph. It follows that there is ample parking in very close proximity to the application premises.

Cumulative Impact Area

It is of course acknowledged that the application site falls within the Bournemouth Cumulative Impact area and that it follows that there is a presumption against the grant of a new licence unless the applicants can demonstrate that the grant would not have a negative impact upon the licensing objectives.

The relevant licensing objectives are the prevention of crime and disorder and public nuisance. Furthermore, the policy is very much directed at the night time economy which is generally regarded and acknowledged as being from 11 p.m. onwards - this application is not for a licence that allows licensable activities that intrude or extend into the “night time economy” hours.

More significantly, the police (from whom the Licensing Authority are directed to take their lead on matters of crime and disorder under the section 182 Guidance) make no adverse representation to this application despite having made representations regarding the original application (which was for longer hours). The concerns of the authority responsible for matters of public nuisance have been allayed.

A raft of conditions have been proposed which specifically address concerns by local residents, particularly regarding the use of the outside areas.

The sub-committee has to make its decision on an evidential basis and not on the basis of speculation as to what might happen in the future – see R (on application of Daniel Thwaites plc) v Wirral Magistrates’ Court and Others (2008) EWHC 838 (Admin).

The sub-committee will also be well aware of its powers to review any licence issued under the Licensing Act. Review proceedings can be commenced at any time by anyone and there is no fee payable. If it is shown that the conduct of the premises has indeed undermined any of the licensing objectives, the Licensing Authority is empowered to take action, including in appropriate cases suspension or even revocation of the licence.

In Summary

This is an application for a licence for a small venue which will have no impact on the immediate (or wider) locality.

None of the responsible authorities have raised any objections to the application despite it being within the Central Bournemouth CIA.

The licensing sub-committee is therefore invited to grant the application as submitted subject only to the amendment agreed with the Environmental Health officer.

Philip Day, Lacey Solicitors LLP, 9 Poole Road, Bournemouth BH2 5QR
Tel: 01202 755216 email: p.day@laceysolicitors.co.uk

16th December 2019