

DRAFT MINUTES

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Meeting ID	3880
Committee	Licensing Sub-Committee
Date	17/04/2019
Attendees	<p>Councillor David Brown (Committee Member)</p> <p>Councillor Xena Dion (Committee Member)</p> <p>Councillor Andy Garner-Watts (Committee Member)</p> <p>Support Officers for Licensing Sub-Committee (Monitor)</p>

Item ID	680
Item Title	Election of Chairman
Summary	<p>RESOLVED that Councillor Brown be elected Chairman of the Sub-Committee for the duration of the meeting.</p> <p>Voting: Unanimous</p>

Item ID	681
Item Title	Apologies
Summary	There were no apologies for absence.

Item ID	682
Item Title	Declarations of Interests
Summary	There were no declarations of any disclosable pecuniary interests or other interests made by members of the Sub-Committee.

Item ID	684
Item Title	Application for a Premises Licence - Licensing Act 2003 - The Crazy Camel, 13 Bournemouth Road, Poole
Summary	<p><u>Attendance:</u></p> <p>Mr Frank Wenzel – Licensing Manager, Environmental Services Mr Andy Scott – Legal Adviser, Law and Governance</p> <p>Mr R Zammit – Applicant Mr P Day – Solicitor, on behalf of the objectors Mr R Farndon and Miss L Jerram Mr P Sanders – Objector</p>

Members of the Public Present: 0

Members of the Press Present: 1

The Chairman made introductions and explained the procedure for the hearing which was agreed by all parties.

The Sub-Committee considered an application for a new premises licence for the premises known as 'The Crazy Camel', situated within the Parkstone Ward, as set out in report '4'.

The Licensing Manager summarised the details of the application, as set out in report '4' and the Sub-Committee was informed that no letters of representation had been received from any responsible authority, however, during the consultation stage additional steps had been agreed with Dorset Police and Environmental Health, as set out in Appendix 'C'.

Four letters of representation had been received from interested parties, which referred to the potential for noise, as set out in Appendix 'D'.

The Clerk circulated copies of the Planning Licence for 'The Crazy Camel', which Mr Day, Solicitor, advised formed part of his client's objection but had not been sent out with the Agenda pack. The Legal Adviser to the Sub-Committee stated that he was happy for this to be distributed.

Mr Day then received a copy of the Applicant's summary points, which had been sent out on 10th April 2019 but had not been received by Mr Day.

The Chairman asked Mr Zammit, the Applicant, to put forward his submissions:

Mr Zammit provided the Sub-Committee with an overview of himself and 'The Crazy Camel', advising that he had relevant experience in serving alcohol and operating a successful business as he had previously operated a similar restaurant chain over several sites in the South West of England.

Mr Zammit highlighted the following key points:

- 'The Crazy Camel' would be a small British themed micro pub that focused on serving real ales straight from the cast/keg.
- Drinks would be premium priced and high quality.
- Ashley Cross was a business hub with a healthy mix of operators. Supportive planning policies were in place and the area was not over saturated.
- 'The Crazy Camel' hoped to attract older clientele, mostly men and couples aged between 45 – 50.

Mr Zammit asked if he could submit a number of photographs as evidence to show how similar operators worked with outdoor seating and no door supervisors. The Legal Adviser stated that further evidence would need to be agreed by all parties, so Mr Zammit agreed to cover this area verbally.

Mr Zammit then raised the following points:

- The objectors were aware of existing licensed premises in the area and were also aware of the planning policies which operated in Ashley Cross, which supported both residential and retail properties.
- There were several other licenced premises in the area that served alcohol and food until the early hours of the morning.
- Staggered flexible opening times would be used at the premises to avoid flash points at the Taxi Rank opposite.
- There would be clear signage asking patrons to leave quietly.
- Patrons that were barred elsewhere in Ashley Cross would also be barred from 'The Crazy Camel'.
- Staff would be SWERCOTTS trained.
- The premises would engage with its residential neighbours in a way that was constructive, and communications would always be open.
- Dorset Police and Environmental Health had not made representations.
- Live and recorded music would not be a daily occurrence.

The Chairman thanked Mr Zammit for his representation and asked members of the Sub-Committee if they had any questions or points of clarification?

In response to various questions raised by the Sub-Committee Mr Zammit advised that:

- The premises could accommodate approximately 40/50 customers internally and no more than 10 customers outside.
- Clear signage would be provided both internally and externally asking customers to 'respect the neighbours and leave quietly'.
- Cigarette bins would be made available outside the premises.
- The Management structure would ensure that all staff received appropriate training.
- The external table and chairs would be subject to a separate licence application.
- The Management would like to play comedy clips on a screen to enhance the British themed micro pub experience e.g. Morecombe and Wise.

- The bar counter would always be manned and lockable.
- The Applicant was fully aware of the discrepancy between the licensing application and what was permitted under the Planning Licence. The Applicant intended to apply to extend and vary the Planning Licence but in the interim the business would operate within the times permitted.
- Litter around the premises would be cleared up.
- There was no intention to play music in the street.
- Staff and customers would not smoke at the rear of the premises. The Applicant had applied for planning consent for an awning which had been granted which may prevent smoke drifting up to Mr Farndon's property. The Applicant highlighted that the kebab shop next door to the premises posed similar problems.
- Regarding live music, the Applicant would be happy to keep the doors to the premises closed and to have automatic doors fitted to avoid noise nuisance.
- The premises would join the 'Pubwatch' scheme in Ashley Cross.
- Off sales would not form a large part of the business but customers may want to take home a 'growler' of sealed ale. It was also anticipated that online deliveries of fine ales and craft beers could be made.

The Chairman then asked Mr Day to put forward his submissions on behalf of the objectors Mr Farndon and Ms Jerram.

Mr Day explained that a premises licence could be transferred and that the premises did not have to operate as a micro pub. He advised that the proposed conditions were meaningless and that he was extremely concerned about the prospect of off sales for online deliveries.

Mr Day referred to the overlap between licensing and planning and stated that it was a known trick that an applicant would get planning consent through and then apply for a later licence before returning to planning for a variation in opening hours. Mr Day highlighted that this premises was a contested Planning Hearing on 19 January 2019 and that the Licensing Sub-Committee should not reverse the decisions of its colleagues on the Planning Committee.

Regarding the outside area, Mr Day highlighted that Planning had stated that it could not be used for seating, smoking or eating. The Applicant had also stated that live and recorded music would be inside only, however, the plan showed the outside area as part of the premises to be licenced. Therefore, if the application was granted customers could consume alcohol outside. Mr Day advised his clients felt that customers drinking outside the premises, using glass drinking vessels, would be unacceptable.

Mr Day questioned why there was only a single double entry door shown on the plans when the premises should have a double lobby to prevent the escape of noise.

Mr Day then raised the following points:

- How would the premises manage the number of customers coming and going without SIA registered door staff?
- People did not have a right to smoke and anyone that left the premises to have a cigarette should be refused re-entry.
- The premises was next to a flashpoint (taxi rank) and allowing people to congregate outside the premises would exacerbate this.
- Mr Fardon's bathroom and bedroom were above the rear exit of the premises and he did not wish to be disturbed by persons smoking. It was therefore suggested that if the application was granted there be a condition that no smoking be allowed at any time at the rear of the premises.
- That if the application was granted there be a condition that the premises not sell gassy beer/larger/spirits, that there be no glasses taken outside and that there be no live DJ performances.
- That the applicant reviews the proposed layout of the premises to ensure that the premises was fit for wheelchair users.
- How would the toilet area be controlled to prevent drug use from taking place?

The Sub-Committee then heard from Mr Sanders, objector. Mr Sanders explained that he worked shifts and had chosen to live in Ashley Cross for the peace and quiet. When he had moved in to his home the premises beneath was a bank and now it was going to be turned into a pub.

Mr Sanders asked how the Applicant intended to prevent noise from music disturbing him, especially given that he only had single glazing in his home? Mr Sanders advised that he was extremely concerned about the impact the premises could have on his quality of life as there was nothing to prevent the premises from turning into a bar/club as opposed to being run as a micro pub.

Mr Sanders highlighted that if staff and customers were allowed to use the rear of the premises then this would cause disturbance to his sleep and that it was his view that saturation levels had been reached in Ashley Cross.

Residents were continuously disturbed by taxis performing 'u' turns in the road, blue lights flashing, the sirens from emergency vehicles and members of the public staggering across the road. Mr Sanders feared 'The Crazy Camel' would add to this.

In response to the points raised by Mr Day and the objectors, Mr Zammit advised that the Police and Environmental Health were happy with the suggested conditions and that as 'The Crazy Camel' had not yet started to trade many of the points raised could not be answered and may not become an issue.

Mr Zammit confirmed that the premises would be run as a micro pub as per the planning consent given and that he was not attempting to 'play off' licensing regulations against planning regulations.

Mr Zammit fully intended to apply for a tables and chairs licence outside but that was covered under separate legislation and was therefore irrelevant.

With regard to online deliveries, Mr Zammit advised that it would be an opportunity to investigate how this would work, however, he would like customers to be able to take home 'growlers' or sealed kegs.

The Chairman thanked all parties for their submissions and asked all parties if they would like to sum up.

In Summary, Mr Zammit advised that management and staff actively promote the four licensing objectives at all times and that there was no evidence of any trouble yet as the premises had not commenced trading. He added that the Police and Environmental Health had not made representations and that the Application that was fit for purpose. Management would always respect their customers and residents and he urged the Sub-Committee to grant the application but to attach conditions if it deemed necessary.

In Summary, Mr Day advised that the Application was not fit for purpose and that it should be resubmitted in an open and transparent way with appropriate conditions attached. Local residents had huge concerns about the Application and would urge the Sub-Committee to refuse. If it was granted, then the inappropriate conditions should be removed and replaced with appropriate conditions to stop the premises becoming a mini nightclub.

In summary, Mr Sanders referred to the noise nuisance that the premise could cause to himself and other residents and advised that he did not want to see the premises turned into a nightclub.

The Sub-Committee retired to make its decision in private.

RESOLVED THAT

The Licensing Sub-Committee have heard submissions from Mr Frank Wenzel, Licensing Manager, BCP Council, the Applicant, Mr Richard Zammit, together with submissions from two

objectors, Mr Rex Farndon, represented by Mr Philip Day, Solicitor, Lacey's Solicitors and Mr P Sanders and having taken these submissions into consideration, alongside all written representations submitted, have decided to grant the Application for A Premises licence at the Premises known as 'The Crazy Camel', 13 Bournemouth Road, Poole, BH14 0EF, subject to the following conditions, which are in addition to those set out in the Operating Schedule:-

1. Prior to the commencement of any physical works an Acoustic Survey shall be carried out by a suitable accredited company and a report submitted and approved by Environmental Services. The report should detail how the conversion will be carried out to a specification intended to ensure that noise from the operational use of the premises will not cause any adverse impact on the occupants of any residential property adjacent or adjoining the premises.
2. Following completion of the works and prior to the operational use of the bar first commencing, acoustic testing of the building shall be carried out by a suitably qualified person. A written report shall be submitted to Environmental Services for approval demonstrating that the level of attenuation approved in the original acoustic report has been achieved.
3. 'Challenge 25' shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport, holographic marked PASS scheme identification cards. Appropriate signage advising customers of the policy shall prominently be displayed in the premises.
4. A CCTV system shall be installed to cover all entry and exit points enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record and cover areas where alcohol is kept for selection and purchased by the public whilst the premises is open for licensable activities. It shall operate during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with correct time and date stamping. Recordings shall be made available immediately upon the request of the Police or an authorised officer of the Council throughout the preceding 31 day period. The CCTV system shall be updated and maintained

according to police recommendations.

5. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member must be able to show the police or authorised council officer recent data or footage with the absolute minimum delay when requested.
6. CCTV shall be downloaded on request of the Police or authorised officer of the Council. Appropriate signage advising customers of CCTV being in operation shall be prominently displayed in the premises.
7. A document check of the CCTV shall be completed weekly to ensure all cameras remain operational and the 31 days storage for recordings is being maintained.
8. Training – All staff working at the premises concerned with the sale of alcohol shall be trained in accordance with the SWERCOTS scheme or such other scheme as may be approved by Trading Standards or the Licensing Authority from time to time and shall receive refresher training at least every six months. A record of all staff training shall be maintained and kept on the premises and made available on request to an authorised officer of the Council or the Police. The records shall be kept for a minimum of 12 months and made available for inspection by the police, licensing officers of other authorised officers.
9. Incident Logs – An incident log shall be kept on 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 shall be made available on request to an authorised officer of the Council and the Police. The log 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 is to be checked on a weekly basis by the DPS of the premises.

- 10. The Premises Licence Holder, the DPS or Senior Manager (who must hold a personal licence) will complete a written risk assessment as to the requirement for SIA registered Door Supervisors to be employed at the premises. The written risk assessment must be made available to an authorised officer or police officer immediately upon request. The premises will abide by any reasonable request by Dorset Police for SIA registered door staff to be deployed at the premises. Any request of this type will be made in writing.**
- 11. That no drinks be permitted to be taken outside at any time.**
- 12. That both rear access doors of the premises only be used for emergency use after 21:00 hours.**
- 13. No doors to be left or propped open after 21:00 hours.**
- 14. That 'The Crazy Camel Ltd' are required to become members and participate in the local Pubwatch scheme, as long as such a scheme is available.**
- 15. That there be no live streaming.**
- 16. In regard to the provision of live and recorded music, the Sub-Committee grant permission for such activity between 23:00 hrs and 00:00 hrs on Friday and Saturday only. During the performance of such regulated entertainment all doors and windows will remain closed.**
- 17. In regard to the provision of live and recorded music the Sub-Committee grant permission for such activity between 23:00 hrs and 01:00hrs on St Patrick's Day, Good Friday, Easter Saturday, Easter Sunday and New Year's Eve. During the performance of such regulated entertainment all doors and windows will remain closed.**
- 18. In regard to the provision of live and recorded music the**

Sub-Committee grant permission for such activity between 23:00 hrs to 00:00 hrs on Christmas Eve. During the performance of such regulated entertainment all doors and windows will remain closed.

19. Off sales are to be in sealed containers only.
20. That an awning be erected within the curtilage of the premises.
21. That provision for portable smoking debris receptacles be provided and their use enforced.
22. The Sub-Committee will only permit the provision of late night refreshments on Friday and Saturday between 23:00 hrs and 00:00 hrs, indoors only and on St Patricks Day, Good Friday, Easter Saturday and Easter Sunday between the hours of 23:00 hrs and 01:00 hrs indoors only and on Christmas Eve between the hours of 23:00 hrs and 00:00 hrs indoors only.

Reasons for the decision

1. The Sub-Committee is satisfied that the Conditions as agreed between the Applicant and Dorset Police and Environmental Health, after the Application was submitted to the Licensing Authority, are appropriate for the promotion of the four licensing objectives
2. The Sub-Committee is satisfied that the additional Conditions are appropriate to ensure the promotion of the licensing objectives and specifically relating to the prevention of public nuisance.

The Sub-Committee did not find any evidence to justify a refusal of the Application.

In making its decision, the Sub-Committee have had regard to the Borough of Poole Licensing Policy, the guidance as set out by the Secretary of State and the licensing objectives as set out in the Licensing Act 2003.

All parties have the right of appeal to the Magistrates Court within 21 days of receipt of this decision in writing.

