

Notice of Licensing Sub-Committee

Date: Tuesday, 13 October 2020 at 10.00 am

Venue: Virtual



Membership:

Cllr R Burton

Cllr J J Butt

Cllr D Farr

All Members of the Licensing Sub-Committee are summoned to attend this meeting to consider the items of business set out on the agenda below.

The press and public are welcome to view the live stream of this meeting at the following link:

<https://democracy.bcpCouncil.gov.uk/ieListDocuments.aspx?CId=289&MId=4375&Ver=4>

If you would like any further information on the items to be considered at the meeting please contact: Democratic Services, democratic.services@bcpCouncil.gov.uk

Press enquiries should be directed to the Press Office: Tel: 01202 454668 or email press.office@bcpCouncil.gov.uk

This notice and all the papers mentioned within it are available at democracy.bcpCouncil.gov.uk

GRAHAM FARRANT
CHIEF EXECUTIVE

5 October 2020



Available online and
on the Mod.gov app



Maintaining and promoting high standards of conduct

Declaring interests at meetings

Familiarise yourself with the Councillor Code of Conduct which can be found in Part 6 of the Council's Constitution.

Before the meeting, read the agenda and reports to see if the matters to be discussed at the meeting concern your interests

Do any matters being discussed at the meeting relate to your registered interests?

Disclosable Pecuniary Interest

Yes

Declare the nature of the interest

Do NOT participate in the item at the meeting. Do NOT speak or vote on the item EXCEPT where you hold a dispensation

You are advised to leave the room during the debate

Local Interest

Yes

Declare the nature of the interest

Applying the bias and pre-determination tests means you may need to refrain from speaking and voting

You may also need to leave the meeting. Please seek advice from the Monitoring Officer

No

Do you have a personal interest in the matter?

Yes

Consider the bias and pre-determination tests

You may need to refrain from speaking & voting

You may also need to leave the meeting. Please seek advice

No

You can take part in the meeting speak and vote

What are the principles of bias and pre-determination and how do they affect my participation in the meeting?

Bias and predetermination are common law concepts. If they affect you, your participation in the meeting may call into question the decision arrived at on the item.

Bias Test

In all the circumstances, would it lead a fair minded and informed observer to conclude that there was a real possibility or a real danger that the decision maker was biased?

Predetermination Test

At the time of making the decision, did the decision maker have a closed mind?

If a councillor appears to be biased or to have predetermined their decision, they must NOT participate in the meeting.

For more information or advice please contact the Monitoring Officer
(anne.brown@bcpcouncil.gov.uk)

Selflessness

Councillors should act solely in terms of the public interest

Integrity

Councillors must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships

Objectivity

Councillors must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias

Accountability

Councillors are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this

Openness

Councillors should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing

Honesty & Integrity

Councillors should act with honesty and integrity and should not place themselves in situations where their honesty and integrity may be questioned

Leadership

Councillors should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs

AGENDA

Items to be considered while the meeting is open to the public

1. Election of Chairman

To elect a Chairman of this meeting of the Licensing Sub-Committee.

2. Apologies

To receive any apologies for absence from Members.

3. Declarations of Interests

Councillors are requested to declare any interests on items included in this agenda. Please refer to the workflow on the preceding page for guidance.

Declarations received will be reported at the meeting.

4. Protocol for Public Representation at Virtual Meetings

5 - 8

In response to the Government's guidance to limit the spread of Coronavirus and restrictions around the gathering of more than two people, the following items of business will be conducted as virtual hearings in accordance with Government Regulations and Article 16 of the Council's Constitution. This approach has been taken to ensure the Council is compliant with the current restrictions and is not putting participants and members of the public at risk.

A revised protocol for public representation at formal virtual meetings of the Licensing Sub Committee is included with the agenda sheet for this meeting.

5. Application for a New Premises Licence The Reefsides Kiosks, Boscombe Pier, BH5 1BN

9 - 34

An application has been received for a new Premises Licence for the premises known as 'The Reefsides Kiosks', Boscombe Pier, BH5 1BN. This matter is brought before the Licensing Sub-Committee for determination.

6. Exclusion of Press and Public

In relation to the items of business appearing below, the Committee is asked to consider the following resolution: -

'That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1 and 2 in Part I of Schedule 12A of the Act and that the public interest in withholding the information outweighs such interest in disclosing the information.'

7. Consideration of Suitability of Renewal of Public Carriage Driver Licence In the Bournemouth Zone

35 - 50

The Sub-Committee is asked to consider the suitability of the renewal of a Public Carriage Driver Licence in the Bournemouth Zone.

No other items of business can be considered unless the Chairman decides the matter is urgent for reasons that must be specified and recorded in the Minutes.



LICENSING COMMITTEE AND SUB COMMITTEE

PROTOCOL FOR PUBLIC REPRESENTATION AT VIRTUAL MEETINGS

The existing protocol for public speaking has been adapted to apply in respect of virtual hearings under the Licensing Act 2003, the Gambling Act 2005, and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by the Policing and Crime Act 2009).

It has been amended in accordance with Article 16 of the Council's Constitution: Covid-19 Interim Decision Making Arrangements, and the requirements of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

This includes applications relating to the licensing of alcohol, regulated entertainment, late night refreshment, gambling, and sex establishments, Hackney Carriage and Private Hire vehicles, which are the responsibility of the Licensing Committee/Sub Committee to determine as set out in Part 3.3 of the Council's Constitution.

1. The Chair welcomes everyone, matters of general housekeeping are dealt with, notification that the hearing may be recorded for live and subsequent broadcast on the Council's website, reminder to switch mobile phones to silent, principles for managing formal skype meetings.
2. The Chair identifies all parties present and makes introductions.
3. Matters of general housekeeping are dealt with, notification that the hearing may be recorded for live and subsequent broadcast on the Council's website, reminder to switch mobile phones to silent.
4. All persons who have given notice of their intention to speak are identified.
5. Identify if any person who wishes to withdraw a representation or wishes not to speak
6. Chair explains proposed procedure and order of speaking for hearing as set out in Appendix A. All parties confirm agreement or make representations on procedure proposed.
7. Licensing Officer's report is presented.
8. Parties present their representations in the order agreed.
9. Parties who are speaking should not repeat the information which they have already given in writing in their representation. They will be able to expand on the written information given, provided the information remains relevant. Any addition information should be limited to the grounds of their representation(s). For example, if they are objecting on the grounds of Public Nuisance, then they should confine their comments to matters relating to Public Nuisance.
10. Members of the Licensing Committee or Sub Committee may ask questions after each representation and at the end of all representations. Parties, will be allowed to ask questions through the Chair.

11. Following representations, the parties will be given the opportunity to sum up. Party who spoke first to go last. The hearing will then conclude.
12. Members will deliberate in private with the clerk and legal representative as appropriate present.
13. The decision will be taken by the Committee and notification of the decision will be given within the period of five working days beginning with the day or the last day on which the hearing was held in accordance with the regulations. The notification of decision will include information about the right of appeal as appropriate.
14. The Legal Advisor will advise the parties of any right of appeal as appropriate at the conclusion of the hearing.

General points

- The hearing may be adjourned at any time at the discretion of the Members
- Members may amend the procedure at any time if they consider it to be in the public interest or in the interest of a fair hearing
- The Sub Committee may decide to conduct all or part of a hearing in non public session where it considers the public interest in doing so, outweighs the public interest in the hearing.
- The Chair may exclude any person from a hearing for being disruptive.
- Meetings of the Licensing Committee in public session are recorded by the Council for live and subsequent broadcast on its website.
- The hearing will take the form of a discussion.
- Only persons (or their representatives) who have made an application, are subject to an application or have submitted a written representation to the Licensing Authority under the relevant Act are permitted to speak at the hearing.
- Any further information to support an application or a representation must be submitted at least 5 working days prior to the Hearing. Any submissions submitted less than 24 hours before the hearing must be agreed by all parties at the Hearing, before it can be considered
- If a party has informed the Authority that he does not intend to participate, or be represented at the hearing, or has failed to advise whether he intends to participate or not, the hearing may proceed in his absence

For other matters in Part 3.3 of the Council's Constitution which are the responsibility of the Licensing Committee, the procedures set out in Appendix 6 of the Council's Constitution in relation to public questions, statements and petitions as amended by Article 16: Covid-19 Interim Decision Making Arrangements and the provisions in The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 shall apply.

This includes such matters as making recommendations on relevant policies, approving the level of fees charged by the Council, and making decisions on tariffs charged by the Public Carriage Trade.

The Council's Constitution can be accessed using the following link:

<https://democracy.bcpccouncil.gov.uk/ieListMeetings.aspx?CommitteeID=151&Info=1&bcr=1>

For further information please contact democraticservices@bcpcouncil.gov.uk

Proposed procedure and order of speaking for virtual hearings

- The Licensing Officer/Other Council Officer presents report
- Applicant will make their Application
- Questions of the Applicant by all parties, Members of the Committee/Sub-Committee to go first
- Responsible Authorities and Other Persons will make their representations.
- Questions of the Responsible Authorities and Other Persons. Members of the Committee/Sub-Committee to go first.
- All parties will be given an opportunity to sum up (with the party who spoke last to go first). The hearing will then conclude.
- Sub-Committee will deliberate in private with Legal Adviser and Clerk present. (Councillors new to Licensing may observe but will not take part in the decision making).
- Notification of the Sub Committee's decision will be given within the period of five working days beginning with the day or the last day on which the hearing was held in accordance with the regulations. The notification of decision will include information about the right of appeal as appropriate.
- The Legal Adviser will advise parties of any right of appeal as appropriate at the conclusion of the hearing.

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LICENSING SUB-COMMITTEE



Report subject	Application for a New Premises Licence The Reefside Kiosks, Boscombe Pier, BH5 1BN
Meeting date	29 September 2020
Status	Public Report
Executive summary	Mr Philip Day of Laceys Solicitors has made an application on behalf of Reefside Catering Limited for a new premises licence at The Reefside Kiosks, Boscombe Pier. The application is for the supply of alcohol on and off the premises Monday to Sunday 10:00 to 19:00.
Recommendations	<p>Members are asked to decide whether to:</p> <ul style="list-style-type: none"> a) Grant the application for a premises licence as made; b) Refuse the application for a premises licence; c) Grant the premises licence subject to additional conditions. <p>Members of the Licensing Sub-Committee are asked to make a decision at the end of the hearing after all relevant parties have been given the opportunity to speak. Members must give full reasons for their decision.</p>
Reason for recommendations	<p>The Licensing Authority has received 6 representations from other persons based on all the licensing objectives, namely, the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.</p> <p>The Licensing Authority may only consider aspects relevant to the application that have been raised in representation.</p> <p>Where representations have been received in relation to an application by a responsible authority or any other person, and the concerns have not been resolved through mediation between all parties, the Scheme of Delegation set out in the Council's Constitution states that these applications should be dealt with by the Licensing Sub-Committee.</p>

Portfolio Holder(s):	Councillor Lewis Allison – Tourism, Leisure and Communities
Corporate Director	Kate Ryan – Corporate Director for Environment & Community
Report Authors	Mrs T Jardim – Licensing
Wards	Boscombe West;
Classification	For Decision

Background

1. An application for a new licence under the Licensing Act 2003 was made on the 29th July 2020. See Appendix 1.
2. A plan is attached as Appendix 2.

Consultation

The application has been served on all responsible authorities and the applicant confirmed that the statutory notices were displayed on site and published in the local newspaper.

3. The application prompted representations from six other persons, including two Ward Councillors on the grounds of the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. Copies of the representations are attached at Appendix 3.

Options Appraisal

4. Before making a decision, Members are asked to consider the following matters: -
 - The representation made by other persons.
 - The submissions made by or made on behalf of the applicant.
 - The relevant licensing objectives, namely the prevention of crime and disorder, public safety, public nuisance and protection of children from harm.
 - The Licensing Act 2003, Regulations, Guidance and Council's Statement of Licensing Policy.

Summary of financial implications

5. N/A

Summary of legal implications

6. If Members decide to refuse the application or attach conditions to the licence which the applicant does not agree to, the applicant may appeal to the Magistrates' Court within a period of 21 days beginning with the day that the applicant is notified, in writing, of the decision.

Summary of human resources implications

7. N/A

Summary of sustainability impact

8. N/A

Summary of public health implications

9. N/A

Summary of equality implications

10. N/A

Summary of risk assessment

11. N/A

Background papers

Bournemouth Borough Council's Statement of Licensing Policy:

<https://www.bournemouth.gov.uk/Business/Licensing/documents/StatementofLicensingPolicyLA2003.pdf>

Appendices

- 1 – Copy of Licence Application.
- 2 – Plan showing location of the premises.
- 3 – Copies of the representations.

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RECEIVED: 29/07/2020
M177800**Application for a premises licence to be granted under the Licensing Act 2003****PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I/We Reefside Catering Limited*(Insert name(s) of applicant)*

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description The Reefside Kiosks Boscombe Pier Undercliffe Drive Boscombe			
Post town	Bournemouth	Postcode	BH5 1BN
Telephone number at premises (if any)		TBA	
Non-domestic rateable value of premises		Kiosk 1 £15,500 + Kiosk 2 £16,250	

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- | | | |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i as a limited company/limited liability partnership | <input checked="" type="checkbox"/> | please complete section (B) |
| ii as a partnership (other than limited liability) | <input type="checkbox"/> | please complete section (B) |
| iii as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |
| e) the proprietor of an educational establishment | <input type="checkbox"/> | please complete section (B) |
| f) a health service body | <input type="checkbox"/> | please complete section (B) |
| g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales | <input type="checkbox"/> | please complete section (B) |
| ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England | <input type="checkbox"/> | please complete section (B) |
| h) the chief officer of police of a police force in England and Wales | <input type="checkbox"/> | please complete section (B) |

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☒

I am making the application pursuant to a
 statutory function or ☐
 a function discharged by virtue of Her Majesty's prerogative ☐

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name Reefside Catering Limited
Address 1105 Christchurch Road Bournemouth BH7 6BQ
Registered number (where applicable) 07270579
Description of applicant (for example, partnership, company, unincorporated association etc.) Private Limited Company
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

AS SOON AS POSSIBLE

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please give a general description of the premises (please read guidance note 1)

The premises consist of what were originally four kiosks (but are now two) either side of the entrance to Boscombe Pier and an external area included within the lease granted by (now) BCP Council. The buildings are listed but are located outside any cumulative impact area.

The application is a little unusual in that although it includes sales for consumption both on and off the premises, the consumption of alcohol inside any of the buildings would not be permitted – “On-sales” are included simply to allow service and sales in the external area identified on the plans attached to the application. The conditions proposed are modelled on those recently agreed for other premises in the locality.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

Not applicable

What licensable activities do you intend to carry on from the premises?
(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A) ☐
- b) films (if ticking yes, fill in box B) ☐
- c) indoor sporting events (if ticking yes, fill in box C) ☐
- d) boxing or wrestling entertainment (if ticking yes, fill in box D) ☐
- e) live music (if ticking yes, fill in box E) ☐
- f) recorded music (if ticking yes, fill in box F) ☐
- g) performances of dance (if ticking yes, fill in box G) ☐
- h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H) ☐
- Provision of late night refreshment** (if ticking yes, fill in box I) ☐
- Supply of alcohol** (if ticking yes, fill in box J) ☒

In all cases complete boxes K, L and M

PLEASE NOTE THAT BOXES A TO I ARE BLANK AND HAVE NOT BEEN REPRODUCED IN THE INTEREST OF SAVING PAPER AND SUSTAINABILITY GENERALLY

J

Supply of alcohol Standard days and timings (please read guidance note 7)			<u>Will the supply of alcohol be for consumption – please tick</u> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 5) None.		
Mon	10:00	19:00			
Tue	10:00	19:00			
Wed	10:00	19:00			
Thur	10:00	19:00	<u>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 6) None		
Fri	10:00	19:00			
Sat	10:00	19:00			
Sun	10:00	19:00			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name Van Hubball	
Date of birth	
Address	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known) East Staffordshire Borough Council	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

No adult entertainment, services activities etc will be provided.

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5)
Day	Start	Finish	None.
Mon	08:00	20:00	
Tue	08:00	20:00	
Wed	08:00	20:00	
Thur	08:00	20:00	
Fri	08:00	20:00	
Sat	08:00	20:00	
Sun	08:00	20:00	
			<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6)
			None

M

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

The relevant mandatory conditions shall apply to the licence.

The consumption of alcohol inside any building included within the licence shall be prohibited.

No beer lager or cider of a strength greater than 5.5% ABV shall be stocked or sold. No bottles of spirits shall be sold for consumption either on or off the premises but this will not prevent the sale of spirits for consumption on the premises (i.e. the external area), provided that the same are supplied as an ingredient in a mixed drink (such as a gin and tonic or “Pimms”).

All alcoholic drinks served for consumption within the licensed areas (i.e. the external area shown on the plan) shall be decanted into non-glass drinking vessels.

All alcoholic drinks sold for consumption off the premises will be supplied in sealed containers and no more than 2 litres of beer, lager or cider shall be sold in a single transaction.

The premises licence holder shall take all reasonable steps to ensure that patrons using any outside areas do so in a quiet and orderly fashion.

b) The prevention of crime and disorder

A CCTV system shall be installed to cover the external area included within the licence and any internal area from which alcohol can be selected for purchase.

The CCTV system shall continually record whilst the premises is open for licensable activities.

All recordings shall be stored for a minimum period of 31 days with correct date and time stamping.

A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times the premises are open to the public. Subject to the tests provided for in the Data Protection Act being met, this staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested and to download and provide recordings in a playable format.

Appropriate signage advising customers of CCTV being in operation, shall be prominently displayed.

A documented check of the CCTV shall be completed weekly to ensure all cameras remain operational and the 31 day storage of recordings is being maintained.

An incident log shall be kept at the premises. The log shall include the date and time of the incident and the name of the member of staff involved and made available on request to an authorised officer of the council or the police, which shall record the following:-

Any incidents of disorder;

Any faults in the CCTV system;

Any refusal of the sale of alcohol;

Any visit by a relevant authority or emergency service;

All crimes reported to the venue;

This log will be checked on a weekly basis by the licence holder or a responsible person that is nominated in writing.

c) Public safety

Note – not to form part of any licensing condition – the applicant has not identified any issue under this licensing objective and does not propose any specific conditions.

d) The prevention of public nuisance

The premises licence holder shall take all reasonable steps to ensure that patrons using the external area do so in a quiet and orderly fashion and shall arrange for all litter to be cleared away on a regular basis and at the end of trading on each day.

Prominent signage shall be displayed requesting customers not to leave litter on the beach and to use the bins provided.

e) The protection of children from harm

The age verification scheme required by the mandatory conditions shall specify that a "Challenge 25 scheme" will be operated so that any customers who appear to be under 25 years of age shall be required to prove their age when purchasing alcohol in accordance with the mandatory conditions. Signage advertising the policy shall be displayed at the premises.

All staff involved in the sale of alcohol shall receive training on the law relating to prohibited sales, the age verification policy adopted by the premises and the conditions attaching to the premises licence.

Refresher training shall be provided at least once every six months. A record shall be maintained of all staff training and that record shall be signed by the person receiving the training and the trainer. The record shall be kept for a minimum of 12 months and made available for inspection by the police, licensing or other authorised officers.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee. ☒
- I have enclosed the plan of the premises. ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☒
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. ☒
- I understand that I must now advertise my application. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15). ☐

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION,

ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

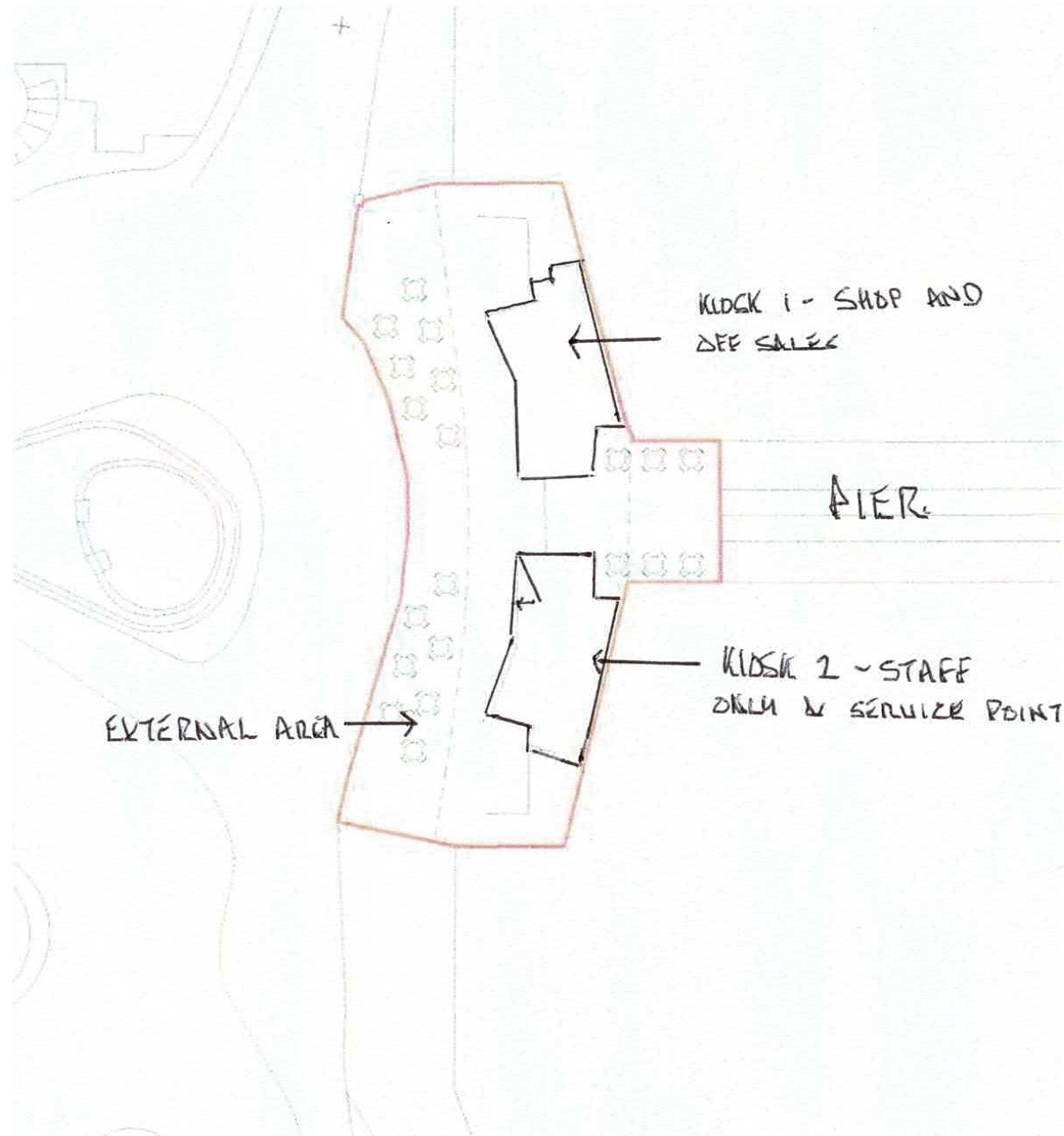
Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	Philip J Day for Laceys Solicitors LLP
Date	29 th July 2020
Capacity	Solicitors for the Applicant

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14) Philip Day Laceys Solicitors LLP 9 Poole Road			
Post town	Bournemouth	Postcode	BH2 5QR
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

The Notes do not form part of the application form and have not been reproduced in the interest of sustainability.

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From: [Noel Oliver](#)
To: [Licensing Com](#)
Subject: Premise License representation
Date: 13 August 2020 13:50:59
Attachments: [image002.jpg](#)

Application Ref : M177800

Name of Premises: The Reefside Kiosks

Address of Premises: Boscombe Pier, Undercliffe Drive, Bournemouth, BH5 1BN

Reasons for Representation:

The Prevention of Crime and Disorder – Seafront Operations consider that the provision of alcohol for On/Off premises consumption in an area known to be affected by anti-social behaviour would be detrimental to the area and cause a foreseeable uplift in Police demand to the area.

The Prevention of Public Nuisance - The layout of the premises does not give confidence to Seafront Operations that the operator will be capable of retaining control and a duty of care over patrons that purchase alcohol from the premises as firstly there appears to be no dedicated toilet facilities detailed on the plans, which will encourage customers to use municipal toilets or seek alternatives on the occasions when they are out of service. Secondly, there is no apparent permanent demarcation which will detail where the premises ends and the public area begins. This creates confusion and uncertainty as to the areas of responsibility for the premises. The demarcation from crowd barriers is not suitable as these can easily be removed or ignored.

regards



Noel Oliver
Contract & Commercial Manager
Destination and Culture

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From: [Councillor Jane Kelly](#)
To: [Licensing Com](#)
Subject: Premise License representation
Date: 14 August 2020 11:15:23
Attachments: [image002.png](#)

Application Ref : M177800

Name of Premises: The Reefsides Kiosks

Address of Premises: Boscombe Pier, Undercliff Drive, Bournemouth, BH5 1BN

Reasons for Representation:

The Prevention of Crime and Disorder – As Ward Councillor for Boscombe West I consider that the provision of alcohol for On/Off premises consumption in an area known to be affected by anti-social behaviour would be detrimental to the area and cause an inevitable increase in incidents requiring Police and Security officers' presence.

The Prevention of Public Nuisance – The sale of alcohol in this location would encourage street drinking around the pumping station and more requirement for public toilets than the current level. We have had issues in the past with rough sleeping in the enclosed seating areas behind the kiosks and I feel that this could again escalate if alcohol were available at the kiosks. Anti-social behaviour would probably also escalate and the refusal to serve those who were already drunk would cause situations not beneficial to our visitor experience.

The granting an off sales licence for sites which don't have customer facilities or staff able to engage with difficult customers etc would not improve our tourism offer of a family friendly seaside resort. We already have problems with large groups congregating below the Pier every weekend holding 'Raves'. If any potential license was given agreement into the evening hours, this would exacerbate the above issues, causing local residents to experience potential noise and intimidating behaviour.

The Protection of Children from Harm – There are often many children with their families in the area of the kiosks and so it would be entirely inappropriate to combine the sales of beach accessories, sweets and gifts in one, ice-creams, snacks and hot and cold soft drinks in the other, with alcohol, in what is often a very crowded area where families congregate and queue for refreshments. There is The Neptune Pub immediately opposite and Urban Reef just a few hundred yards away, both of which cater for the sale of alcohol, no further availability is desirable or appropriate.

I hope that the above comments will be noted and taken into consideration when this application is determined.

Kind regards

Jane



Shadow Cabinet Member for Neighbourhoods

From: [Councillor Anne Filer](#)
To: [Licensing Com](#)
Cc: [Councillor Roberto Rocca](#)
Subject: Application M177800 Boscombe Pier
Date: 18 August 2020 10:00:39
Attachments: [image001.jpg](#)

I am writing as the ward councillor for East Cliff & Springbourne Ward, which begins just a metre from the application premises. I am also writing on behalf of my ward colleague, Cllr. Roberto Rocca. The details of my objection are as follows:

Application Ref : M177800

Name of Premises: The Reefside Kiosks

Address of Premises: Boscombe Pier, Undercliff Drive, Bournemouth, BH5 1BN

Reasons for Representation:

The Protection of Children from Harm – There are always many children with their families in the area of the kiosks and so it would be entirely inappropriate to combine the sales of beach accessories, sweets and gifts in one, ice-creams, snacks and hot and cold soft drinks in the other, with alcohol. In good weather, throughout the year, this is a crowded area, where families congregate and queue for refreshments. Topsy or drunken customers and young children simply do not mix.

There is The Neptune Pub immediately opposite and Urban Reef just a few hundred yards away, both of which cater for the sale of alcohol, no further availability is desirable or appropriate.

The Prevention of Crime and Disorder – I consider that the provision of alcohol for On/Off premises consumption in an area known to be affected by anti-social behaviour would be detrimental to the area and cause an inevitable increase in incidents requiring Police and Security officers' presence.

The Prevention of Public Nuisance – The sale of alcohol in this location would encourage street drinking around the pumping station and more requirement for public toilets than the current level. Anti-social behaviour would likely escalate and the refusal to serve those who were already drunk would cause situations not beneficial to our visitor experience.

The granting an off sales licence for sites which don't have customer facilities or staff able to engage with difficult customers can only be of detriment to a family friendly seaside resort. We already have problems with large groups congregating below the Pier every weekend. If any potential license was given agreement into the evening hours, this would exacerbate the above issues, causing local residents to experience potential noise and intimidating behaviour.

I hope that the above comments will be noted and taken into consideration when this application is determined.

Kind regards

Anne Filer & Roberto Rocca



Councillor Anne Filer
East Cliff & Springbourne Ward
bcpcouncil.gov.uk

Licensing Team,
Town Hall Annes,
St Stephens Road,
Bournemouth,
BH2 6DY

19th August, 2020

Dear Sir/Madam

RE: M177800 Reefside Catering Limited

I and my father have apartments at Honeycombe Beach Apartment numbers and . We would strongly object to even more Alcohol being sold on the seafront around Boscombe Pier. I am also a Director of the Honeycombe Beach Residents Association and have been informed by a number of Residents that they have sent numerous letters regarding the trouble that has occurred recently.

This year has been particularly bad and if the various departments within Bournemouth Council Liaised you would see the numerous complaints that have been raised regarding the number of drunk individuals often in large groups who consume large amounts of alcohol and drugs and play loud music throughout the night. This has impacted on the Health and caused anxiety to the residents at Honeycombe Beach. The Police have also been informed on a number of occasions.

Boscombe Beach has always been promoted as a Safe Family Beach not a playground for the drunk and disorderly. We can not allow drunk selfish individuals to disturb the comfort, safety and security of both residents and families visiting this Beach. The current situation will put off Families visiting the beach and impact on the tourist trade.

On tap alcohol being sold from the Kiosks will only make this problem worse.

We strongly object.

Yours faithfully,

From:
To: [Licensing Com](#)
Cc: [Councillor Jane Kelly](#)
Subject: The Reefsides kiosks, Boscombe Pier
Date: 19 August 2020 18:43:28

Good afternoon,

I have received an email from Cllr Jane Kelly with information regarding the application for an alcohol license request from Boscombe Pier Kiosks.

My husband and I have lived in UnderCliff Road for 20 years and have been blighted by revellers coming off the beach " full of booze" this year.

We would like to add our objections as comprehensively outlined by Cllr Jane Kelly.

We have experienced increasing antisocial behaviour.

We have an annual license to a beach hut near by (20 years) and the gaps between each have been used as a toilet as absolutely stinks most of the time.

The police have to attend almost on a daily basis in fine weather due to drunken behaviour. Noise levels have increased into the early hours of the next day and all summer subjected to "Raves" under the pier every weekend.

There is also a constant smell of cannabis and rowdy behaviour, beer and wine bottles everywhere and because public toilets close at night the acrid smell of urine and human waste is everywhere around the pier.

We have been woken in the early hours by drunks in groups walking up Sea Road singing and shouting or raging at one another.

We have more than adequate availability to purchase alcohol at James and White Bistro in Sea Road, The Harvester Pub and Urban Reef Restaurant to the left of the pier.

In fact since the relaxation of the lockdown large gatherings have taken place outside The Harvester and Urban Reef as well as on the beach under the pier.

This has often become a "no go" area and we have witnessed families moving away.

This is meant to be a safe and family friendly beach and adding yet another outlet source to purchase alcohol will potentially have a further detrimental affect to our area.

We even have security personnel here at the moment to manage issues and keep us safe.

We strongly object to this application.

Kind regards

Honeycombe Chine
Boscombe
BH5 1LG

Licensing Team
Town Hall Annex
St Stephens Road
Bournemouth
BH2 6DY

2 September 2020

Dear Sir/Madam

New Premises Licence Application Reference M177800
Reefside Catering Limited, Reefside Kiosks Kiosk 1 & 2 Boscombe Pier Sea Road,
Boscombe, Bournemouth BH5 1BN

We strongly object to the application made by Reefside Kiosks for an alcohol licence (see application below). Our reasons are as follows:

The prevention of crime and disorder

For alcohol to be sold by Reefside Kiosks on or off their premises situated next to Boscombe Pier could encourage extensive drinking by individuals from 10 am in the morning to 7pm with purchasers likely to take tins and glass bottles of alcohol onto the beach where families are relaxing and children playing safely. The easier it is for people to purchase freely available and inexpensive alcohol next to the beach could lead to drunken and disorderly behaviour.

In addition, easy access to alcohol could incentivise even more so, gatherings of young people on the beach or nearby, partaking in parties and raves, which could constitute a breach of the peace. Please see attached our letter sent on 21 July 2020 to Ms Kelly Ansell and Mr Chris Saunders. Ms Ansell responded by email on 23 July 2020. (Ms Ansell is the Service Director – Communities Environment and Community at BCP Council). Our complaint and Ms Ansell's response were in respect of rave parties that now happen on a regular basis on the beach below and close to Boscombe Pier.

Public Safety

In the interests of public safety, it would not be advisable to have available a shop selling take away alcohol next to the beach. This is likely to result in tins and glass bottles being discarded by purchasers who have been drinking alcohol and who may not be as careful and thoughtful as those not consuming take away alcohol.

It is a different scenario for The Harvester and Urban Reed who sell alcohol in a responsible way by providing tables for their customers to sit and enjoy their drinks and who ensure that all resultant litter is speedily and safely removed.

The prevention of public nuisance

The more alcohol that is sold in a small area frequented largely by families and children could lead to drunken and disorderly behaviour by those drinking to excess. We would again refer you to Ms Ansell's email dated 23 July 2020.

Approval of the proposed licence could lead to a huge increase in the sale of alcohol leading in turn to drunken behaviour with revellers continuing to drink after 7pm leading to an increase in late-night noise which is already an issue for Honeycombe Beach and other local residents. This in turn could result in a breach of the peace and affect public safety.

The protection of children from harm

It is of the utmost importance to protect children from harm. By permitting the sale of alcohol not only in tins but also in glass bottles next to a beach frequented by many children would not be advisable, sensible or responsible.

Thank you for considering our objections.

Yours faithfully

Dear Sir/Madam

Illegal Rave – Boscombe Pier - Saturday 4, 11 and 18 July 2020

**Residents have a legal right to be protected against statutory noise nuisance.
(Environmental Protection Act 1990, [section 79](#) and [80](#))**

We are residents at Honeycombe Beach, Honeycombe Chine, which is situated close to Boscombe Pier. We wish to make a formal complaint about the unsociable behaviour of a large group of young people who congregated close to and under Boscombe Pier on Saturday 18 July 2020 and into the early hours of 19 July 2020 evening. We understand that this is not the first Saturday that this unlawful event has occurred.

The gathering amounts to an illegal “rave” which commences at circa 9pm on a Saturday evening and continues well into the early hours. Drink and drugs are consumed along with the extremely loud noise from a “boom box” controlled by a computer. This is not acceptable and we and other residents who live nearby are negatively affected. We cannot sleep, we cannot relax, it is extremely stressful and it interferes with the use and enjoyment of our home and premises. Our health will be adversely affected through the anxiety, stress and lack of sleep that we experience and the behaviour is unlawful.

Our neighbours telephoned the local Police on Saturday evening. The Police informed them that they were aware of the situation as other complaints had been received but no action was being planned as it was not a Police matter. The adviser suggested contacting the Environmental Health Department. On contacting this department, our neighbours were informed that the situation was being “monitored” but no explanation of what this meant or might result in was given.

Having spoken to the organiser of the rave at 12.30 am (19 July), and requesting him to turn off the music he informed us that a further rave is planned for Saturday 26 July 2020.

Please kindly confirm to us as soon as possible that you will take steps to prevent the next “rave” happening next Saturday evening together with information as to what steps we need to take should any such event occur at any other time in the future. This information to include contact details (name and telephone numbers) to ensure that this matter can be dealt with expediently.

We look forward to hearing from you.

Kind regards

Begin forwarded message:

From: Kelly Ansell

Subject: RE: Illegal Raves

Date: 23 July 2020 at 14:56:26 BST

To: Chris Saunders

Cc: Andrew Williams, Peter Haikin, Matthew King

Good afternoon Mr [REDACTED] and apologies for the delay in my reply. I am sorry to hear about the issues you and fellow residents have been experiencing and can confirm that I have now discussed this with senior police colleagues.

To begin by addressing the lack of clarity about jurisdiction; it is challenging for the Council to use powers available to us under the Environmental Protection Act 1990 in these circumstances given that the serving of notices should ideally be linked to a premise in order to be effective. We do also have Anti-Social Behaviour powers that could be helpful - but often these are not the most suitable means of dealing with an issue in real time. As you are aware, we have an out of hours service available until 3am Monday to Saturday and our officers will seek to attend incidents of this nature where possible and safe to do so. However, the events in question as I understand them, constitute a breach of the peace as opposed to a simple noise issue, and as such, the primary response agency should be the Police, which I have discussed and agreed with the BCP Superintendent today.

Having investigated the response this last weekend, from both the Council and the Police perspectives, I am keen to ensure that residents see more responsive action and I have agreed measures today to ensure that this is the case;

- My out of hours officers will attend if necessary, to support any Police action - but the Police will be the first responders
- Proactive patrols will be undertaken by the Police
- A pre-emptive dispersal order has been agreed - this means that the Police will have the power to require any person involved in anti-social behaviour or criminality, to leave the specified area for 48 hours. Breach of this direction is an arrestable offence
- My CCTV team will also proactively monitor the pier and surrounding areas and will inform the Police at an early stage should they witness signs of another gathering beginning to form

These measures should ensure that you see a fast and effective response. What I would ask is that residents report any information or incidents through on 101 in order to assist our collective response. If a crime is in progress, 999 should be used.

I apologise for the frustrating position of the last couple of weekends and will ensure that I personally maintain oversight of the issues including a debrief and review of our approach as outlined above, early next week.

Should you have any further concerns, please do not hesitate to contact me directly.

Regards

Kelly Ansell



Kelly Ansell
Service Director - Communities
Environment and Community

From:
Sent: 22 July 2020 14:02
To: Kelly Ansell ; Chris Saunders
Subject: Re: Illegal Raves

Dear Directors,

Since emailing you yesterday we have been contacted by other Honeycombe Beach residents who also wish to register complaints re the above and are anxious to learn what action is planned by BCP. For your information the age range of complainants is from 31 to over 70.

Not only are these events breaching sections 79 and 80 of the Environmental Protection Act 1990 but they also fail to comply with your own bylaws which stipulate that music should not be heard more than 50 feet from its source

As this matter has been brought not only to your attention but also that of Vikki Slade and Dorset Police we will also bring the matter to the attention of our MP Tobias Ellwood should BCP not provide us with an acceptable action plan to prevent/police this type of event.

Kind regards

On 21 Jul 2020, at 12:19, wrote:

Dear Directors,

We understand that has forwarded our complaint regarding the above activities to you both for action . We would therefore be grateful if you let us know what action will be taken to prevent the rave planned for Saturday 26th July taking place.

From recent contact with both Dorset Police and BCP it appears that each believes it is others responsibility to take action. Would you please clarify which is the responsible body.

For your information we have been informed that our concerns re the lack of action to date in respect of the illegal gatherings have been brought to the attention of Councillor Vikki Slade by other concerned residents.

Kind regards

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