

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 17 February 2021 at 10.00 am

Present:-

– Chairman

– Vice-Chairman

Present: Cllr J J Butt, Cllr B Dion and Cllr T Johnson

58. Election of Chairman

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

Voting: Unanimous

59. Apologies

There were no apologies for absence.

60. Declarations of Interests

There were none.

61. Corner Cafe, 33 Sea Road, Boscombe, BH5 1DH

Attendance:

Sarah Rogers, Senior Licensing Officer
Linda Cole, Legal Advisor to the Sub Committee
Joseph Tyler, Clerk to the Sub Committee

Tom Hollington – Applicant's representative

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

The Senior Licensing Officer presented a report, a copy of which had been circulated 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 for a new premises licence dated 23 December 2020 for a new fish and seafood restaurant, known as: Corner 33, 33 Sea Road, Boscombe, Dorset, BH5 1DD, providing eat in and takeaway facilities, for late night refreshment 2200 hours to 0100 hours the following day on Thursdays, Fridays and Saturdays and for the supply of alcohol, both on and off the premises, between the hours of 1000 hours to 2300 hours Sunday to Wednesday and from 1000 hours to midnight Thursday to Saturday.

The Sub Committee asked various questions of all parties present and were grateful for responses received. There were no questions from other parties. All parties were invited to sum up before the Sub Committee retired to make its decision. Before concluding the hearing the Legal Advisor advised all parties of the right of appeal.

RESOLVED that the application for a new premises licence dated 23 December 2020 for a new fish and seafood restaurant, known as: Corner 33, 33 Sea Road, Boscombe, Dorset, BH5 1DD, providing eat in and takeaway facilities, be GRANTED for late night refreshment 2200 hours to 0100 hours the following day on Thursdays, Fridays and Saturdays and for the supply of alcohol, both on and off the premises, between the hours of 1000 hours to 2300 hours Sunday to Wednesday and from 1000 hours to midnight Thursday to Saturday.

This premises licence is subject to all of the conditions offered in the operating schedule in part M of the application and the following conditions as agreed between Environmental Health and the applicant, conditions numbered 5-7 below were subsequently amended by the Licensing Sub-Committee at the hearing on 17 February 2021.

1. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
2. Loudspeakers shall not be located in a position that will cause nuisance. No loudspeakers will be located within the entrance lobby or outside the building.
3. All windows and external doors shall be kept closed at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
4. The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
5. The holder of the licence shall use all reasonable endeavours to ensure that customers do not loiter outside the premises and to that end, the licence shall not commence until a written dispersal policy is in place and a copy sent to the local Licensing Authority. The dispersal policy should be periodically reviewed and be visibly displayed in an outside window on ground floor level of the premises and must include a contact number that neighbours can call if an issue arises.
6. If the outside area is used in the future, all tables and chairs shall be removed from the outside area by 22:00 each day.
7. If the outside area is used in the future, no food or alcohol shall be served in the outside area after 22.00 hours each day.
8. Patrons permitted to temporarily leave and then re-enter the premises after 22.00, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.

9. Notices shall be prominently displayed at all exits, requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
10. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 22.00 hours and 07.00 hours on the following day.
11. Suitable lidded receptacles will be provided to receive and store refuse from the premises/site.
12. Litter will be regularly cleared from the vicinity of the premises.
13. No deliveries to the premises shall take place between 22.00 and 07.00 on the following day, and delivery drivers will be required to park considerately.

Reasons for Decision:

The Sub-Committee gave detailed consideration to all of the information which had been submitted before the meeting and contained in the report for Agenda Item 5, in particular the 3 written representations made by 'other persons' who were local residents, along with the verbal submissions made at the hearing by Mrs Rogers the Senior Licensing Officer and Mr Hollington representing the applicant company. The Sub-Committee also considered the responses given to the questions asked at the meeting.

The Sub Committee acknowledged the concerns raised in the written representations, but were satisfied that the application did not undermine the licensing objectives, and if run in accordance with the operating schedule and the conditions agreed with Environmental Health, as amended by the Sub-Committee would not cause noise nuisance or anti-social behaviour to local residents who had raised concerns. The Sub-Committee noted that the concerns raised in the representations re noise from music and customers entering or leaving premises and the sale of alcohol to 1am /2am were unfounded and not reflective, of what had been applied in respect of this premises licence.

Mr Hollington confirmed that the premises:

- would only play incidental background music at a low volume.
- would only sell alcohol with food as the premises is to operate as a restaurant and not a bar/wet led premises.
- has a ground floor capacity of 12 covers and a lower ground capacity of 22 covers, as shown in the plan provided.
- currently had no outdoor seating

The Sub- Committee were of the view that the noise attenuation would not be considerable from incidental background music being played and a relatively small number of customers coming and going from the restaurant to undermine the Licensing Objective of the prevention of public nuisance. The Legal Officer clarified that playing incidental background music or even recorded music before 23:00 hours was, in fact, not a licensable activity.

The Sub-Committee noted Environmental Health had agreed conditions with the applicant and that no representations were received from any of the other responsible authorities. This included Dorset Police, who the

Licensing Committee look to as their main source of information regarding issues of crime and disorder in an area. Paragraph 9.11 of the section 182 Statutory Guidance sets out, that it is the responsibility of the Responsible Authority to determine if they have the appropriate grounds to make a representation.

The Sub Committee were advised by Mr Hollington and welcomed that the applicant was an experienced premises owner and would work in cooperation with the Licensing Authority to ensure responsible and compliant management of the premises in what can be a challenging area.

In granting the licence the Sub Committee agreed that it was proportionate to amend the conditions that had been agreed between Environmental Health and the applicant, as detailed above, so as to reassure local residents that any noise attenuation and any potential anti-social behaviour caused by alcohol consumption and obstruction of the public highway would be reduced.

The Sub Committee was satisfied that if the premises operated in accordance with the conditions both offered in the operating schedule of the application, and those set out above that the premises should not undermine the licensing objectives. It was noted that a review of the premises licence could be applied for at any time by the Responsible Authorities or any other person should there be any issues associated with the premises in the future that undermine the licensing objectives

62. Malinka Market, 586-588 Christchurch Road, Bournemouth, BH1 4BH

Attendance:

Sarah Rogers, Senior Licensing Officer

Linda Cole, Legal Advisor to the Sub Committee

Joseph Tyler, Clerk to the Sub Committee

Surrinder Singh Dosanjh – Solicitor representing the applicant's agent.

Barrie Hodgson – Agent representing the applicant.

Philip Day – Other Person, from Lacey's Solicitors representing those who made written representations in objection to the application.

Aleksandra Mackiewicz – Other Person, speaking to their written representation in objection to the application.

Eva Zabarylo – Other Person, speaking to their written representation in objection to the application.

Cllr J Kelly - Other Person, presenting her own objection and representing the objections of those who made written representations in objection to the application.

RESOLVED that the hearing for the application for a new premises licence for a convenience store, to be known as Malinka Market, 586-588 Christchurch Road, Bournemouth, BH1 4BH, to provide off sales of alcohol, between the hours of 06:00 and 23:00 each day of the week, be deferred until a later date, which is to be confirmed.

Reasons for decision:

The solicitor acting on behalf of the applicant's agent submitted written, supplementary documentation less than 24 hours before the start of the hearing. Not all parties agreed to accept the information at such a time and the Sub-Committee agreed that it would defer the hearing to a later date in order to enable all parties adequate time to review the documentation.

The meeting ended at 11.00 am

CHAIRMAN