

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 17 March 2020 at 10.00 am

Present:-

Cllr D Flagg – Chairman
– Vice-Chairman

Present: Cllr R Burton, Cllr D Butler

Also in attendance: Cllr G Farquhar (observing)

113. Election of Chairman

RESOLVED that Councillor D Flagg be elected Chairman of the Sub-Committee for the duration of the meeting.

Voting: Unanimous

114. Apologies

Apologies for absence were received from Cllr J Butt. Cllr R Burton as the nominated reserve stepped up to be a member of the Sub Committee.

Cllr G Farquhar was present as an observer, having agreed to be the new reserve.

115. Declarations of Interests

There were no declarations of interest.

116. Application for Review of Premises Licence - Xchange Bar, 4 The Triangle, Bournemouth

In Attendance:

From BCP Council:

Sarah Rogers – Senior Licensing Officer

Linda Cole – Senior Solicitor

Jill Holyoake – Senior Democratic and Overview and Scrutiny Officer

Max Reid – Business Support Officer (observing)

On behalf of the Applicant, Dorset Police:

Louise Busfield – Drug and Alcohol Harm Reduction Team

Sergeant Gareth Gosling – Drug and Alcohol Harm Reduction Team

One Police observer

On behalf of the Premises:

Stuart Kimber – Premises Licence Holder and Designated Premises Supervisor

Carol Legg – employed at the premises, representing Mr Kimber

Three members of the public

The Chairman made introductions and the procedure to be followed in considering the review was outlined and agreed by all parties.

The Senior Licensing Officer presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'A' to these Minutes in the Minute Book. The Sub Committee was asked to consider an application by Dorset Police to review the premises licence for Xchange Bar, 4 The Triangle, Bournemouth, on the grounds that the premises was not upholding the prevention of crime and disorder and public safety licensing objectives. A copy of the application was attached to the covering report and provided detailed reasons for why the Police were seeking the review. The premises licence holders had not contacted the Licensing Authority or the Police during the consultation period either directly or through a third party. The options available to the Sub Committee in determining the review were set out in the report's recommendation.

Following the publication of the report Dorset Police provided an additional witness statement from Inspector Jonathan Wasey which had been circulated to all parties in advance of the hearing.

The following persons gave verbal evidence at the hearing:

- Sergeant Gareth Gosling and Louise Busfield, on behalf of the Chief Officer of Dorset Police, the applicant.
- Carol Legg – employed at the premises and representing Mr Stuart Kimber, the Premises Licence Holder and Designated Premises Supervisor.

During the hearing the Sub Committee was advised that part of Mrs Legg's verbal submission was likely to disclose exempt information of a personal nature in respect of her own circumstances and in respect of Mr Kimber.

RESOLVED that under Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005 the public be excluded for part of Mrs Legg's submission as the Sub Committee considers that the public interest in so doing outweighs the public interest in that part of the hearing taking place in public.

Having considered this part of Mrs Legg's submission the meeting resumed in public session.

Members of the Sub Committee asked various questions to all parties present during the hearing. All parties were given the opportunity to ask questions of one another.

All parties had the opportunity to sum up, before the Sub Committee retired to make its decision.

RESOLVED that having considered the application and having heard representations from Dorset Police and on behalf of the premises, and having regard for the 2003 Licensing Act and accompanying guidance, the Sub Committee decided to revoke the premises licence for XChange Bar, 4 The Triangle, Bournemouth, on the grounds that the premises is not upholding the licensing objectives of the prevention of crime and disorder and public safety.

Reasons for Decision:

The Sub Committee considered the options available as set out in the recommendations of the report. The Sub Committee did not consider that any of the other options would be appropriate in upholding the licensing objectives. The Sub Committee has no confidence in the current management or that being proposed at today's hearing. There are concerns that Mrs Legg, despite having some historic experience in the licensing industry, has no current training or qualifications in running a licensed premises. The Sub Committee shared the concerns of the Police that the current premises licence holders are not exercising the levels of control necessary to ensure that the licensing objectives are being upheld.

There are concerns that the Police have been trying to engage with the premises for a long time without success and there appears to be a disregard for the safety of clientele using the premises. In particular the Sub Committee noted that the steps proposed on 15 January 2020 by Mr Kimber had not been fully implemented, even straightforward, low-cost measures such as staff uniforms and staff meetings have not been introduced. The ID scanner which could have been in place within 5 days had not been implemented.

There are also concerns about the reliability of the CCTV which has been highlighted by the Police through their lengthy engagement with the premises.

The Sub Committee shared the concerns of the Police regarding the widespread use of drugs at the premises and the risk that this poses to the clientele and the community. The Sub Committee was not satisfied with the steps being proposed to address this today, such as the spray bleaching of surfaces.

The Legal Advisor to the Sub Committee advised all parties of the right of appeal against the decision, which may be made to the Magistrates' Court within a period of 21 days beginning with the day that the applicant is notified in writing of the decision.

117. Application to Vary a Premises Licence - Bistro on the Beach, Southbourne, Promenade, Bournemouth, BH6 4BE

The Sub Committee was advised that the premises licence holder for the Bistro on the Beach variation application had contacted the Licensing team seeking an adjournment as they were unable to attend the hearing. The Licensing team had contacted the other party involved, Dorset Police, who had no objection to the application being rescheduled for a later date to enable the applicant to attend.

RESOLVED that with the agreement of all parties and in accordance with the Licensing Act 2003 (Hearings) Regulations 2005, the hearing be opened and adjourned until the Sub Committee meeting on 14 April 2020.

The meeting ended at 12.55 pm

CHAIRMAN