

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 14 April 2020 at 10.00 am

Present:-

Cllr D A Flagg – Chairman

Present: Cllr B Dunlop and Cllr G Farquhar

118. Election of Chairman

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

Voting: Unanimous

119. Apologies

No apologies had been received on this occasion.

120. Declarations of Interests

There were no declarations received on this occasion.

121. Protocol for Public Representation at Virtual Meetings

The Chairman explained the protocol detailing the procedures of the meeting, as attached to the Agenda and asked that it be agreed. All participating parties agreed the procedure.

122. Review of Premises Licence at The Talbot, 559 Wimborne Road, Bournemouth, BH9 2AR

Attendance:

From BCP Council:

Tania Jardin – Licensing Officer

Sarah Rogers – Senior Licensing Officer

Linda Cole – Senior Solicitor

Nicky Hooley – Clerk - Democratic and Overview and Scrutiny Officer

On behalf of the Applicant, Dorset Police:

Sergeant Gareth Gosling – Drug and Alcohol Harm Reduction Team

On behalf of the Premises:

Richard Taylor – legal representative

Salle Wroblewski – regional manager

Observers:

Jill Holyoake – Senior Democratic Services Officer

The 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 for a review of the premises licence for the Talbot at 559 Wimborne Road on the ground of prevention of crime and disorder and public safety licensing objectives.

On behalf of the applicant Sergeant Gosling addressed the Sub-Committee and confirmed that following mediation between the Police and premises, revised conditions had been agreed, which had been circulated to the Sub-Committee before the meeting.

Mr Taylor asked the applicant to clarify that as far as the application was concerned, that two serious breaches highlighted were not correct. One: that the premises traded without a DPS for six hours did not happen; as the DPS transfer application had been received by the Licensing authority in sufficient time; and two: that the suggestion there had been a breach of condition regarding glassware being taken outside was incorrect, as there was no such minor variation in place. Sergeant Gosling confirmed this to be correct in both cases.

Mr Taylor the solicitor for the applicant presented the applicant's case to the Sub-Committee.

The Sub-Committee asked various questions of all parties present at the Hearing. All parties were given the opportunity to ask questions of one another. All parties were then able to sum up before the Sub-Committee retired to make its decision.

Right of Appeal

The Legal Advisor reported that all parties to the application have the right to Appeal to the Magistrates Court within the period of 21 days beginning with the day on which the Applicant is notified by the Licensing Authority of this decision in writing.

Meeting adjourned 11:15

It was RESOLVED that:

Decision

The sub-committee have considered the application to review the Premises Licence of The Talbot, 559 Wimborne Road, Bournemouth, made by Dorset Police and have determined that in order to promote the Licensing Objectives of crime and disorder and public safety, that the conditions on the Premises Licence need to be modified. All of the conditions agreed between Dorset Police, BCP Licensing Officer and the Solicitor acting for El Group Ltd, the licence holder as set out on the Licensing supplement attached to the agenda should be added to the Licence. These include reducing the hours of licensable activity at the premises to 2300 hours Sunday to Monday and to Midnight Friday & Saturday.

In addition the sub- committee have determined that a further condition is necessary to promote these same Licensing Objectives. There must be at least one SIA registered door supervisor present at the premises between 5pm and closing on any day that the premises are open.

Reasons for decision

There is a real concern that the issues raised by Dorset Police and the BCP Licensing Officer will continue and there is potential that the Licensing Objectives of crime and disorder and public safety will continue to be undermined. The agreed conditions, the reduction in opening hours and the condition to engage SIA registered door supervisors when the premises are open, will provide a way for the premises to have some control over who is allowed to enter the premises and to keep the clientele in check.

There have been serious failings at the premises and multiple attempts made by the Licence Holder at finding a suitable DPS. The sub-committee have noted and welcomed that the premises will have a new DPS, but based on the evidence presented by Dorset Police and the Licensing officer in this review application, the sub-committee believe there are ingrained problems at the premises and do not believe that even a new experienced DPS alone can manage these premises responsibly and sufficiently. Despite the cost to the premises they are of the view that it is necessary to engage a SIA registered door supervisor as an extra precaution in order to prevent crime and disorder and to promote public safety.

123. Application for Full Variation of Premises Licence for Bistro on the Beach, Solent Promenade, Southbourne, Bournemouth

Attendance:

From BCP Council:

Michelle Fletcher – Licensing Officer

Sarah Rogers – Senior Licensing Officer

Linda Cole – Senior Solicitor

Nicky Hooley – Clerk - Democratic and Overview and Scrutiny Officer

On behalf of the Applicant, Dorset Police:

Sergeant Gareth Gosling – Drug and Alcohol Harm Reduction Team

Louise Busfield – Drug and Alcohol Harm Reduction Team

On behalf of the Premises:

Ian Meads - Premises Manager

Observers:

Jill Holyoake – Senior Democratic Services Officer

The Chairman explained the protocol detailing the procedures of the meeting, as attached to the Agenda and asked that it be agreed. All participating parties agreed the procedure.

The Licensing Officer presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'B' to these Minutes in the Minute Book. The Sub Committee was asked to consider an application by Mr Ian Meads, on behalf of Mr Peter Bruton to vary the Premises Licence for Bistro on The Beach of Solent Promenade, Southbourne on the 28th January 2020. The application seeks to: Increase

the licensable area to include the existing take away area Add off sales for the supply of alcohol / Identify the location of an outdoor temporary bar server area - all in accordance with the current licence schedule and conditions. This is a resubmission of the application as the Licensing Authority rejected the original application due to a technical issue. It was not advertised correctly in accordance with the guidelines of the Licensing Act 2003.

Mr Meads addressed the Sub-Committee on behalf of the premises and advised that Mr Bruton forwarded his apologies, as he was unable to attend the meeting.

Sergeant Gareth Gosling and Louise Busfield addressed the Sub-Committee on behalf of Dorset Police.

The Sub-Committee asked various questions of all parties present at the Hearing. All parties were given the opportunity to ask questions of one another. All parties were then able to sum up before the Sub-Committee retired to make its decision.

Right of Appeal

The Legal Advisor reported that all parties to the application have the right to Appeal to the Magistrates Court within the period of 21 days beginning with the day on which the Applicant is notified by the Licensing Authority of this decision in writing.

It was RESOLVED that:

Decision

The sub-committee have considered the application to vary the Premises Licence of Bistro on the Beach, Solent Promenade, Southbourne and have determined that the Transitional Grandfather rights, conditions 1.8 to 1.18 can be removed from the licence and the conditions agreed with Dorset Police and Environmental Health in 2019 as set out in the agenda be should be added to the Licence.

They refuse the application to increase the licensable area to include the existing kiosk/takeaway area and to allow off sales for the supply of alcohol.

Reasons for Decision

The sub-committee agree with the verbal and written submission off the Dorset Police that the duty of care by the operator and the licencing objectives would be undermined. And they share real concerns that the sale of alcohol as off sales would undermine the Licensing Objectives of Crime and Disorder and Public Safety. Off sales from the existing restaurant or the Kiosk would allow customers to buy alcohol to consume on the expansive beach area and the premises would have real difficulties supervising and controlling this expanse.

The meeting ended at 12.30 pm

CHAIRMAN