

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 12 June 2019 at 2.30 pm

Present:-

Cllr D A Flagg – Chairman

Present: Cllr B Dion, and Cllr D Kelsey

9. Election of Chairman

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

Voting: Unanimous

10. Apologies

No apologies have been received on this occasion.

11. Declarations of Interests

There were no declarations received on this occasion.

12. Application for a Premises Licence - Licensing Act 2003 - Tom's Bar, 1 Church Street, Christchurch.

The Chairman opened the meeting, made introductions and explained the procedure for the hearing.

The Licensing Act 2003 requires the council as the Licensing Authority to issue premises licences. Where there are representations to an application for a premises licence the council must hold a hearing to consider those representations and decide whether to grant a premises licence under the Licensing Act 2003.

The Sub-Committee were asked to consider the Premises Licence application for:

- the supply of alcohol both on and off the premises between 0900 and 2300hrs Sunday to Wednesday, 0900 to 2400hrs on Thursdays and 0900 to 0100hrs Fridays and Saturdays
- recorded music that is either unamplified or only played through the in-house background music system between 0900 and 2300hrs Sunday to Wednesday, 0900 to 2400hrs on Thursdays and 0900 to 0100hrs Fridays and Saturdays
- late night refreshment indoors between 2300 and 2400 on Thursdays and 2300 to 0100 Fridays and Saturdays

- opening hours of the premises are 0900 to 2300hrs Sunday to Wednesday, 0900 to 2400hrs on Thursdays and 0900 to 0100hrs Fridays and Saturdays

The Public Health and Protection Manager presented a report, which summarised the details of the application, as set out in Agenda Item 4, a copy of which had been circulated to each Member of the Sub-Committee and a copy of which appears as Appendix 'A' to these Minutes in the Minute Book. The application had resulted in representations from 10 other persons under some or all of the prevention of public nuisance, the prevention of crime and disorder, public safety and the prevention of children from harm licensing objectives

Following the publication of the report, additional information had been submitted by two of the other persons and circulated to all parties including Members of the Sub Committee. The Applicant did respond to this additional information and this was circulated to Members of the Sub-Committee and Town Councillor Tarling, on behalf of Mr Peter Fenning and Jane Parkinson who had indicated they wished to speak at the hearing.

In response to a question from a Councillor, the Public Health and Protection Manager confirmed that since the premises had been operating under Temporary Event Notices (TEN) there had not been any complaints regarding the operation. He also confirmed that the Planning Section had advised that the applicant had complied with the Planning Conditions set out on the Planning Permission dated 22/3/19 in respect to Waste Management and Acoustics.

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

On behalf of the Applicant:

- Sandra Graham – Solicitor representing the applicant Toms Event Bars Ltd
- Tom Owen – Director and owner of the premises
- Suze Owen – Wife of Tom Owen

In objection:

- Town Councillor Tarling, on behalf of Mr Peter Fenning
- Jane Parkinson – owner of flat in the same building as the premises

Councillors asked questions of those making representations, heard details of the smoking policy and waste management policy. All parties were then able to sum up before the Sub-Committee retired to make their deliberations.

Members considered of all the evidence placed before them and reached a decision.

It was RESOLVED that:

the licence be granted as applied for, subject to the conditions as set out on page 35, agreed with the Police, and with the following additional conditions:

- (a) The contact number for the premises and Bar Manager be passed to all residents in neighbouring properties;**
- (b) No drinks to be taken outside of the licensed area, except for off-sales;**
- (c) no removal of refuse and waste, including empty bottles, between the hours of 21:00 and 7:00;**
- (d) The main front door for customer access shall be fitted with a self-closer and thereafter retained. The door must be kept closed at all times save for ingress and egress;**
- (e) The scheme for acoustic insulation between the ground floor and first floor accommodation that has been submitted and agreed in writing with the Local Planning Authority shall be retained; and**
- (f) No live music or amplified recorded music is permitted to be played within the premises except through the in-house background music system at any time.**

Reasons for Decision

The sub-committee gave detailed consideration to the written evidence that had been submitted before the hearing, along with the verbal submissions made at the hearing. They took account of the Statement of Licensing Policy, The Licensing Act 2003 and the Statutory Guidance and were aware that there was a presumption of grant in respect of the application.

The sub-committee recognised that no representations had been made by any Responsible Authority and that during the consultation period conditions had been agreed with Dorset Police as set out in appendix 2. They also noted that the premises were situated in an area identified in the Local Plan Core Strategy, as having a greater potential for an increased diversity of uses that contribute to the overall vitality and viability of the town centre including class A4 drinking establishments.

They noted that planning conditions regarding acoustics and waste Management had been complied with which would promote the licensing objective of prevention of public nuisance, together with the conditions added regarding not taking drinks outside, not removing refuse from the premises between 9pm and 7am and those similar to the planning permission already granted regarding the door closer and music only being played through the in-house background music system.

The sub-committee were satisfied that the Applicant Company had experience in managing licensed premises and appeared to wish to work with his neighbours and was willing to offer a contact number to be given to neighbours in case of disturbance. They noted that they had been advised that 3 / 4 staff should be on duty in the evening and the sub-committee considered this should be adequate to promote the licensing objectives in such a small premise. They also noted that the premises had been operating successfully under TENS for a period of time.

They were satisfied that the premises if operated as outlined in the application and verbally at the hearing, together with the conditions added by the sub-committee should not undermine the Licensing Objectives

The Chairman 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.

Voting: Unanimous

The meeting ended at 4.40 pm

CHAIRMAN