

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 15 April 2021 at 10.00 am

Present:-

Cllr J J Butt – Chairman

Present: Cllr R Burton and Cllr N Decent

67. HRH The Prince Philip, The Duke of Edinburgh

The Chair referred to the death of His Royal Highness The Prince Philip, The Duke of Edinburgh on 9 April 2021. She reported that The Duke had been an important figure in all our lives and asked Councillors and all parties present to take a short period of contemplation before starting the business of the meeting.

68. Election of Chairman

RESOLVED that Councillor Judes Butt be elected Chair of the Sub-Committee for the duration of the meeting.

Voting: Unanimous

69. Apologies

There were no apologies for this meeting. The Chair thanked Cllrs D Kelsey and L Williams for attending before the start of the meeting in their role as reserves.

70. Declarations of Interests

There were no declarations of interest on agenda items for this meeting.

71. Licensing Act - New premises licence application - Southbourne Snooker Bar, Bournemouth

Attendance:

From BCP Council:

Nananka Randle, Licensing Manager

Johanne McNamara, Legal Advisor to the Sub Committee

Jill Holyoake, Clerk to the Sub Committee

David Ramsay – Applicant’s representative

Huseyin Kocabay - Applicant

Cllr Andy Jones – Other Person, representing himself and one ‘other person’.

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

The Licensing Manager 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 together with a Supplementary Pack which contained the Club Premises Certificate referenced in the report.

The Sub Committee was asked to consider an application for a new premises licence for the premises known as Southbourne Snooker Bar, 8 Deans Road, Southbourne, Bournemouth, BH5 2DA for the following licensable activities and times:

- Indoor Sporting Events: Monday to Sunday – 10:00 to 00:00
- Sale of alcohol on the premises: Monday to Saturday- 10:00 to 00:00, Sunday -10:00 to 23:00

The application had resulted in eight representations being received from 'Other Persons' under all four licensing objectives.

Following mediation with Dorset Police the applicant had agreed that the terminal hour for the sale of alcohol, should the licence be granted, be reduced to 23:30 Monday to Saturday and 22:30 on a Sunday. The Police and the applicant had also agreed a condition in relation to door supervision to be attached to the premises licence if granted, as set out in Appendix 5 of the report.

The following persons attended the hearing and addressed the Sub Committee to expand on the points made in their written submissions:

David Ramsay – Applicant's representative

Huceyin Kocabay – Applicant

Cllr Andy Jones - Other Person, presenting his own objection and that of one 'other person'.

During the hearing the applicant's representative reported on the additional offered conditions which the applicant had submitted to the Licensing Authority in response to the representations received.

The Sub Committee asked various questions of all parties present and were grateful for responses received. All parties had the opportunity to ask questions. 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 for the premises known as Southbourne Snooker Bar, 8 Deans Road, Southbourne, Bournemouth, BH5 2DA, for the provision of Indoor Sporting Events on Monday to Sunday from 10:00 to 00:00hrs, and for the sale of alcohol on the premises on Monday to Sunday from 10:00 to 00:00hrs* (terminal hours as amended below) be GRANTED, subject

to the conditions offered by the applicant to promote the licensing objectives as detailed in Section 18 of the application form, and the following additional conditions:

Additional conditions agreed with the applicant by Dorset Police:

- ***The terminal hour for the sale of alcohol on Monday to Saturday will be 23:30hrs and on Sunday 22:30hrs.**
- **If it is intended to show any major sporting event on a television within the premises (other than Snooker or Pool tournaments, golf, motor racing events, athletics competitions or tennis or cricket matches), or to hold any function, the Premises will conduct a written risk assessment to determine whether it is appropriate to deploy door supervisors for a period of time before the event is scheduled to start, during the event and for a period of time after the event is scheduled to end and will deploy door supervisors in accordance with the outcome of the risk assessment. Such risk assessments will also be conducted at the request of the police in respect of any other event scheduled to take place at the premises. Copies of all risk assessments shall be retained on the premises for a minimum period of 6 months and shall be made available for inspection by police and other authorised officers on request.**

Additional conditions offered by the applicant in response to representations received:

- **At least 75% of the floor space shall be taken up by 3 snooker tables at all times. This limits the numbers of customers who can be on the premises at any one time.**
- **Any provision of poker will be restricted to 'low level' as defined by the Gambling Commission guidance.**
- **A double door policy so that one inner door is closed when the outer door is open will be retained to limit noise emanating from the entrance.**
- **A contact Mobile Phone number for the person in charge of the premises shall be provided to the residents of Deans Road and Parkwood Road for the purposes of reporting concerns or complaints.**
- **No more than 4 persons at any one time will be permitted outside the premises for smoking. This area will be monitored by staff when in use.**

In addition, at the hearing the applicant's representative confirmed a typographical error in the application form: where the date of 2 January is referred to as part of the non-standard timings, this should read 1 January.

Reasons for Decision:

The Sub Committee gave detailed consideration to all of the information which had been submitted before the hearing and contained in the report for Agenda Item 5 and the Supplement, in particular the eight written representations made by 'other persons' living in the locality, along with the verbal submissions made at the hearing by the Licensing Manager, the applicant's representative and the applicant and the Ward Councillor representing himself and one 'other person'. The Sub Committee also considered the responses given to questions asked at the hearing.

While the Sub Committee acknowledged the concerns expressed in each of the representations, including those around the potential increase in noise, disturbance and anti-social behaviour, these concerns appeared to be based on a fear of what may happen should the licence be granted and although understandable, did not provide any substantial evidence of public nuisance or crime and disorder that could be taken into account when determining the application. The Sub Committee was mindful of the spirit of the Licensing Act 2003 and the case of *Thwaites PLC v Wirral Borough Magistrates' Court* 2008. The Sub-Committee noted that there were no representations made by any of the Responsible Authorities, in particular Dorset Police and Environmental Health, who the Licensing Committee looked to as a key source of information regarding issues of crime and disorder and public nuisance in an area.

Some issues raised such as parking problems and the playing of poker on the premises were outside of the scope of the licensing objectives. The Sub Committee was grateful to the applicant's representative for his clarification on the operation of 'low level' poker in accordance with Gambling Commission requirements.

The Sub Committee noted that the premises was used primarily for the playing of snooker and had a maximum capacity of 45 customers. It had operated for many years with a Club Premises Certificate with no previous issues reported. The applicant's representative had explained that switching to a Premises Licence would enable the premises to respond to changing customer demands to allow for more occasional use rather than the commitment of a club membership fee. A premises licence also provided greater controls to promote the licensing objectives by way of conditions attached to the licence.

In addition to the conditions included in Section 18 of the application form, the Sub Committee considered that the additional conditions agreed with Dorset Police and the additional conditions offered by the applicant in response to the written representations would mitigate the concerns raised

by local residents, particularly those in relation to control and monitoring of the external area of the premises.

The Sub Committee was satisfied that the premises should not undermine the licensing objectives if operated in accordance with the conditions offered by the applicant and agreed with Dorset Police. 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 any problems associated with the licensing objectives in relation to the premises occur once the licence was granted.

Voting – Unanimous

72. Exclusion of Press and Public

RESOLVED 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.

73. Consideration of the suitability of an individual to become a Hackney Carriage and/or Private Hire Driver

This item was restricted by virtue of paragraphs 1 and 2 of Schedule 12A of the Local Government Act 1972.

Exempt information – Categories 1 (information relating to any individual) and 2 (information which is likely to reveal the identity of an individual).

Attendance:

From BCP Council:

Trudi Barlow – Licensing Officer

Johanne McNamara – Legal Advisor to the Sub-Committee

Jill Holyoake – Democratic Services Clerk to the Sub-Committee

The Applicant and his representative were also present.

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

The Licensing Officer presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'B' to these Minutes in the Minute Book. The Sub Committee was asked to consider whether the applicant was considered a 'fit and proper person' to hold a Hackney Carriage and/or Private Hire driver's licence.

The applicant and his representative addressed the Sub Committee to explain in more detail the circumstances of his case and why he should be permitted to proceed with his application.

The Sub Committee asked various questions of the applicant and his representative. All parties had the opportunity to ask questions. 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 Sub-Committee is satisfied that the applicant named in the report is considered to meet the fit and proper person criteria to continue with his application to become a licensed Hackney Carriage and/or Private Hire Driver's Licence in the Christchurch Zone, in accordance with Section 51 and 59 of Local Government (Miscellaneous Provisions) Act 1976.

Voting – Unanimous

74. Review of Public Carriage Driver's Licence

This item was restricted by virtue of paragraphs 1 and 2 of Schedule 12A of the Local Government Act 1972.

Exempt information – Categories 1 (information relating to any individual) and 2 (information which is likely to reveal the identity of an individual).

RESOLVED – That consideration of this item be deferred to a future Sub Committee meeting to enable the driver a further opportunity to attend the hearing in person to present his case.

Voting - Unanimous

The meeting ended at 11.57 am

CHAIRMAN