

LICENSING SUB-COMMITTEE

FRIDAY, 3RD MAY, 2019

PRESENT:

Sub Committee members: Councillors David Kelsey, Andrew Morgan and John Trickett

The reserve member, Councillor Kieron Wilson, was not required.

5 Election of Chairman

RESOLVED: That Councillor Andrew Morgan be elected Chairman of the Sub-Committee for the duration of the meeting.

6 Apologies

There were no apologies for this meeting.

7 Declarations of Interests

There were no declarations of pecuniary interests or other interests.

The Chairman asked for it to be noted that the application was in his ward of Talbot and Branksome Woods, and not the Queens Park ward as stated in the report. He had no interest to declare.

8 Consideration of Temporary Event Notices - Saxo Bar, 57-59 Charminster Road, Bournemouth, BH8 8UE

The Sub Committee considered two Temporary Event Notices (TENS) given by Mr Philip Day of Laceys Solicitors on behalf of Mr Majid Razi, to enable the premises known as Saxo Bar, 57 - 59 Charminster Road, to operate from 02:00 hours to 05:00 hours on 12 and 19 May 2019 for the sale of alcohol, the provision of regulated entertainment and the provision of late-night refreshment.

The Licensing Manager introduced the report which had been circulated at '4'. The TENS had been made on 25 April 2019. An objection notice was received from Dorset Police on 25 April 2019 in relation to the prevention of crime and disorder licensing objective. The report included a copy of the current premises licence and associated conditions, including conditions attached after previous hearings by the Licensing Authority in relation to a variation application and a review. The Licensing Manager referred to the notice submitted for a temporary event which was held at the premises on 13 April 2019 with no complaints received.

Following the publication of the report additional information was submitted on behalf of the applicant and circulated to all parties including Members of the Sub Committee.

The procedure for the hearing was agreed by all parties.

The following persons attended the Sub Committee and gave verbal evidence based on their written submissions:

- On behalf of Dorset Police:
 - Police Sergeant Gareth Gosling - Drug and Alcohol Harm Reduction Team
 - Louise Busfield - Licensing Officer

- On behalf of the premises:
 - Philip Day – Partner on behalf of Lacey's Solicitors.
 - Majid Razi – Premises Licence Holder and current Designated Premises Supervisor (DPS)

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 and to sum up, before the Sub Committee retired to make its decision.

DECISION MADE:

That counter notices be issued by the Licensing Authority in respect of the temporary event notices given for 12 and 19 May 2019 at Saxo Bar, 57 - 59 Charminster Road, on the grounds that the proposed events would undermine the prevention of crime and disorder licensing objective and therefore should not take place.

REASON FOR DECISION:

The Chairman explained that the Sub-Committee had taken account of the written evidence that had been submitted before the meeting along with the verbal submissions provided at the meeting.

In accordance with paragraph 14.27 of the Revised Guidance issued under Section 182 of the Licensing Act 2003 by the Home Office, the Sub Committee noted that although the premises was situated within a cumulative impact area (CIA), CIAs did not apply to TENS.

The Sub Committee shared the concerns expressed by Dorset Police that it was still too soon for the temporary events to take place, following numerous breaches of conditions on the current licence being identified in March and April 2019. These breaches were set out in the objection notice given by Dorset Police and had resulted in Dorset Police issuing verbal and written warnings to the Mr Razi. It was noted that Mr Razi and his legal representative reported that all changes required by Dorset Police had now been implemented.

However, the Sub Committee did not consider that the remedial period had been long enough to establish whether Mr Razi was able to embed and sustain these improvements at the premises over a long period of time, or whether they were a short-term reaction to the issues identified by Dorset Police. The Sub Committee did not have sufficient confidence in the current management of the premises to be assured the temporary events would not result in the prevention of crime and disorder licensing objective being undermined. While the Sub Committee appreciated the difficulties of Mr Razi in making his business economically viable, it was only able to take into consideration the licensing objectives when determining whether or not the events should take place.

Note: The Chairman referred to the recommendations in the report and explained that while this had not been raised by any party during the hearing the correct terminology which should be used in considering TENS (and which the Sub Committee had applied) was either to allow the event to go ahead as applied for or with one of more conditions of the current licence attached, or to issue a counter notice to prevent the event from going ahead.

The Senior Solicitor advised all parties that any persons aggrieved by the decision would have the right of appeal to the Magistrates Court, and any such appeal should be lodged within 21 days of receiving the decision letter.

Friday, 3rd May, 2019

The meeting was adjourned between 10.10am and 10.27am

Duration of the meeting: 9.15am - 10.31 am

Chairman at the meeting on
Friday, 3 May 2019