

Notice of Licensing Committee



Date: Thursday, 15 September 2022 at 10.00 am

Venue: Committee Room, First Floor, BCP Civic Centre Annex, St Stephen's Rd, Bournemouth BH2 6LL

Membership:

Chairman:

Cllr J J Butt

Vice Chairman:

Cllr J Bagwell

Cllr S C Anderson
Cllr D Brown
Cllr R Burton
Cllr N Decent

Cllr G Farquhar
Cllr D Farr
Cllr D A Flagg
Cllr M Howell

Cllr T Johnson
Cllr D Kelsey
Cllr L Williams
Cllr K Wilson

All Members of the Licensing 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?MId=4719>

If you would like any further information on the items to be considered at the meeting please contact: Democratic Services on 01202 096660 or email democratic.services@bcpCouncil.gov.uk

Press enquiries should be directed to the Press Office: Tel: 01202 118686 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

7 September 2022



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



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
(susan.zeiss@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. **Apologies**

To receive any apologies for absence from Councillors.

2. **Substitute Members**

To receive information on any changes in the membership of the Committee.

Note – When a member of a Committee is unable to attend a meeting of a Committee or Sub-Committee, the relevant Political Group Leader (or their nominated representative) may, by notice to the Monitoring Officer (or their nominated representative) prior to the meeting, appoint a substitute member from within the same Political Group. The contact details on the front of this agenda should be used for notifications.

3. **Election of Chair**

To elect a Chair of the Licensing Committee for the 2022/23 Municipal Year.

4. **Election of Vice Chair**

To elect a Vice Chair of the Licensing Committee for the 2022/23 Municipal Year.

5. **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.

6. **Confirmation of Minutes**

To confirm and sign as a correct record the minutes of the Licensing Committee meeting held on 10 March 2022 and the minutes of Licensing Sub Committee meetings held on 2, 16 and 30 March, 27 and 28 April, 11 and 26 May, 8 June, 6, 19 and 20 July, and 3 and 17 August 2022.

Note: The full exempt versions of the minutes of the Sub Committees held on 16 March, 6 July, 20 July and 17 August 2022 are also appended as restricted documents. At each of these meetings the Sub Committee resolved to exclude the press and public for the reasons set out in the public and exempt versions of the minutes.

7. **Public Issues**

To receive any public questions, statements or petitions submitted in accordance with the Constitution, which is available to view at the following link:

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

The deadline for the submission of a public question is 4 clear working days before the meeting.

The deadline for the submission of a public statement is midday the working day before the meeting.

The deadline for the submission of a petition is 10 working days before the meeting.

8. Review of the Hackney Carriage maximum fares and charges

103 - 116

A request has been received by Mr David Lane on behalf of BCP Taxi and Private Hire Association for a 6% increase on the current Hackney Carriage Tariff.

The Local Government (Miscellaneous Provisions) Act 1976 allows the Council to fix the rates or fares within the district for time as well as distance.

Any change in the tariff will be reflected across all three current Hackney Carriage zones within BCP Council conurbation.

9. Forward Plan

117 - 120

To consider the Committee's Forward Plan and update as required.

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

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING COMMITTEE

Minutes of the Meeting held on 10 March 2022 at 10.00 am

Present:-

Cllr J J Butt – Chairman

Present: Cllr S C Anderson, Cllr D Borthwick (In place of Cllr B Dion),
Cllr R Burton, Cllr G Farquhar, Cllr D Farr, Cllr D A Flagg,
Cllr A Hadley, Cllr T Johnson, Cllr D Kelsey, Cllr V Slade and
Cllr L Williams

20. Apologies

Apologies were received from Cllr J Bagwell, Cllr D Brown, Cllr B Dion and Cllr N Decent.

21. Substitute Members

Cllr D Borthwick was substitute member for Cllr B Dion for this meeting.

22. Declarations of Interests

Cllr G Farquhar declared a personal interest in the agenda item on the Statement of Licensing Principles – Gambling Act Policy 2022 – 2025 in that he had a moral objection to the gambling industry, particularly the exploitation of animals such as in greyhound racing and horseracing. He did not speak or vote on the item.

23. Confirmation of Minutes

The minutes of the Licensing Committee meeting held on 16 September and the minutes of Licensing Sub Committee meetings held on 24 June 2021, 15 and 28 September, 13 and 28 October, 10 and 25 November, 8 and 22 December 2021 and 16 February 2022, were confirmed as a correct record.

24. Public Issues

The Chair reported that a public question and statement had been received from Mr David Lane, on behalf of the BCP Taxi and Private Hire Association, in relation to the agenda item updating members on the implementation of, and amendments to BCP Taxi and Private Hire Policies. The Chair welcomed Mr Lane and invited him to read out his question and statement:

Question from Mr David Lane, on behalf of BCP Taxi and Private Hire Association

Madam Chairman. Please can you confirm that arrangements are in hand for the next unmet needs survey to take place as required during the next financial year and for the findings to be subject to meaningful consultation?

Response from Chair

Thank you, Mr Lane, for your question. The last unmet needs survey for BCP was dated January 2020. This survey is required due to the current quantitative restrictions on the number of Hackney Carriage Licences in the Poole and Bournemouth zones. The Department for Transport best practice guidance states that

“If a local authority does nonetheless take the view that a quantitative restriction can be justified in principle, there remains the question of the level at which it should be set, bearing in mind the need to demonstrate that there is no significant unmet demand. This issue is usually addressed by means of a survey; It will be necessary for the local Licensing Authority to carry out a survey sufficiently frequently to be able to respond to any challenge to the satisfaction of a court. An interval of three years is commonly regarded as the maximum reasonable period between surveys.”

I can confirm that the Licensing Manager has already started the procurement process to arrange for a specialist company to carry out the necessary survey later this year, the costs involved have increased by some 15% on the last survey taking it to close to £30,000 this cost is recovered through the Hackney Carriage Licensing Fees.

The best practice guidance’s starting point on quantitative restrictions is set out in paragraph 47:

“Most local Licensing Authorities do not impose quantitative restrictions; the DfT regards that as best practice.”

However, the best practice guidance goes on to say that in cases where local authorities have opted for a policy restricting HCV licences:

“...the DfT would urge that the matter should be regularly reconsidered. The Department further urges that the issue to be addressed first in each reconsideration is whether the restrictions should continue at all.”

Once the survey has been completed and the report received, members will consider the information to determine if any changes to the current numbers of Hackney Carriage numbers is required or not. If it determines there is no unmet need, then the Licensing Authority have full discretion as to whether to continue with the current restrictions and the release of additional licences as set out within our Policy or not. In cases where there is unmet need then the restrictions must be removed altogether. The effect of applying a policy of restricting licences is in essence no different from a

Local Authority refusing an application for the grant of a Hackney Carriage Vehicle licence. With this therefore, there is a right of appeal to the Crown Court.

Statement from Mr David Lane, on behalf of BCP Taxi and Private Hire Association

With regard to the quickly made decision to release 15 new Hackney Carriage Licences in both Bournemouth and Poole each year from 2021 through to 2025 we would urge you to consider the uptake this year and make appropriate adjustments to this policy. We would like to suggest that until the full tranche of 15 licences have become operational then no further tranches should be released. Furthermore that an individual who fails to make an offered licence operational within the year shall be regarded as having refused the offer and lose their place on the waiting list.

The Chair thanked Mr Lane for his contributions.

25. Statement of Licensing Principles - Gambling Act Policy 2022 - 2025

The Interim Head of Licensing presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'A' to these Minutes in the Minute Book.

The Committee was reminded that the draft Gambling Act Policy was approved by members for consultation on 16th September 2021. A full public consultation had taken place for 12 weeks between October and December 2021. Responses to the consultation were considered at the members' workshop in January 2022. The draft policy with suggested changes was now presented to the Committee for final consideration and recommendation to Council for adoption.

The Chair invited members to ask questions and make comments, focussing in particular on the suggested changes highlighted in the policy document and taking into account the consultation responses received and the views of the members' workshop.

In his response it was noted that the Dorset Police and Crime Commissioner (PCC) had referred to a recent Government commissioned report on gambling harms and their associated costs. The Interim Head of Licensing confirmed that the policy would be kept under review in light of the Government's intention to review the 2005 Act.

The Interim Head of Licensing reported that one of the consultation responders, Gosschalks LLP (on behalf of the Betting and Gaming Council), had requested that the suggested changes at Sections 15.3 and 15.4 of the policy be removed as unnecessary. The Committee agreed that there was no detrimental reason not to include the changes, particularly in view of the PCC's comments on the risks associated with gambling harm.

The Committee noted that the suggested change in Section 18.1 was intended to address the concerns raised by Gosschalks around the imposition of conditions.

In addition to the suggested changes in the report which the Committee approved, further amendments were agreed as follows:

- Appendix 1, Direct Consultation List – The Committee agreed that Neighbourhood Forums and Neighbourhood Watch Associations should be added to the list of consultees for all future Licensing Policy public consultations
- Section 7.2 – ‘Located on the Jurassic Coast’ – The Committee asked that this statement be checked for factual accuracy and removed as required.
- Section 7.3 – ‘Two Universities’ – The Committee asked that this statement be checked for factual accuracy and amended to three as required.
- Section 7.3 – The Committee agreed to add the words ‘and ferry port’ after ‘airport’.
- Section 19.1 – The Committee agreed that the word ‘like’ as well as ‘most’ be deleted to read ‘that are adult only amusement arcades.’
- Section 31.2 – The Committee agreed that the reference to ‘Criminal Records Bureau’ be updated to read ‘Disclosure and Barring Service’
- The Committee also agreed that any incorrect references to a ‘premise’ in the document be amended to ‘premises’.

The Committee noted that the Equalities Impact Assessment (EIA) circulated at Appendix 6 of the report had been considered and approved by the Council’s EIA Panel.

RESOLVED that having considered the public consultation and the recommendations put forward by the Members’ Workshop, the Statement of Licensing Principles – Gambling Act Policy 2022 – 2025 as amended and agreed by the Licensing Committee at its meeting on 10 March 2022 be RECOMMENDED to the Council for adoption.

Voting: For – 12, Against – 0, Abstain – 1

26. Update on implementation of, and amendments to BCP Council Taxi and Private Hire Policies

The Interim Head of Licensing 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 Committee was reminded that the new BCP Taxi and Private Hire Policies for Drivers, Vehicles and Operators were implemented on 1 June 2021. Since the introduction of these policies, feedback and suggested improvements had been provided by the trade and licensing officers. As a direct result of this, the Committee was asked to consider some minor

amendments to the policies to clarify requirements, remove unnecessary sections and amend inconsistencies.

The Chair invited members to ask questions and make comments, focussing in particular on the suggested changes highlighted in the policy documents. Unless specified below, these suggested changes were agreed. Additional matters raised included:

VEHICLE POLICY:

- Paragraph 7.6 – The Committee agreed the suggested amendment subject to the removal of the duplicate word ‘first’, to read ‘from the date of first registration’.
- Paragraph 7.11 – The Committee asked that ‘and seat belts’ be added to this requirement, to be consistent with other references in the document.
- Paragraph 7.14 – The Committee asked that the wording of this requirement be amended to be grammatically correct.
- Paragraph 8.4 – The Committee agreed the suggested amendment, subject to amending the word ‘checked’ to ‘rechecked’.
- Paragraph 9.4 – The Committee did not agree to the Trade’s request that the date for licensed vehicles meeting Euro 6 emission standards be put back to December 2024 to be in line with the respray deadline. While appreciating the points made about costs, Members agreed this needed to be progressed in accordance with published timescales.
- Paragraph 16.6 – The Committee agreed the suggested amendment. In the discussion there were differing views on whether this requirement constituted a business restriction on the licence holder or whether the licence should be returned to the Council as licence ‘owner’ to reissue.
- Section 17 – The Committee agreed the suggested amendments in relation to livery requirements, subject to the addition of the word ‘either’ before Christchurch and replacement of the word ‘Eurostyle’ with ‘Eurostile’ in Paragraph 17.1.
There was a discussion on the requirements for the new livery and it was acknowledged that unfortunately there would always be individual cases which fell just outside the timescales.
- Paragraph 22.1 – The Committee asked that the reference to ‘shall be’ be amended to ‘must be’.
It was confirmed that private hire vehicles were not required to have meter, but those that did had to provide a form of receipt.
- Section 27 – The Committee asked that the numbering in this section be checked and amended as required.
- Appendix D – It was noted that the highlighted text had been carried over from a previous version as an anomaly and should be amended.

In addition to the above, the Committee considered the following points raised in the debate:

Tinted Windows – Paragraph 7.7 of the policy

The Committee agreed to the Trade's request to review the provisions regarding tinted windows, to allow these in licensed vehicles, subject to meeting the requirements of the Driver and Vehicle Standards Agency (DVSA). Members agreed that there was no reason in this case for the Licensing Authority to impose a different standard to the DVSA. The points raised about safeguarding were acknowledged. It was also noted that tinted windows were more energy efficient. The Committee agreed that this provision should only apply to new vehicles and that the following paragraph regarding after-market vehicles should be retained.

Electric/Hybrid Vehicles – Paragraph 14 of the Report

The Committee discussed how best to address the points raised in the report and with the Trade regarding the lack of provision or incentives to provide for electric or hybrid vehicles. It was noted that there was currently nothing in the policy on this and that it would be nearly impossible to include anything without providing the necessary infrastructure such as electric charging points at taxi ranks. The Committee acknowledged that a full review of the policy was not due until 2025 but agreed that this did not preclude further consideration being given in the meantime to progressing the issues raised.

The Committee agreed that the Chair should write to the Leader of the Council and the Portfolio Holder for Transport and Sustainability on behalf of the Committee to ask whether there are any funding opportunities to address the lack of electric charging points at hackney carriage ranks.

The Committee also asked that officers (a) prepare some wording to include in the policy to indicate that the Council is keen to work with the Trade to increase provision of electric and hybrid licensed vehicles, and (b) add this item to the Committee's Forward Plan.

Card Payments – Paragraph 15 – 17 of the Report

The Committee agreed to the Trade's request that all vehicles should be capable of accepting card payments. It was noted that there would be a cost implication and it was assumed that the Trade had therefore consulted with its members before approaching the Committee. It was also noted that card payment should not completely replace cash payment. The Committee agreed to add the following requirement to the policy:

"All new and replacement vehicles must be capable of accepting card payments from date of implementation of this condition and all existing vehicle must be capable of accepting card payments within six months of the implementation of this condition."

DRIVER POLICY:

- Paragraph 15.2.6 – The Committee asked that the phrase ‘is permitted, where appropriate’ be added to clarify the intention of the policy.
- Appendix A – Section 4a, Passengers – The Committee was advised that drivers were required to ensure seat belt legislation was complied with for children in the vehicle, but this duty of care did not extend to adult passengers as the responsibility lay with them to comply.
- Appendix A – Section 5, Found Property – The Committee agreed that this should be amended to read ‘and no later than the end of the next working day’ to allow for a more realistic timescale for drivers who may not work at the weekend.

RESOLVED that the minor amendments to the Hackney Carriage and Private Hire Vehicle and Driver Policies as recommended in the report with the additional amendments requested by the Committee be agreed.

Voting – Unanimous

27. Review of the Hackney Carriage Maximum Fares and Charges Tariff

The Interim Head of Licensing presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'C' to these Minutes in the Minute Book.

The Committee was advised that a request had been received from BCP Taxi and Private Hire Association for a 7% increase in the current Hackney Carriage fares and charges, as outlined in the tariff chart provided and with effect from 1 May 2022.

Mr Kevin Diffey addressed the Committee on behalf of the Association to explain the reasons for the request as originally submitted on 28 January 2022, including:

- The latest RPI indication of inflation of 8%.
- The price of fuel which had increased from £1.17 to £1.50 (approx. 30%) a litre on average from December 2020 to Dec 2021.
- Tyres and other motor parts had seen increases of up to 20%.
- The need for owners to update their vehicles (or at least the livery) in line with the policies

Since submitting the original request Mr Diffey referred to the extreme change in circumstances brought about by the Russian invasion of Ukraine. He reported that a 7% increase in the tariff would now not even cover fuel costs. The escalating price of fuel alongside the increase in the cost of

living would very likely force the Trade to request a further rise in fares and charges at some point this year.

The Committee agreed that the impact of recent events was a major consideration. Members discussed whether to agree an 8% increase, the figures for which had been included in the original request, or agree a higher increase then review after six months. The Trade was asked whether it would prefer to defer its request to prepare and submit a more realistic figure rather than coming back at a later date with another submission. Mr Diffey confirmed that the Trade would be happy with an 8% increase now and then review as required.

The Committee noted that the BCP tariff was currently at the high end of the list of comparators, although it was acknowledged that requests to increase were likely to be submitted to other Councils. Members also commented that fuel costs were volatile, that passengers were also facing cost of living pressures and that it would be helpful to know if private hire rates were increasing at a similar level (although it was acknowledged that the Committee did not control these).

The Interim Head of Licensing outlined the statutory process to be followed should a change to the fares and charges be agreed. The Council was required to publish notice of the proposed tariff and allow 14 days for objections to be made. Any objections received would need to be considered by the Committee, otherwise if there were no objections the new tariff would come into effect at the end of the consultation period.

RESOLVED that the Committee approves the changes to the Hackney Carriage fares and charges at an amended percentage increase of 8%.

Voting: Unanimous

28. Forward Plan

The Committee considered its current Forward Plan and agreed to add the following items:

- Provision of Electric / Hybrid vehicles – to take forward the issues discussed in Minute number 26.
- Provision and Positioning of Taxi Ranks – to report back on outcome of discussions between the Licensing Office and the Trade.
- Unmet Needs Survey.

The meeting ended at 12.13 pm

CHAIRMAN

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 02 March 2022 at 10.00 am

Present: Cllr J Bagwell, Cllr J J Butt and Cllr D Kelsey

21. Election of Chair

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

Voting: Unanimous

22. Apologies

Following the publication of the agenda, Councillor S Anderson submitted apologies for this meeting and Councillor D Kelsey, as a reserve member, assumed the role as a Licensing Sub-Committee member.

There were no other apologies for absence.

23. Declarations of Interests

There were no declarations of interest.

24. Southbourne Sports Club, 8 Dean's Road, Bournemouth, BH5 2DA

Present:

From BCP Council:
Sarah Rogers, Senior Licensing Officer
Johanne McNamara, Legal Advisor to the Sub-Committee
Michelle Cutler, Clerk to the Sub-Committee

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

The Clerk asked all members of the Sub-Committee to confirm receipt of additional evidence in the form of an email thread between Sergeant Gosling, representing the applicant, Dorset Police and Mr Day, representing Mr Huseyin Kocabay, the Premise Licence Holder, dated 28th February 2022 and sent out by the clerk on 1st March 2022. The email contained a

copy of the discussion in relation to the mediation that had taken place between both parties on 28th February 2022. All members of the Sub-Committee confirmed that they had received a copy of the email.

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 review of the premises licence for the premises known as 'Southbourne Sports Club', 8 Deans Road, Southbourne, Bournemouth, BH5 2DA. The application was submitted by Dorset Police on 18th January 2022 under the prevention of crime and disorder and public safety licensing objectives.

No other representations had been received from any of the other responsible authorities or any other persons.

The premises licence was first reviewed on 28th October 2021 by Dorset Police stating that the licence holder was not exercising the levels of control over the premises necessary to ensure that the licensing objectives of the prevention of crime and disorder, prevention of public nuisance and public safety were being upheld. The Licensing Sub-Committee decided at that hearing to impose 5 further conditions.

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

Sergeant Gareth Gosling, representing the Applicant, Dorset Police
Louise Busfield, Licensing Officer, Dorset Police

Philip Day, Lacey's Solicitors, representing Mr Huseyin Kocabay
Huseyin Kocabay, Premises Licence Holder

Sergeant Gosling addressed the Sub-Committee on behalf of Dorset Police and outlined the application for a Review.

Mr Day addressed the Sub-Committee and advised that following mediation with Dorset Police, Mr Kocabay was prepared to accept an outcome that the Licensing Sub-Committee determine to remove Mr Kocabay as Designated Premises Supervisor (DPS) and that the licence be amended to include a clause that "no DPS is attached to the Premises Licence until such time as the Premises Licence and lease/business is transferred/conveyed to a person or business which is entirely unconnected with Mr Kocabay or any member of his immediate family (being any parent, child, spouse, civil partner or sibling)".

Mr Day advised that if the Sub-Committee was minded to take some other course of action, he would ask that they adjourn the hearing to allow a detailed response to the review application (with supporting documents) to be prepared by himself and submitted to them in advance of the adjourned hearing date.

The Sub-Committee asked various questions of all parties present and were grateful for the 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 having considered the Application submitted by Dorset Police to Review the premises licence for the premises known as 'Southbourne Sports Club', 8 Deans Road, Southbourne, Bournemouth, BH5 2DA, the Sub-Committee agrees that Mr Kocabay be removed as the DPS with immediate effect and that the licence be amended to include a clause that "no DPS is attached to the Premises Licence until such time as the Premises Licence and lease/business is transferred/conveyed to a person or business which is entirely unconnected with Mr Kocabay or any member of his immediate family (being any parent, child, spouse, civil partner or sibling)". This agreement has been reached by Dorset Police and Mr Kocabay via mediation in advance of the Hearing.

Reasons for Decision:

The Sub-Committee gave detailed consideration to all of the written information which had been submitted before the hearing, including that contained in the report for Agenda Item 5, including the representations made by the applicant Dorset Police and Mr Philip Day of Lacey's Solicitors on behalf of the premises licence holder, Mr Kocabay. The Sub-Committee considered the verbal submissions made at the hearing by all parties attending and the responses given by all parties to questions asked at the hearing.

The Sub-Committee had regard to the significant amount of engagement and support offered by Dorset Police and was grateful for the mediation that took place in advance of the Hearing between Dorset Police and Mr Philip Day, representing Mr Kocabay.

The Sub-Committee was advised by Mr Day that Mr Kocabay intended to sell his business at the earliest opportunity and that during the 21 day appeal period, the Police would monitor the premises.

The Sub-Committee was informed by Dorset Police that the residents in the locality of the premises were also happy with the agreement reached between both parties and the Chair wished to express thanks on behalf of the Sub-Committee for their co-operation in this matter.

The Legal Adviser explained that all parties to the application have the right to Appeal to the Magistrates Court within the period of 21 days beginning with the day on which the Applicant is notified by the Licensing Authority of this decision in writing, and that the decision would not come into effect until the expiry of said 21 days.

Voting: Unanimous

25. EX Rowlands Chemist, 128 Charminster Road, Bournemouth

This item was withdrawn due to all representations being withdrawn in advance of the hearing.

The meeting ended at 10.40 am

CHAIRMAN

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 16 March 2022 at 10.00 am

Present: Cllr J J Butt, Cllr D Brown and Cllr L Williams

26. Election of Chair

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

Voting: Unanimous

27. Apologies

There were no apologies for absence.

28. Declarations of Interests

There were no declarations of interest.

29. 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.

30. Europa Mini Supermarket, 16 St Michael's Road, Bournemouth, BH2 5DX

Present:

From BCP Council:

Sarah Rogers, Senior Licensing Officer

Alan Parr, Legal Advisor to the Sub-Committee

Michelle Cutler, Clerk to the Sub-Committee

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 Review of the Premises Licence under Section 51 of the Licensing Act 2003, submitted by Dorset Police on 26th January 2022, relating to the prevention of crime and disorder licensing objective.

No other representations had been received from any of the other responsible authorities or any other persons.

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

Sergeant Gareth Gosling, representing the applicant, Dorset Police
Vanessa Rosales, Alcohol Licensing Officer, Dorset Police
Mr Philip Day, representing the Premise Licence Holder
The Premises Licence Holder and his partner

The Sub Committee asked various questions of all parties present and were grateful for the 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.

The Legal Adviser explained that all parties to the application have the right to Appeal to the Magistrates Court within the period of 21 days beginning with the day on which the Applicant is notified by the Licensing Authority of this decision in writing, and that the decision would not come into effect until the expiry of said 21 days.

Voting: Unanimous

RESOLVED:- That having considered the Application submitted by Dorset Police to Review the Premises Licence for the Premises known as 'Europa Mini Supermarket', 16 St Michael's Road, Bournemouth, BH2 5DX, the Sub-Committee agrees that the Premises Licence be suspended for a three month period, that the sale of alcohol be amended to 09:00 hrs to 22:00hrs daily and that the existing licencing conditions be amended as follows:

Deletion of the existing CCTV condition and its replacement with the following:

- The premises shall install and thereafter maintain in good working order a digital CCTV system. The system shall be in operation at all times the premises are open for business.
- Images shall be stored for a minimum period of 31 days and shall record the time and date. Facilities will be made available to allow

police and other authorised officers (as defined by the Licensing Act 2003) to view recordings on request and to be provided with copies of recordings in playable format on request, provided in each case that the request is compliant with Data Protection legislation.

- Whenever the premises are open, there will be at least one member of staff on duty or otherwise available at short notice capable of and authorised to access the CCTV system and trained to view playbacks and make recordings.
- If the CCTV system suffers any malfunction, the same shall be notified to the Licensing Authority as soon as reasonably practicable and rectified as soon as reasonably practicable.

In addition, the following additional conditions shall be attached to the Premises Licence:

- No beer, lager, or cider with an ABV of over 5.5% shall be stocked or made available for sale, other than the Polish beers known as ZUBR and ZYWIEC.
- Cider shall not be sold in bottles of any type that are larger than 2.5 litres in volume.
- Sales of canned beers, lagers and ciders shall be in a minimum quantity of 4 cans at a time.
- All bottles and cans sold shall bear a label or other mark identifying the premises as having been the source of the product, provided that when cans of beer, lager or cider are sold in packs of four or more, only one can need be so marked.
- All spirits and high value alcohol products such as champagne shall only be stored behind the sales counter and shall not be directly accessible to customers.
- Notices shall be displayed behind the sales counter and on any unit used to store alcohol clearly stating that "We are only licensed to sell alcohol between 9am and 10pm daily"
- No notice of any description (other than signage required by law or by the licence conditions) shall be displayed on the frontage (including the entrance to the premises) advertising that alcohol products are for sale in the premises other than a single sign either stating or including the words "Off Licence", except during the 3 month period of suspension when the "Off Licence" signage must be covered up.

- Replacement of the existing Refusals Register condition with the following:

A Refusals Register shall be maintained at the premises and used to record all occasions where a person is challenged to provide proof of age and either fails to do so or the proof shows that he/she is underage.

A note shall be made of the date and time of the incident, a brief description of the person concerned (and his or her name if given), the goods the person was attempting to purchase and the name of the person dealing with the incident.

The Register shall be checked and signed at least weekly by the DPS or his/her deputy and shall be made available for inspection by any authorised officer (as defined by the Licensing Act 2003) at any time the premises are open to the public.

- Replacement of the existing conditions relating to Challenge 21 with the following:

The premises shall operate the 'Challenge 25' policy. All customers who appear to be under the age of 25 shall be asked to provide photo ID to prove that they are of legal age before being served alcohol. Appropriate signage advising customers of the policy shall be prominently displayed at the entrance to the premises and behind the sales counter.

- Inclusion of an additional condition regarding staff training to read as follows:

All staff shall receive training with regard to prohibited sales (age and to persons who are drunk), the conditions attached to the licence and on spotting and preventing proxy sales. Refresher training will be provided at least once annually.

A record shall be made of all such training, signed by the person receiving the training and the record shall be made available for inspection by authorised persons (as defined by the Licensing Act 2003).

Reasons for Decision:

The Sub-Committee gave detailed consideration to all of the written information which had been submitted before the hearing, including that contained in the report for Agenda Item 6, including the representations made by Sergeant Gareth Gosling, representing the applicant Dorset Police, Vanessa Rosales, Dorset Police Licensing Officer and Mr Philip Day of Lacey's Solicitors on behalf of the Premises Licence Holder. The Sub-

Committee considered the verbal submissions made at the hearing by all parties attending and the responses given by all parties to questions asked at the hearing.

The Sub-Committee agreed that a 3 month suspension of the Premises Licence will enable the following:

1. Staff training and on-the-job monitoring of staff to ensure competency.
2. Changes to shop front to reflect the new conditions.
3. Engagement between Dorset Police and the operator to ensure that they are suitably prepared to deliver a lawful provision.
4. A cessation in the provision of cheap smuggled alcohol and to enable legitimate alcohol to be offered as a 'new' provision, hopefully discouraging street drinkers and those intent on committing ASB to loiter in the area.

The Sub-Committee heard directly from the Premises Licence Holder that he does not open the premises until 09:00hrs each day and agreed that the sale of alcohol at the premises should be amended to 09:00hrs to 22:00hrs daily. The Sub-Committee felt that 22:00hrs is more acceptable than the 23:00hrs put forward by Mr Day on behalf of the Premises Licence Holder, due to the reports of alcohol related anti-social behaviour associated with the premises.

It cannot be stressed enough that the storage and sale of smuggled alcohol is a very serious matter and although the Sub-Committee accepts the apology offered by the Premises Licence Holder, it wishes to remind him that his conduct was unacceptable and will not be tolerated. The Sub-Committee wishes to severely remind the Premises Licence Holder of his duty to promote and uphold the four licensing objectives.

The Sub-Committee accepts Sargent Gosling's statement that the premises adds value to the community and that Dorset Police have confidence in the Premise Licence Holder's ability to support and promote the 4 licensing objectives. In addition, the Sub-Committee note that communications between Dorset Police and the Premise Licence Holder have been very positive.

The Sub-Committee is content that Dorset Police and their partners in HMRC and Trading Standards will continue to monitor the performance and compliance of the premises once the Premises Licence is reinstated after 3 months, and that any further incidents which undermine the licensing objectives will result in a Review of the Premises Licence being called by Dorset Police.

The Legal Adviser explained that all parties to the application have the right to Appeal to the Magistrates Court within the period of 21 days beginning with the day on which the applicant is notified by the Licensing Authority of

this decision in writing, and that the decision would not come into effect until the expiry of said 21 days.

Voting: Unanimous

The meeting ended at 11.03 am

CHAIRMAN

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 30 March 2022 at 10.00 am

Present: Cllr J J Butt, Cllr B Dion and Cllr G Farquhar

31. Election of Chair

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

Voting: Unanimous

32. Apologies

The Chair gave an apology for absence for Councillor Norman Decent and Councillor George Farquhar, as a reserve member, assumed the role as a Licensing Sub-Committee member, in his absence.

33. Declarations of Interests

There were no declarations of interest.

34. Westview Service Station, 191 - 201 Charminster Road, Bournemouth, BH8 9QQ

The Sub-Committee was advised that an application for a Variation of Licence at the premises known as 'Westview Service Station', 191-201 Charminster Road, Bournemouth, BH8 9QQ, had been received, and that the Sub-Committee was being requested to open and adjourn consideration of this application until the Licensing Sub-Committee meeting on 14 April 2022.

The applicant's solicitor had requested the adjournment, as he was unable to attend on 30 March 2022 and all parties to the application had agreed.

RESOLVED that consideration of the application is opened and that it be adjourned until the Licensing Sub-Committee meeting scheduled for the 14 April 2022.

Voting: Unanimous

Post Meeting Note:

Following mediation between the applicant and Dorset Police, Dorset Police had withdrawn its representation and, as such, a hearing was no longer required.

The meeting ended at 10.05 am

CHAIRMAN

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 27 April 2022 at 10.00 am

Present: Cllr J J Butt, Cllr G Farquhar and Cllr A Hadley

35. Election of Chair

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

Voting: Unanimous

36. Apologies

Apologies for absence were received from Councillors Duane Farr, Toby Johnson and David Kelsey. George Farquhar, as a reserve member, assumed the role as a Licensing Sub-Committee member.

37. Declarations of Interests

There were no declarations of interest.

38. High Tide Festival, Bournemouth Beach

Present:

From BCP Council:

Nananka Randle – Licensing Manager
Sarah Rogers, Senior Licensing Officer
Tanya Coulter, Legal Advisor to the Sub-Committee
Michelle Cutler, Clerk to the Sub-Committee

Mr Philip Day, Lacey's Solicitors, representing the Applicant, High Tide Festival Company Ltd
Mr Simon Smith, High Tide Festival Limited – Promoter of the Event
Peter Tisdale – Promoter
Benjamin Davids – Sun Dogs Production
James Dutton – Method Events

Objectors:

Jon Weaver - Head of Destination and Events, BCP Council
Tom Powell – Event Manager, BCP Council
Sgt Gosling - Dorset Police
Louise Busfield – Licensing Officer, Dorset Police (observing)
Andy Downton - Dorset & Wiltshire Fire and Rescue Service

Ian Carter, Dorset Council – Chair for most recent SAG Meeting, present to answer any questions.

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

The Chair advised that the Sub-Committee had received a very late submission from Dorset Police in the form of a 380 page document. The Chair proposed that this item be adjourned until 11th May 2022 to allow the Sub-Committee time to digest the information provided. The Chair sought the views of all parties on how to proceed.

Philip Day, Solicitor, representing the Applicant, advised that he did not support an adjournment and that he would like the hearing to proceed due to the proposed application being a major event in terms of financial planning. Mr Day proposed that the Sub-Committee adjourn for an hour to specifically consider the following documents: Event Management Plan, Minutes of the Safety Advisory Group meeting (SAG) and the response to the SAG. Mr Jon Weaver, Head of Destination and Events, BCP Council, agreed that the hearing should not be adjourned as a decision on the application was required immediately due to the large amount of work that would need to be undertaken and a concern that the event organisers would continue to promote the event and sell tickets in the interim.

Sergeant Gosling apologised for the lateness in submitting the evidence bundle and cited that he was busy dealing with other police business. He did not support an adjournment until a later date and neither did Mr Andy Downton, Dorset Fire and Rescue Service.

After taking the views of all parties into consideration the Sub-Committee agreed to adjourn to 11:45am to consider the documents highlighted by Mr Philip Day, that had been submitted by Dorset Police the previous day.

The meeting adjourned at 10:30am and reconvened at 11:45am.

The Chair welcomed everyone back and confirmed that the Sub-Committee had read the necessary documents.

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 made by Lacey's Solicitors on behalf of High Tide Festival Company Ltd for a time limited premises licence, to permit regulated entertainment and the supply of alcohol, for a 2-day music festival on the beach on 1st and 2nd July 2022. The provision of film, live music, recorded music, performance of dance and on sales of alcohol was requested between the hours of 15:00 and 23:00 each day. The Licensing Authority had received 3 representations from responsible authorities (Dorset Police, Dorset & Wiltshire Fire and Rescue Service and BCP Council) on the grounds that to grant the application would undermine the licensing objectives.

When putting forward his representation on behalf of the Applicant, Mr Philip Day advised that he had been instructed that the Applicant had proposed to reduce the total number of tickets for sale each day from 9500 to 5000 and that the maximum occupancy of the site at any one time would be 6000 (to include events staff, performers, caterers etc).

The Sub Committee asked various questions of all parties present and were grateful for the 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.

The Legal Adviser explained that all parties to the application have the right to Appeal to the Magistrates Court within the period of 21 days beginning with the day on which the Applicant is notified by the Licensing Authority of this decision in writing.

Voting: Unanimous

RESOLVED that the application for a new Premises Licence dated 28 February 2022, for a time limited premises licence for 'High Tides Festival, Bournemouth Beach' to permit regulated entertainment and the supply of alcohol, for a 2-day music festival on the beach on 1st and 2nd July 2022 be REFUSED.

Reasons for Decision

In reaching its decision the Sub-Committee gave detailed consideration to all of the information submitted before the Hearing - that contained in the report for Agenda Item 5 and that provided up to the date of the Hearing by the Applicant and those making representations. It also heard and took into account the submissions made at the Hearing made by the Senior Licensing Officer, Sarah Rogers; Mr Philip Day, Lacey's Solicitors, representing the Applicant 'High Tide Festival Company Ltd'; Mr Simon Smith and Mr Peter Tisdale, Promoters of the Event; Benjamin Davids, Event Manager; James Dutton, Method Events (Production Consultant); Jon Weaver - Head of Destination and Events, BCP Council; Sergeant Gareth Gosling, Dorset Police; Andy Downton, Dorset Fire and Rescue Service and Ian Carter, Chair of the Safety Advisory Group (SAG), who had attended to answer any questions relating to the SAG meetings that had taken place.

The Sub-Committee also considered the responses given by the attendees to the questions asked at the Hearing.

Section 18 of the Licensing Act 2003 provides that:

(3) Where relevant representations are made, the authority must—

(a) hold a hearing to consider them, unless the authority, the Applicant and each person who has made such representations agree that a hearing is unnecessary, and

(b) having regard to the representations, take such of the steps mentioned in subsection (4) (if any) as it considers appropriate for the promotion of the licensing objectives.

(4) The steps are—

(a) to grant the licence subject to—

(i) the conditions mentioned in subsection (2)(a) modified to such extent as the authority considers appropriate for the promotion of the licensing objectives, and

(ii) any condition which must under section 19, 20 or 21 be included in the licence;

(b) to exclude from the scope of the licence any of the licensable activities to which the application relates;

(c) to refuse to specify a person in the licence as the premises supervisor;

(d) to reject the application.

Representations were made that the likely effect of granting the proposed Licence would be that there would be a clear risk to public safety and potential for crime and disorder and that to grant the Licence would not therefore promote the Licensing Objectives of the prevention of crime and disorder and public safety.

The Sub-Committee, having heard the concerns expressed by the Responsible Authorities, were not convinced by the responses provided in the documentation and at the Hearing by the Applicant and their team. The Sub-Committee had no confidence that the proposed event would ensure the safety of the public. The Sub-Committee noted that the application had been made on 28th February 2022 and despite a number of meetings with BCP Council's Safety Advisory Group (SAG) regarding the running of the event, the event organisers had consistently failed to provide the necessary detailed plans, risk assessments and other key assurances to the SAG members to provide confidence that the event would be delivered safely. The Event Management Plan (EMP) had not been completed to a satisfactory level and despite guidance, within the limits of the SAG, being given regarding what was required this information had still not been completed. The EMP submitted was inadequate and the Sub-Committee was not prepared to grant a licence for the event based on the EMP being completed satisfactorily by 1st June 2022 based on lack of progress to date.

The Sub-Committee was concerned that the Application relies heavily upon the contents of an incomplete EMP and a variety of other documents which are yet to be received from the Applicant or were generic documents. The Sub-Committee considered whether it would be appropriate to attach a condition to the Licence (as proposed by the Applicant) that the Licence be granted subject to the submission of the EMP by 1st June 2022. The Sub-Committee considered that this would not be appropriate in the circumstances. The Plan was substantially incomplete, and some key aspects had not been included or completed to the satisfaction of the Responsible Authorities. There would be no way for the Licensing Authority to be assured that a completed Plan was acceptable and dealt appropriately with the risks highlighted and that it would ensure the promotion of the Licensing Objectives. The lack of progress to date and the short time left before the planned event meant that the risks, should this condition be relied on, were higher than they potentially would have been with progress better to date.

The documentation so far received has provided little detail on how the organiser plans to deliver the event or the key management responsibilities for delivering the event and responding to adverse incidents. Therefore, there is an increased risk to public safety which would be unacceptable.

The Sub-Committee accepted that the Applicant had offered to reduce ticket numbers to a maximum of 5000 and that the new maximum capacity on site at any one time (including staff, entertainers, catering etc) would be 6000, however, the Event organisers were unable to advise how long a full site evacuation would take at this reduced number. Mr Andy Downton, Dorset Fire and Rescue Service had expressed serious concerns over how a full scale evacuation of such a large scale event would take place. In addition, and by way of example, the event plans highlighted use of pyrotechnics, flares and to store Liquid, Petroleum Gas (LPG) on site but there was no mention of this in the risk assessment provided by the Applicant.

Gareth Gosling, Dorset Police, had raised specific concerns around the lack of information provided in relation to the movement and, deployment of security staff, in addition, there was inadequate information about what security staff would be tasked to do, what training they would have or how they would access support if needed. Again, this provides an example of the key risk assessments and planning which has failed to take place to date and is yet to be included in the draft EMP.

The Sub-Committee noted the comments made by Jon Weaver, Head of Destination and Events that BCP Council would very much like to support this event, subject to it meeting all statutory requirements and SAG approval, however, ongoing concerns over the management of the event had been raised despite the event having its own dedicated SAG meeting. He highlighted that the organisers had allowed inadequate planning time, and that an event of this scale at this location would more realistically take a year or more to plan adequately.

For all of the above reasons the Sub-Committee found that the Application if granted would not support the licensing objectives of the prevention of crime and disorder and the protection of public from harm and that there were no conditions that would appropriately manage the risks and ensure the licensing objectives would be promoted. It therefore decided that the appropriate decision in this case was to refuse the application.

Voting: Unanimous

Right of Appeal

All parties to the application have the right to Appeal to the Magistrates Court within the period of 21 days beginning with the day on which the Applicant is notified by the Licensing Authority of this decision in writing.

39. Branksome Beach Restaurant Kiosk

Present:

From BCP Council:

Nananka Randle, Licensing Manager
Tanya Coulter, Legal Advisor to the Sub-Committee
Michelle Cutler, Clerk to the Sub-Committee

Mr Niall McCann, Solicitor, Keystone Law, representing the Applicant,
Rockwater Sandbanks and Branksome Ltd
Mr Lee Wilson, Operations Director of Rockwater
Miss Kate Cross, proposed Designated Premises Supervisor

Objectors:

Mr McCarthy, presenting his own objection and also representing:

Mr and Mrs Wilkinson
Mr and Mrs Lawrence
Ms Glynn-Baker
Tea Colaianni

1 Anonymous

Cllr May Haines, presenting her own objection and representing 3 Anonymous objectors.

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

The Chair confirmed that the supplementary evidence bundle submitted by Mr McCann, Solicitor on behalf of the Applicant, in advance of the hearing, had been received by the Sub-Committee.

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.

The Sub Committee was asked to consider an application made by Keystone Law, on behalf of Rockwater Sandbanks & Branksome Limited, for a premises licence for off sales to enable customers to consume food and drink on a decking structure proposed on the beach or elsewhere. The Licensing Authority had received 56 representations on the grounds that to grant the application it would undermine the licensing objectives of the prevention of crime and disorder, prevention of public nuisance, public safety and the protection of children from harm.

The Sub-Committee was advised that a number of conditions had been agreed between the Applicant and Dorset Police via mediation in advance of the hearing.

The Applicant had agreed to the proposal to amend the provision of off sales of alcohol to between 11:00hrs and 21:00hrs seven days a week, as opposed to between 10:00hrs to 23:00hrs. As a result, Dorset Police had withdrawn its representation. A further 2 representations had been withdrawn following the successful mediation between the Applicant and Dorset Police.

During the course of the Hearing, Mr McCann offered a condition on the licence that when the kiosk was open, off sales from the restaurant would not be promoted.

The Clerk read out a written statement from Mr Bob Lister, objecting, as he could not attend the hearing due to other commitments.

During Councillor May Haines submissions, the Sub-Committee was informed that she had originally been asked to represent 5 residents, however, 1 resident had now withdrawn their representation following the conditions agreed between the Applicant and Dorset Police.

The Sub Committee asked various questions of all parties present and were grateful for the 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.

The Legal Adviser explained that all parties to the application have the right to Appeal to the Magistrates Court within the period of 21 days beginning with the day on which the Applicant is notified by the Licensing Authority of this decision in writing, and that the decision would not come into effect until the expiry of said 21 days.

Voting: Unanimous

RESOLVED that the application for a new Premises Licence dated 11 March 2022, for the premises known as 'Branksome Beach Restaurant

Kiosk' be **GRANTED** for the provision of off sales of alcohol between 11:00hrs and 21:00hrs seven days a week.

This premises licence is granted subject to all of the conditions offered in the operating schedule in part M of the application and the conditions listed below, which have been agreed between the Applicant and Dorset Police in advance of the hearing through mediation.

- Food and non-intoxicating beverages, including drinking water, shall be available at all times where alcohol is sold or supplied from the premises.
- A maximum of four alcoholic drinks may be purchased at any one time per customer.
- Wine to be sold by the glass.
- Spirits shall only be sold with a mixer.
- When the premises remains open until 18:00hrs or later, staff on site at the time shall remain in and around the premises for one hour to assist with dispersal and any litter collection.
- Challenge 25 shall be operated at the premises to all persons purchasing and consuming alcoholic drinks from the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport / holographically marked PASS scheme identification cards. Appropriate signage advising customers of the policy shall prominently displayed in the premises.
- A First Aider to be available at all times the premises is open for licensable activity.
- The holder of the licence shall undertake a risk assessment with regard to the deployment of SIA Door Supervisors and Marshals at different times of the day and on different days of the week to determine whether it is appropriate to deploy door staff/marshals on those days and/or at any other time(s) and to then implement 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 or in the vicinity on BCP land.
- 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
-

In addition to the above the Applicant offered the following condition, which was accepted by the Sub-Committee:

- That when the kiosk is open, off sales from the restaurant will not be promoted.

Reasons for Decision

The Sub-Committee gave detailed consideration to all of the information which has been submitted before the Hearing and contained in the report for Agenda Item 6 and the additional information provided before the hearing, in particular the written representations made by 53 other persons, and the verbal submissions made at the Hearing by the Licensing Manager, Nananka Randle, Niall McCann, Solicitor representing the Applicant, Rockwater Sandbanks and Branksome Ltd, Lee Wilson, Operations Director of Rockwater, Kate Cross, Proposed Designated Premises Supervisor (DPS), Mr Martyn McCarthy, objecting and representing himself and the following residents who had submitted representations objecting (Sally McCarthy, Mr and Mrs Wilkinson, Mr and Mrs Lawrence, Ms Glynn-Baker, Tea Colaianni and one anonymous resident) and Cllr May Haines presenting her own objection and representing 1 anonymous resident. The Sub-Committee also considered the written statement of Bob Lister, objecting, which was read out by the Clerk in his absence.

The Sub-Committee also considered the responses given to all of the questions asked at the Hearing.

The Sub-Committee noted that the representation submitted by Dorset Police had been withdrawn following successful mediation with the Applicant and that as a result of the conditions agreed between Dorset Police and the Applicant a further 6 representations had been withdrawn.

The Sub-Committee commended the willingness of the Applicant to co-operate and assist the Police and it welcomed the Applicant's agreement to reduce the provision of off sales of alcohol from 23:00hrs to 21:00 hrs. Whilst the Sub-Committee acknowledged the concerns expressed by residents it was noted that the provision of music had not been applied for on the new licence and it was hoped that this along with the reduction in hours, alongside the conditions agreed with Dorset Police would help to address some of the issues raised by residents.

The Sub-Committee noted the comments made by Mr McCarthy highlighting concerns around customers queueing at the premises, however, assurances were given of the successful queueing system currently in operation at in the Hove premises. Space is tight at the new kiosk location, but with the introduction of SIA Door Supervisors and Marshals, the Applicant acknowledged the need to keep clear the adjacent main pedestrian and emergency access to the beach, and adjacent toilets.

The Sub-Committee was satisfied that if the premises operated in the responsible way they appeared to and in accordance with the conditions on the premises licence, then 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 a Responsible Authority or any other person should there be any issues associated with the premises in the future that undermine the licensing objectives.

Voting: Unanimous

Right of Appeal

All parties to the application have the right to Appeal to the Magistrates Court within the period of 21 days beginning with the day on which the Applicant is notified by the Licensing Authority of this decision in writing.

The meeting ended at 5.10 pm

CHAIRMAN

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 28 April 2022 at 10.00 am

Present:-

– Chairman

– Vice-Chairman

Present: Cllr J J Butt, Cllr G Farquhar and Cllr D Kelsey

1. Election of Chair

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

Voting: Unanimous

2. Apologies

The Chair explained that the first reserve, Cllr J Bagwell, was unwell and would not be able to attend as reserve member. Therefore, Cllr B Dion was present for the beginning of the meeting as the stand-in reserve.

3. Declarations of Interests

There were none.

4. Sandbanks Beach Kiosks

Present:

From BCP Council:

Sarah Rogers, Senior Licensing Officer
Alan Parr, Legal Advisor
Joseph Tyler, Democratic Services Officer

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 a premises licence application at the location known as Sandbanks Beach Café Kiosks Banks Road, to permit off sales of alcohol between the hours of 10:00 and 23:00 each day of the week from three kiosks within the remit of Sandbanks Beach Café's property.

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

- Niall McCann - Solicitor, Keystone Law, representing the applicant
- Lee Wilson - Operations Director of Rockwater, Sandbanks & Branksome Ltd

NB:

- Ward Councillor May Haines submitted a written statement that was read aloud by the Clerk.
- Dorset Police and two other persons withdrew their initial objections to the application following mediation with the applicant.

The Sub Committee asked various questions of all parties present and were grateful for the 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.

The Legal Adviser explained that all parties to the application have the right to Appeal to the Magistrates Court within the period of 21 days beginning with the day on which the Applicant is notified by the Licensing Authority of this decision in writing, and that the decision would not come into effect until the expiry of said 21 days.

Voting: Unanimous

RESOLVED:- that having considered the application, submitted by Rockwater Sandbanks & Branksome Limited to apply for a premises licence at the location known as Sandbanks Beach Café Kiosks Banks Road, to permit off sales of alcohol between the hours of 10:00 and 23:00 each day of the week from three kiosks within the remit of Sandbanks Beach Café's property, including the following conditions:

Dorset Police agreed conditions:

- That 'Kiosk 3' (as outlined in red on the plan) no longer forms part of this application and is not to be licensed.
- The sale of alcohol to be between 11.00 a.m. and 9 p.m. seven days a week.
- Food and non-intoxicating beverages, including drinking water, shall be available at all times where alcohol is sold or supplied from the premises.
- A maximum of four alcoholic drinks may be purchased at any one time per customer.
- Wine only to be sold by the glass*.
- Spirits shall only be sold with a mixer.
- When the premises remains open until 21:00 hrs all staff on site at the time shall remain in and around the premises until 22:00 hrs to assist with dispersal and any litter collection. Challenge 25 shall be

operated at the premises to all persons purchasing and consuming alcoholic drinks from the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport / holographically marked PASS scheme identification cards. Appropriate signage advising customers of the policy shall prominently displayed in the premises.

- A First Aider to be available at all times the premises is open for licensable activity.
- The holder of the licence shall undertake a risk assessment with regard to the deployment of SIA Door Supervisors and Marshals at different times of the day and on different days of the week to determine whether it is appropriate to deploy door staff/marshals on those days and/or at any other time(s) and to then implement 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 or in the vicinity on BCP land. 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 agreed:

- That the Kiosks will not sell alcohol while there is a temporary bar in place on the patio of the restaurant licence.
- For there to be no glassware used or provided by the Kiosks.

The Sub-Committee were content that the mediation agreement with Dorset Police and the subsequent conditions that were agreed to by the applicant would result in the premises upholding the licensing objectives. The Sub-Committee were also reassured by the condition not to serve glass ware in any form and that the premises would ensure that staff clean/litter pick the premises for an hour after closure every day.

The Legal Adviser explained that all parties to the application have the right to Appeal to the Magistrates Court within the period of 21 days beginning with the day on which the applicant is notified by the Licensing Authority of this decision in writing, and that the decision would not come into effect until the expiry of said 21 days.

Voting: Unanimous

5. The Railway Hotel, 2 Stour Road, Christchurch, BH23 1PS

Present:

From BCP Council:

Tania Jardim, Licensing Officer

Nananka Randle, Licensing Manager

Mary Almeida, Legal Advisor

Joseph Tyler, Democratic Services Officer

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 B to these minutes in the Minute Book.

The Sub-Committee was asked to consider an application to vary the Premises Licence at The Railway Hotel, 2 Stour Road, Christchurch, BH23 1PS in order to vary the layout and design of the premises and to update the approved plan to include the use of a bar servery within the external area.

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

- Ewen Macgregor - Solicitor, TLT Solicitors, representing the applicant.
- Austyn Greenfield – DPS for the Railway Hotel premises.
- Augustine Cook – local resident, representing Mr Columba Cook.
- David O'Sullivan – local resident.

NB:

- Dorset Police and Environmental Health withdrew their initial objections to the application following mediation with the applicant.

The Sub Committee asked various questions of all parties present and were grateful for the 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.

The Legal Adviser explained that all parties to the application have the right to Appeal to the Magistrates Court within the period of 21 days beginning with the day on which the Applicant is notified by the Licensing Authority of this decision in writing, and that the decision would not come into effect until the expiry of said 21 days.

Voting: Unanimous

RESOLVED:- that having considered the application, submitted by Punch Taverns Ltd, to vary the Premises Licence at The Railway Hotel, 2 Stour Road, Christchurch, BH23 1PS in order to vary the layout and design of the premises and to update the approved plan to include the use of a bar servery within the external area.

The Sub-Committee agrees that the variation of the Premises Licence be granted upon the following conditions:

- **For the applicant to provide a revised plan to clearly show the correct layout and scaling of the external bar.**
- **For the external bar to be limited in size and scale to the extent of the existing WC block only.**

And

Dorset Police agreed conditions:

- CCTV to cover the garden, to include all entry and exit points enabling frontal identification of every person entering in any light condition.
- The garden gate will be viewed by two cameras during licensing hours and will be regularly checked by staff and management.
- The CCTV system shall continually record and cover areas where alcohol is kept for selection, purchase and consumption by the public, whilst the premises is open for licensable activities. It shall operate during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with correct date and time stamping. Recordings shall be made available immediately upon the request of Police or an authorised officer of the council throughout the preceding 31 day period.
- Whenever there are customers in the external area, a sufficient number of staff members, which will be determined on a risk assessed basis, to operate, monitor and supervise the area for customer behaviour and to monitor noise levels. 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.

Environmental Health agreed conditions:

- There shall be no amplified live or recorded music outside in garden area after 2300.
- The outside bar will be closed at 22:30h. The garden will be empty of customers at 23:00h. Patrons are permitted to temporarily use the garden after 23:00h e.g. to smoke or to make a telephone call, shall not be permitted to take drinks or glass containers with them. This shall be limited to a maximum of 8 persons at any one time.
- 28 days before any event involving live or recorded amplified music in the garden area, a written Noise Management Plan shall be submitted and agreed in writing with the licensing authority.
- A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
- No noise generated on the premises, or by its associated plant or equipment, shall give rise to a nuisance.

Sub-Committee members agreed that the above conditions would give the premises a greater ability to uphold the licensing objectives insofar as there will be greater staff supervision and presence in the external areas of the premises as well as more CCTV, with the number of cameras increasing from 2 to 5. Sub-Committee members also felt assured that the variation of the premises licence would enable stronger enforcement of the licensing objectives.

The Sub-Committee were content that any incidents which undermine the licensing objectives will result in a Review of the Premises Licence being called, therefore allaying the concerns of the local residents.

In making its decision, the Sub-Committee have also had regard to the case of *Thwaites PLC v Wirral Borough Magistrates' Court* 2008. There was limited evidence before the Sub Committee of actual anti-social behaviour and crime that had occurred in the location of the premises that would show that granting the variation to the licence will give rise to negative impact on the licensing objectives. The representations and submissions were mainly concerns speculating what may happen in the future should the application be granted, and the Sub-committee is unable to base its decision on such concerns. The Sub-Committee did not find any evidence to justify a refusal of the application.

The Legal Adviser explained that all parties to the application have the right to Appeal to the Magistrates Court within the period of 21 days beginning with the day on which the applicant is notified by the Licensing Authority of this decision in writing, and that the decision would not come into effect until the expiry of said 21 days.

Voting: Unanimous

The meeting ended at 1.10 pm

CHAIRMAN

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 11 May 2022 at 10.00 am

Present: Cllr J J Butt, Cllr A Hadley and Cllr T Johnson

6. Election of Chair

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

Voting: Unanimous

7. Apologies

There were no apologies for absence.

8. Declarations of Interests

There were no declarations of interest.

9. Hospitality Marquee, Bournemouth Seafront

Present:

From BCP Council:

Tania Jardim, Licensing Officer

Alan Parr, Legal Advisor to the Sub-Committee

Michelle Cutler, Clerk to the Sub-Committee

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 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 to permit live and recorded music and the sale of alcohol on the premises between the hours of 10:00 to 23:00 on Sunday to Thursday and 10:00 to 00:00 on Friday and Saturday, submitted by the Head of Destination and Events, Bournemouth, Poole and Christchurch (BCP) Council, on 18 March 2022.

The Licensing Authority had received 15 residential representations against this application on the grounds that it would undermine the licensing objectives. No representations had been received from any of the responsible authorities.

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

Jon Weaver, Head of Resort Marketing and Events, BCP Council, representing the Applicant
Helen Wildman, Events Manager (Commercial), BCP Council, representing the Applicant
Barbara Gomez Del Olmo, Objecting (also representing Mr and Mrs Greenfield)
Peter Chadwick, Objecting (also representing Edward Wokakowski)

When making his representation, Jon Weaver advised that Eastcliff Beach and Toffs Beach were omitted from the application in error but were to be included within the Application. Jon Weaver proposed a reduction in the hours requested to permit the following:

- Live music between the hours of 10:00 and 22:00 daily for a maximum of 8 private functions, for background live restaurant music and the Bournemouth Air Festival Dates.
- Recorded music between the hours of 10:00 and 22:00 daily.
- Sale of alcohol between the hours of 10:00 and 23:00 daily for a maximum of 8 private functions, and the Bournemouth Air Festival Dates. At all remaining times within the licence period the sale of alcohol would be permitted between 10:00 and 22:30.

He also confirmed that the temporary licence was requested between the dates of 1st August and 4th September 2022 inclusive.

The Sub Committee asked various questions of all parties present and were grateful for the 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.

The Legal Adviser explained that all parties to the application have the right to Appeal to the Magistrates Court within the period of 21 days beginning with the day on which the Applicant is notified by the Licensing Authority of this decision in writing, and that the decision would not come into effect until the expiry of said 21 days.

RESOLVED that the application for a new temporary Premises Licence dated 18 March 2022, for the premises known as 'Hospitality Marquee', Eastcliff and Toffs, Bournemouth Seafront, be GRANTED between 1st August and 4th September 2022 inclusive, as amended, to permit the following:

- **Live music between the hours of 10:00 and 22:00 daily for a maximum of 8 private functions, for background live restaurant music and the Bournemouth Air Festival Dates.**
- **Recorded music between the hours of 10:00 and 22:00 daily.**
- **Sale of alcohol between the hours of 10:00 and 23:00 daily for a maximum of 8 private functions, and the Bournemouth Air Festival Dates. At all remaining times within the licence period the sale of alcohol will be permitted between 10:00 and 22:30.**

This premises licence is granted subject to all of the conditions offered in the operating schedule in part M of the application and the conditions listed below, which have been put forward by the applicant following discussions with Dorset Police and Environment Health in advance of the hearing.

- SIA security in place during operations.
- CCTV system in place throughout.
- Challenge 25 policy.
- No shots offered or irresponsible drinking promotions.
- Staff all trained and personal licence holder on site during operations.
- A refusals log and incident logs which will be regularly reviewed.
- A restaurant environment must be provided - this is not to be a vertical drinking operation.
- Under 18's must be accompanied by a responsible adult.
- Music noise levels shall not exceed 65dB(A) over a 15-minute period when measured at the boundary of any noise sensitive premises.
- Low frequency noise shall be adequately controlled particularly 63Hz and 125Hz which shall not exceed 70dB(A) at any time when measured at the boundary of any noise sensitive premises.
- Regular contact will be maintained with the Police and authorised officers of the Council in charge of Environmental Health by the Seafront Operations Team, to manage contractors and events onsite.
- The premise will operate a written dispersal policy which ensures the safe and gradual dispersal of customers from the premises. The policy will be agreed with Dorset Police. All staff are to receive training on the policy and a record of training will be kept and made available to an authorised officer upon request.
- Notices will be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
- No food or alcohol will be served on the patio/terrace area after 22:00 hours.
- No noise generated on the premises, or by its associated plant or equipment, can emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
- Loudspeakers will not be located in the entrance lobby or outside the premises.
- A direct telephone number for the manager at the premises will be made publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.

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 additional information provided before the hearing, in particular the written representations made by 15 other persons, and the verbal submissions made at the Hearing by the Licensing Officer, Tania Jardim, Jon Weaver, Head of Resorts Marketing & Events Tourism and Helen Wildman, Events Manager, Commercial Tourism, both representing the applicant, BCP Council, Mrs Barbara Gomez, objecting and representing herself and a number of residents who had also made representations objecting and Mr Peter Chadwick, objecting and representing Mr Edward Wokakowski.

The Sub-Committee also considered the responses given to all of the questions asked at the Hearing.

The Sub-Committee was mindful that no representations had been received from any of the responsible authorities.

The Sub-Committee commended the willingness of the Applicant to co-operate with residents and the Applicant's proposal to reduce the end times of the licensable activities applied for in order to minimise disruption to residents. Whilst the Sub-Committee acknowledged the concerns expressed by residents it hoped that this reduction in hours, alongside the conditions put forward by the Applicant, would help to address some of the issues expressed by residents.

The Sub-Committee was satisfied that if the premises operated in the responsible way they promised to and in accordance with the conditions on the premises licence, then 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 a Responsible Authority or any other person should there be any issues associated with the premises in the future that undermine the licensing objectives.

The representations and submissions were mainly concerns speculating what may happen in the future should the application be granted, and the Sub-committee is unable to base its decision on such concerns. The Sub-Committee did not find any evidence to justify a refusal of the application.

The Legal Adviser explained that all parties to the application have the right to Appeal to the Magistrates Court within the period of 21 days beginning with the day on which the applicant is notified by the Licensing Authority of this decision in writing, and that the decision would not come into effect until the expiry of said 21 days.

Voting: Unanimous

10. Application to Vary Premises Licence at Conroys Bar, 33 Sea Road, Bournemouth, BH5 1DH

Present:

From BCP Council:

Tania Jardim, Licensing Officer

Alan Parr, Legal Advisor to the Sub-Committee

Michelle Cutler, Clerk to the Sub-Committee

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 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 made by Mr Philip Day of Lacey's Solicitors on behalf of Conroy's Bar Limited to vary the Premises Licence.

The Licensing Authority had received 11 representations from other persons in objection to the application on the grounds that to grant the application would undermine the licensing objectives. Representations in objection to the application had also been received from BCP Council's Environmental Health and Dorset Police on the grounds of Prevention of Crime and Disorder, Public Safety and

Prevention of Public Nuisance respectively, however, the representation made by Environmental Health had been withdrawn following successful mediation with the Applicant.

The Licensing Authority received 7 representations in support of the application

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

Philip Day, Solicitor, representing the Applicant
Connie O’Gormeley, Applicant, Designated Premises Supervisor and Joint Owner of the Premises
Royston Thorne, Joint Owner of the Premises
Sergeant Gareth Gosling, Dorset Police, Objecting
Louise Busfield, Licensing Officer, Dorset Police
Miss Aleksandra Mackiewics, Objecting
Cllr Anne Filer, speaking on behalf of Cllr Kelly, objecting on behalf of residents
Bill Huges, speaking in support of the Application.

The Sub Committee asked various questions of all parties present and were grateful for the 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.

The Legal Adviser explained that all parties to the application have the right to Appeal to the Magistrates Court within the period of 21 days beginning with the day on which the Applicant is notified by the Licensing Authority of this decision in writing, and that the decision would not come into effect until the expiry of said 21 days.

**RESOLVED that the application to vary the Premises Licence for the premises known as ‘Conroy’s Bar’, 33 Sea Road, Bournemouth, BH5 1DH, dated 22 March 2022, be GRANTED, as amended, to permit the following:
To add live and recorded music as follows:- Thursday, Friday and Saturday from 23:00 hours until 24:00 hours only.
That the opening hours of the premises are from 08:00 daily, with no change to the closing times.
That there be no change to the permitted hours for the sale of alcohol and the provision of late night refreshment.**

In addition, that the following conditions, offered by the applicant, be attached to the Licence:

- Live and Recorded music provided as regulated entertainment to be in the basement area only.
- All or any live or recorded music provided as regulated entertainment is played through a noise limiting device, the levels of which are to be agreed with officers from Environmental Health.
- Whenever live or recorded music is provided after 11 p.m. (i.e., other than under the Live Music Act): At least one SIA Door Supervisor to be deployed from 22:00 hours until the premises close and all customers have dispersed from the immediate area and a minimum of 4 tables and 8 chairs will be available for use by customers in the basement area throughout.

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 6, in particular the written representations made by 11 other persons objecting to the application and 7 written representations made in support of the application. The Sub-Committee also took into account the verbal submissions made at the hearing by the Licensing Officer, Tania Jardim, Mr Philip Day, Solicitor, representing the applicant, Conroy's Bar Ltd, Ms Connie O'Gormely, Designated Premises Supervisor and joint owner of the premises, Mr Royston Thorne, joint owner of the premises, Sergeant Gareth Gosling, Dorset Police, Louise Busfield, Licensing Officer, Dorset Police, Miss Aleksandra Mackiewicz, objecting, Councillor Anne Filer (on behalf of Cllr Kelly), representing a resident objecting and Mr Bill Hughes in support of the application.

The Sub-Committee also considered the responses given to all of the questions asked at the Hearing.

The Sub-Committee was mindful that the representation submitted by Environmental Health had been withdrawn following successful mediation in advance of the hearing and the agreement reached with the applicant for the inclusion of a condition that any live or recorded music provided as regulated entertainments be played through a noise limiting device, the levels of which would be agreed with officers from Environmental Health.

The Sub-Committee also noted that the representation submitted by Dorset Police was withdrawn during the course of the hearing by Sargent Gareth Gosling following successful mediation between Dorset Police and the Applicant prior to the commencement of the hearing.

The Sub-Committee noted that the Applicant now only sought to have regulated entertainment on Thursday, Friday and Saturday from 23:00 hours until 24:00 hours and that the applicant no longer wished to amend the permitted hours for the sale of alcohol and the provision of late night refreshment. The Sub-Committee noted that the applicant sought to amend the opening hours of the premises to start at 08:00 daily to accommodate breakfast service, however, as the hours for the permitted sale of alcohol were no longer sought to be amended it was felt that this would not cause any issues.

The Sub-Committee was satisfied with the condition offered by the applicant to have at least one SIA Door Supervisor present from 22:00hrs until close on nights where recorded music was being provided (and until all customers had dispersed from the immediate area). The Sub-Committee felt that this, along with music only being permitted in the basement area would quell some of the concerns raised by residents regarding noise emitting from the premises and anti-social behaviour.

Whilst the Sub-Committee acknowledged the concerns expressed by residents it hoped that the conditions put forward by the Applicant, would help to address some of the issues expressed by residents. The Sub-Committee wished to make it clear to the Applicant that future consideration of, and co-operation with residents was imperative so that any issues could be addressed swiftly.

The Sub-Committee was satisfied that if the premises acted in accordance with the conditions on the premises licence, then the licensing objectives should not be undermined, given that any incidents which undermined the licensing objectives would result in a Review of the Premises Licence being called, therefore allaying the concerns of the local residents.

The Legal Adviser explained that all parties to the application have the right to Appeal to the Magistrates Court within the period of 21 days beginning with the day on which the applicant is notified by the Licensing Authority of this decision in writing, and that the decision would not come into effect until the expiry of said 21 days.

Voting: Unanimous

The meeting ended at 12.45 pm

CHAIRMAN

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BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 26 May 2022 at 10.00 am

Present:-

Cllr J J Butt – Chairman

Present: Cllr J Bagwell and Cllr L Williams

11. Election of Chair

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

Voting: Unanimous

12. Apologies

There were apologies received from Councillor Kelsey and Councillor Bagwell attended as the first reserve.

13. Declarations of Interests

There were no declarations of interest on this occasion.

14. Wiggle, 159 Old Christchurch Road

Present:

From BCP Council:

Sarah Rogers, Licensing Officer

Josef Cannon – Barrister, Legal Advisor to the Sub Committee

Joe Tyler, Clerk to the Sub Committee

Nicky Hooley, Democratic Services, producing the minutes

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 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 made by Wellhot Limited, for the renewal of the Sexual Entertainment Venue Licence to permit relevant entertainment to continue for a further twelve-month period.

The Licensing Authority has received 2 valid objections.

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

For the Applicant:

Jon Wallsgrove, Solicitor, representing the Applicant

Mr Ojla, the Applicant

Objecting:

Cllr Dunlop (gave apologies, submission read by the Chairman)

Cllr Northover

The Sub Committee asked various questions of all parties present and was grateful for the 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.

The Legal Adviser explained that the decision would not come into effect until the expiry of 21 days, beginning with the day on which the Applicant was notified by the Licensing Authority of this decision in writing.

The decision being to grant the application, there was no statutory right of appeal against this decision.

RESOLVED:- that having considered the application, submitted by Wellhot Limited, for the renewal of the Sexual Entertainment Venue Licence to permit relevant entertainment, to continue for a further twelve-month period at Wiggle, 159 Old Christchurch Road, Bournemouth BH1 1JS.

Reasons for Decision:

The Sub-Committee had regard to the provisions of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 ("the 1982 Act"), and in particular the available grounds for refusing the application contained within that Schedule. They agreed with Mr Wallsgrove, for the Applicant, that the only grounds in contention appeared to be the 'discretionary' grounds contained within paragraph 12(3)(d) of Schedule 3. It was to those grounds that the Sub-Committee turned their focus.

They noted in particular paragraph 10.4 of the Sex Establishment Policy, which required them in this context (where there had been objections) to consider the application against the criteria within the 1982 Act. They did not agree that the policy required them to grant the application unless exceptional circumstances could be shown. They considered their discretion to be wide.

Character of locality

The Sub-Committee were told that the premises had held a SEV licence for more than a decade, with renewals every year since at least 2006. Although the character of the locality had evolved and changed in that period, they did not consider that it had changed materially since the last decision to renew the licence, or that there was any basis in the context of the character of the locality now to refuse the application. It was not inappropriate, having regard to the character of the locality, or to the use to which other premises in the vicinity were put, to grant the application.

Layout

The Sub-Committee heard from Cllr Northover about the layout of the toilets, and also from the Applicant, and viewed the licence plan. They were satisfied that the layout was acceptable and did not warrant refusal of the application.

Other Matters

The Sub-Committee were concerned to hear that there had been an incident in 2021 in which ‘wristbands’ advertising or promoting the premises had been distributed by an employee, away from the premises. It was pleased to see that its Licensing team had written to the premises warning that such a practice was a breach of its licence conditions, and to hear that there had been no further complaint since then.

More generally the Sub-Committee considered it material that there had been no complaints by local residents since the last renewal, and no local resident had objected to the application (and nor had the Police).

PSED

In considering the application, and in coming to their decision, the Sub-Committee had regard to the need to eliminate discrimination, foster good relations, and advance equality of opportunity between those with a protected characteristic, and those without. In this case that arose primarily in the context of men and women.

They considered that some of the points raised about the effect of SEVs on women fell into the category of ‘moral considerations’ and as such were not relevant; but had regard to those which were directed towards the character of the locality, in particular. They were concerned to hear that Cllr Northover had experienced harassment near to the venue on one occasion but noted that there had been no complaint made to the Police, and nor had the Police objected to the application.

On balance, having regard to the Public Sector Equality Duty and the points made in particular by Cllr Dunlop, the Sub-Committee did not feel that the duty compelled the refusal of the application. Against the identified criteria in the Local Government (Miscellaneous Provisions) Act 1982 they did not

feel there was any basis to refuse the application and they thus resolved to grant it.

Voting: unanimous

The meeting ended at 12.10 pm

CHAIRMAN

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 26 May 2022 at 12.00 pm

Present:-

Cllr J Butt – Chairman

Present: Cllr J Bagwell and Cllr L Williams

16. Election of Chair

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

Voting: Unanimous

17. Apologies

Apologies had been received from Councillor Kelsey, but Councillor Bagwell was attending as the first reserve.

18. Declarations of Interests

There were no declarations of interest received on this occasion.

19. Parma Pizza, 1448 Wimborne Road, Bournemouth, BH10 7AS

Present:

From BCP Council:

Tania Jardim, Licensing Officer

Johanne McNamara, Legal Advisor to the Sub Committee

Joe Tyler, Clerk to the Sub Committee

Nicky Hooley, Democratic Services, producing the minutes

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 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 made by Mr David Ramsay, on behalf of Mr Nicolai Carp for a new premises licence for the premises known as 'Parma Pizza', 1448 Wimborne Road,

Bournemouth, BH10 7AS. This matter is brought before the Licensing Sub Committee for determination.

The Licensing Authority had received three written representations from other persons in objection to the application on the grounds that to grant the application would undermine the licensing objectives.

The Licensing Authority also received two representations in support of the application.

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

David Ramsey, Licensing Consultant, representing the applicant

Mr Nicolai Carp, the applicant

The Sub Committee asked various questions of all parties present and was grateful for the 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.

The Legal Adviser explained that all parties to the application had the right to Appeal to the Magistrates Court within the period of 21 days beginning with the day on which the Applicant was notified by the Licensing Authority of this decision in writing, and that the decision would not come into effect until the expiry of said 21 days.

RESOLVED:- that having considered the application, submitted by Nicolai Carp for a new premises licence at the location known as Parma Pizza', 1448 Wimborne Road, Bournemouth, BH10 7AS to permit late night refreshments (indoors & outdoors) between Sunday to Thursday, 23:00 to 00:00, Friday and Saturday 23:00 to 02:00 and the Supply of alcohol (On & Off) between Sunday to Thursday 11:00 to 00:00, Friday and Saturday 11:00 to 02:00 and at New Year's, the times are from the start of permitted hours on 31st December to the end of permitted hours on 1st January (following agreed amendment to the end of permitted hours' time that was originally 2nd January.)

The Sub-Committee gave detailed consideration to all of the written information that had been submitted before the hearing, including that contained in the report for Agenda Item 5. The Sub-Committee considered the verbal submissions made at the Hearing by all parties attending, including the representations made by David Ramsay, Licensing Consultant representing the applicant and Nicolai Carp, the applicant, a written statement from an objector who remained anonymous, dated 14 April 2022, a written statement from an objector, Ms Eloise Goodenough, dated 14 April 2022 and a written statement from Ward Councillor Laurence Fear

that was agreed to be read out by the Sub-Committee at the hearing. The Sub-Committee also considered all responses given by all parties to questions asked at the hearing.

In coming to this decision, the Sub-Committee gave careful consideration to all factors and came to their decision for the reasons listed below.

Reasons for Decision:

The Sub-Committee agreed that the premises would be able to uphold the four licensing objectives if the licence was granted.

The Sub-Committee were content that the applicant had sufficiently demonstrated a proactive and positive attitude toward the premises and its licensable activities. Members gave careful consideration to the review of CCTV on the premises, by the applicant and landlord, and the reassurance given that staff on the premises understood and undertook their duty to monitor the outside areas of the premises and to ask patrons to move on at closing time.

The Sub-Committee were informed that a complaint regarding noise nuisance and an alleged breach of licensing conditions was received by the Licensing Authority in December 2021. However, following an investigation of this complaint there was no evidence found or forthcoming to uphold the complaint. Members were reassured by this and gave consideration to the fact that no evidence was provided to corroborate this complaint.

Members were also reassured by the fact that no Responsible Authorities, including Dorset Police or Environmental Health, had objected to the application. The reports of drug use, urination in and around the external areas of the premises and violence were repudiated by the applicant and members were informed that none of these claims had been substantiated by way of evidence provided to the Licensing Authority.

Members were informed that the Local Authority had been contacted by the premises owner and license holder regarding a number of phone calls that had been made to the premises, whereby allegations were made during the phone calls that the premises was contravening its licence. It was heard that this was also not evidenced.

The Sub-Committee were pleased that an amendment to the application, specifically Section 14 of 21, would be made to clarify that the times are from the start of the permitted hours on the 31 December to the end of permitted hours on 1 January as a continuous period.

Members were content that the licensing objectives had been upheld throughout the period of the current licence and were reassured that in granting the new licence that the premises would continue uphold the licensing objectives, based on the information and evidence provided to them before and during the hearing by all parties.

The Legal Adviser explained that all parties to the application have the right to Appeal to the Magistrates Court within the period of 21 days beginning with the day on which the applicant is notified by the Licensing Authority of

this decision in writing, and that the decision would not come into effect until the expiry of said 21 days.

Voting: Unanimous

20. Cherries Cafe, 65a Curzon Road, Bournemouth

The Sub-Committee agreed, as requested to open and adjourn consideration of this application until the Sub-Committee meeting on 8th June 2022, in order to comply with the timescales of the Hearing Regulations. The reason being that the Applicant was on holiday and not able to attend.

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The meeting ended at 1.20 pm

CHAIRMAN

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 08 June 2022 at 10.00 am

Present:-

– Chairman

– Vice-Chairman

Present: Cllr J Bagwell and Cllr J J Butt

Also in
attendance:

21. Election of Chair

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

Voting: Unanimous

22. Apologies

The Chair gave an apology for absence for Councillor Sarah Anderson and Councillor David Brown, as a reserve member, assumed the role as a Licensing Sub-Committee member, in her absence.

23. Declarations of Interests

There were no declarations of interest.

24. Cherries Cafe, 65a Curzon Road, Bournemouth, BH1 4PW

Present:

From BCP Council:

Sarah Rogers, Senior Licensing Officer

Mary Almeida, Legal Advisor to the Sub-Committee

Michelle Cutler, Clerk to the Sub-Committee

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 to permit the sale of alcohol between the hours of 11:00 and 21:30, each day of the week, for on sales only at the premises known

as 'Cherries Café', 65a Curzon Road, Bournemouth, BH1 4PW, submitted on 5 April 2022.

The Licensing Authority had received 3 residential representations against this application on the grounds that it would undermine the prevention of crime and disorder and prevention of public nuisance licensing objectives. No representations were received from any of the other responsible authorities.

During the consultation period Dorset Police mediated and agreed a number of conditions with the applicant. Should the application be granted these conditions would be imposed on the premises licence when issued.

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

Ms Amanda S C'erri, Applicant
Mr Nigel Dunn, Objecting

The following condition was put forward by the applicant during the hearing 'No alcohol is to be consumed on the outside decking area after 19:00hrs'.

The Sub-Committee asked various questions of all parties present and was grateful for the 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.

The Legal Adviser explained that all parties to the application had the right to Appeal to the Magistrates Court within the period of 21 days beginning with the day on which the Applicant was notified by the Licensing Authority of this decision in writing, and that the decision would not come into effect until the expiry of said 21 days.

RESOLVED that the application to permit the sale of alcohol between 11:00hrs and 21:30hrs each day of the week, for "on sales" only, for the premises known as 'Cherries Café' 65a Curzon Road, Bournemouth BH1 4PW dated 5th April 2022, be **GRANTED**.

This Premises Licence is granted subject to the conditions listed below, which have been agreed between the Applicant and Dorset Police in advance of the hearing through mediation.

1. All staff working at the premises concerned with the sale of alcohol shall be trained in accordance with an accredited training scheme 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 6 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 records shall be kept for a minimum of 12 months

and made available for inspection by the police, licensing and other authorised officers.

2. An incident log shall be kept at the premises. The log shall include the date and time of the incident, the name of the member of staff who has been involved and made available on request to an authorised officer of the Council or the police. The incident log shall record the following:
 - (a) any complaints received
 - (b) any incidents of disorder
 - (c) any faults in the CCTV system / or searching equipment / or scanning equipment
 - (d) any refusal of the sale of alcohol
 - (e) any visit by a relevant authority or emergency service
 - (f) all crimes reported to the venue
 - (g) all ejections of patrons
 - (h) all seizures of drugs or offensive weapons

This log to be checked on a weekly basis by the DPS of the premises.

3. Challenge 25 shall be operated at the premises. where the only acceptable forms of identification are (recognised photographic identification cards, such as a driving licence or passport, holographically marked PASS scheme identification cards). Appropriate signage advising customers of the policy shall be prominently displayed in the premises.
4. A CCTV system shall be installed to cover all entry and exit points enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record and cover areas where alcohol is kept for selection and purchase by the public, whilst the premises. is open for licensable activities. It shall operate during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with correct date and time stamping. Recordings shall be made available immediately upon the request of the police or an authorised officer of the Council throughout the preceding 31 day period. The CCTV system shall be updated and maintained according to police recommendations.
5. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member must be able to show the police or authorised Council officer recent data or footage with the absolute minimum of delay when requested.

6. CCTV shall be downloaded on request of the police or authorised Council officer. Appropriate signage advising customers of CCTV being in operation shall be prominently displayed in the Premises.
7. A documented check of the CCTV shall be completed weekly to ensure all cameras remain operational and the 31 days storage for recordings is being maintained.
8. The premises shall maintain membership of the Townwatch Scheme (or any successor scheme). A senior member of staff shall attend all Townwatch meetings unless an emergency arises preventing such attendance and the premises will support Townwatch initiatives.
9. Plastic or toughened polycarbonate (or similar) glasses/bottles will be used on home AFCB match days from 2 hours before kick-off and at other times when requested by Dorset Police.
10. Alcohol will be ancillary to food prepared and served on the premises
11. A minimum of 1 SIA registered door staff to be employed on the premises on AFCB home match days starting 2 hours before time of kick off.
12. The DPS will risk assess the need for door supervision at all other times. 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

In addition, the following conditions, offered by the applicant during the hearing and imposed by the sub-committee on deliberation, shall be attached to the Licence:

13. No alcohol is to be consumed on the outside decking area after 19:00hrs and regular checks of the decking area are to be carried out by a staff member during the times that alcohol is being sold.
14. There shall be no disposal of glass bottles before 08:00hrs and after 20:00hrs each day.

Reason 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, in particular the written representations made by 3 other persons, and the verbal submissions made at the hearing by the Senior Licensing Officer, Sarah Rogers, Amanda Sc'erri, the applicant and Nigel Dunn, a resident, objecting to the application.

The sub-committee also considered the responses given to all of the questions asked at the hearing.

The sub-committee was mindful that no representations had been received from any of the Responsible Authorities.

The sub-committee commended the willingness of the applicant to co-operate with residents and Dorset Police in order to minimise disruption to residents. Whilst the sub-committee acknowledged the concerns expressed by residents the sub-committee believed that the conditions put forward by the applicant and agreed with Dorset Police, would address the relevant concerns raised.

The representations and submissions were mainly concerns speculating what may happen in the future should the application be granted, and the sub-committee is unable to base its decision on such concerns. The sub-committee did not find any evidence to justify a refusal of the application.

In making its decision, the sub-committee has had regard to the case of 'Thwaites PLC v Wirral Borough Magistrates' Court 2008. There was no evidence before the sub-committee of actual anti-social behaviour or noise nuisance having occurred in the location of the premises that would show that granting the licence would give rise to negative impact on the licensing objectives.

The sub-committee was satisfied that if the premises operated in the responsible way that the applicant had promised to and in accordance with the conditions on the premises licence, then the premises licence holder should not undermine the licensing objectives. It was noted that a review of the premises licence could be applied for at any time by a Responsible Authority or any other person should there be any issue/s associated with the premises in the future that may undermine the licensing objectives.

In making this decision the sub-committee have had regard to the Bournemouth, Christchurch and Poole Council Licensing Policy, the revised guidance, as set out by the Secretary of State and the licensing objectives, as set out in the Licensing Act 2003.

The legal adviser explained that all parties to the application have the right to appeal to the Magistrates Court within the period of 21 days beginning with the day on which the applicant is notified by the Licensing Authority of this decision in writing, and that the decision would not come into effect until the expiry of said 21 days.

Voting: Unanimous

The meeting ended at 10.45 am

CHAIRMAN

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LICENSING SUB-COMMITTEE

WEDNESDAY, 6TH JULY, 2022

25 Election of Chair

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

Voting: Unanimous

26 Apologies

An apology for absence was received from Cllr Norman Decent and Councillor David Brown, as a reserve member, assumed the role as a Licensing Sub-Committee member, in his absence.

27 Declarations of Interests

There were no declarations of interest.

28 Protocol for Public Speaking at Meetings

The Protocol for Public Speaking at Meetings was noted.

29 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.

30 New Driver Application

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).

The Chair made introductions and explained the procedure to be followed in considering this item, which was agreed by all participating parties.

Attendance:

From BCP Council:

Michelle Fletcher – Licensing Officer

Johanne McNamara – Legal Advisor to the Sub-Committee

Michelle Cutler – Clerk to the Sub-Committee

The Driver and his wife were also in attendance.

The Licensing Manager presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'A' to these Minutes in the Minute Book.

Councillors were asked to decide whether the applicant was a 'fit and proper' person to hold a Private Hire Driver's licence.

The Sub-Committee asked various questions of all parties present and was grateful for the responses received.

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.

It was RESOLVED that having considered the written report of the Licensing Officer and the verbal submissions and responses to questions provided at the hearing by all parties and having regard to the BCP Hackney Carriage and Private Hire Driver Policy and the relevant guidance documents issued by the Institute of Licensing (IOL) and the Department of Transport, the Sub-Committee have decided that the applicant is a 'fit and proper' person to hold a private hire drivers licence, subject to his completion of the full application process.

In making its decision, the Sub-Committee accepted the applicant's explanation as to his failure to provide an enhanced DBS check and find that he was not dishonest when completing his application.

The Sub-committee find the applicant to be remorseful for his previous actions and accept his word that such behaviour will not occur again.

The Sub-Committee took into consideration the written documents and information contained in Agenda Item 5; the BCP Council Private Hire and Hackney Carriage Conditions, Bylaws and Guidance, the BCP Private Hire and Hackney Carriage Policy, the provisions of the Local Government (Miscellaneous Provisions) Act 1976 and the Institute of Licensing (IOL) Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades and the oral representations made at the Hearing on 6th July 2022.

Duration of the meeting: 10.00 - 10.55 am

Chairman at the meeting on
Wednesday, 6 July 2022

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 19 July 2022 at 10.00 am

Present:-

Cllr J J Butt – Chair

Present: Cllr G Farquhar and Cllr L Williams

31. Election of Chair

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

Voting: Unanimous

32. Apologies

There were no apologies received.

The Chair thanked the reserve members, Cllr D Farr and Cllr D Kelsey, for their attendance at the start of the meeting.

33. Declarations of Interests

There were no declarations of interest.

34. SoBo Beach, Solent Promenade, Southbourne Coast Road

Present:

From BCP Council:

Tania Jardim– Licensing Officer

Nick Maguire – Contracts Coordinator, Tourism

Johanne McNamara – Legal Advisor to the Sub-Committee

Jill Holyoake – Clerk to the Sub-Committee

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 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 following the receipt of representations from three 'other

persons'. The representations had been circulated at appendix 4 of the report and related to the prevention of crime and disorder and public nuisance licensing objectives.

No representations had been received from any of the other responsible authorities. Following mediation with Dorset Police and Environmental Health additional conditions had been agreed with the applicant as detailed 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:

Sandra Graham, Trethowans LLP – representing the applicant, Macemade Limited

Richard Slater – General Manager

Kim Slater – Director of applicant company

Ms Graham also called upon Nick Maguire to confirm matters of fact regarding the Council's role in the contractual process for the site.

The Sub Committee asked various questions of all parties present and were grateful for the 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 premises licence for SoBo Beach, Solent Promenade, Southbourne Coast Road, for the provision of live music (indoors and outdoors) Monday to Sunday 12:00 to 22:00, the provision of recorded music (indoors and outdoors) Monday to Sunday 12:00 to 22:00 and the supply of alcohol (on and off the premises) Monday to Sunday 10:00 to 21:30 (to allow time for alcohol to be consumed following purchase prior to the premises closing), be granted with the additional conditions agreed following mediation with Dorset Police and Environmental Health as listed in the Licensing Officer's report, subject to the inclusion of the wording in red which was originally agreed but omitted from the final version:

- **No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas by the operator between 23:00 hours and 08:00 hours on the following day. This condition does not apply to commercial waste services collecting any such materials.**

Reason 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, in particular the written representations made by three other persons, and the verbal submissions made at the hearing by those parties attending and the responses given to all questions asked at the

hearing. As the three other persons were not in attendance, the sub-committee took steps to ensure that the issues contained in the representations relevant to the licensing objectives were raised and addressed at the hearing.

The sub-committee noted that no representations had been received from any of the Responsible Authorities.

The sub-committee welcomed the positive steps taken by the applicant in co-operating with Dorset Police and Environmental Health and in attempting to contact residents in order to address the concerns raised around anti-social behaviour, noise nuisance and crime and disorder. While the sub-committee acknowledged the concerns expressed by residents in the representations, the sub-committee believed that the conditions put forward by the applicant and agreed with Dorset Police and Environmental Health would address these concerns. These included measures to mitigate noise pollution, in particular to prevent the sound of live and recorded music projecting backwards up the cliff towards residential properties, the provision of CCTV and the availability of toilets and parking in the locality during hours of operation.

The sub-committee noted that the applicant was an experienced local operator with a proven track record whose intention was to provide premium quality alcohol ancillary to the food offered at the premises. The sub-committee was satisfied that if the premises operated in a responsible way as presented by the applicant and in accordance with the conditions on the premises licence, then the premises should not undermine the licensing objectives.

In making this decision the sub-committee have had regard to the Bournemouth, Christchurch and Poole Council Licensing Policy, the revised guidance, as set out by the Secretary of State and the licensing objectives, as set out in the Licensing Act 2003.

Voting: Unanimous

35. Bread and Butcher, 491 Christchurch Road, Bournemouth

Present:

From BCP Council:

Sarah Rogers – Senior Licensing Officer

Johanne McNamara – Legal Advisor to the Sub-Committee

Jill Holyoake – Clerk to the Sub-Committee

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 B to these minutes in the Minute Book.

The Sub Committee was asked to consider an application for a new premises licence following the receipt of representations from seven 'other persons'. The representations had been circulated at appendix 4 of the report and related to all four licensing objectives.

No representations had been received from any of the other responsible authorities. Following mediation with Dorset Police and Trading Standards additional conditions had been agreed with the applicant as detailed in supplementary document setting out 'consolidated conditions'.

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

Jon Payne, Licensing Lawyers – representing the applicants, Lukasz Bondyra and Jiri Mascilak

Lukasz Bondyra – joint applicant

The Sub Committee asked various questions of all parties present and were grateful for the 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 premises licence for Bread and Butcher, 491 Christchurch Road, Bournemouth, to permit the off sale and delivery of alcohol between the hours of 11:00 and 18:00 Tuesday to Friday and 10:00 to 14:30 on Saturdays, be granted with conditions agreed following mediation with Dorset Police and BCP Trading Standards and as presented in the 'Consolidated Conditions' document published as a supplement to the Senior Licensing Officer's report.

Reason 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 and supplement for Agenda Item 6, in particular the written representations made by seven other persons, and the verbal submissions made at the hearing by those parties attending and the responses given to all questions asked at the hearing. As the seven other persons were not in attendance, the sub-committee took steps to ensure that the issues contained in the representations relevant to the licensing objectives were raised and addressed at the hearing.

The sub-committee noted that no representations had been received from any of the Responsible Authorities.

The sub-committee welcomed the positive steps taken by the applicant in co-operating with Dorset Police and BCP Trading Standards to agree conditions to ensure the premises did not undermine the licensing objectives. The applicant had consolidated these conditions and added further conditions in order to respond to issues raised in the representations. While the sub-committee acknowledged the concerns expressed by residents in the representations, the sub-committee believed that the consolidated conditions put forward by the applicant and agreed with Dorset Police and Trading Standards would address those concerns relevant to the licensing objectives. These included measures to ensure that the delivery of alcohol was subject to strict age verification procedures, the layout of the premises and the location of alcohol next to the counter, measures to prevent the sale of alcohol leading to anti-social behaviour or crime in the vicinity and the successful completion of accredited staff training (as confirmed by the Senior Licensing Officer at the hearing).

The sub-committee noted that the Mr Bondyra had experience in retail and the licensed trade, he had been a personal licence holder for nearly ten years and had previously been a designated premises supervisor. The premises intended to provide premium and specialist alcohol which would be ancillary to the primary purpose of food sales during limited daytime hours of operation.

The sub-committee was satisfied that if the premises operated in a responsible way as presented by the applicant and in accordance with the conditions on the premises licence, then the premises should not undermine the licensing objectives.

In making this decision the sub-committee have had regard to the Bournemouth, Christchurch and Poole Council Licensing Policy, the revised guidance, as set out by the Secretary of State and the licensing objectives, as set out in the Licensing Act 2003.

Voting: Unanimous

The meeting ended at 12.13 pm

CHAIRMAN

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LICENSING SUB-COMMITTEE

WEDNESDAY, 20TH JULY, 2022

36 Election of Chair

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

Voting: Unanimous

37 Apologies

An apology for absence was received from Councillor George Farquhar and Councillor David Kelsey, as a reserve member, assumed the role as a Licensing Sub-Committee member, in his absence.

38 Declarations of Interests

There were no declarations of interest.

39 Protocol for Public Speaking at Meetings

The Protocol for Public Speaking at Meetings was noted.

40 Temptation 1 Yelverton Road Bournemouth

Present:

From BCP Council:

Sarah Rogers, Senior Licensing Officer

Nananka Randle, Licensing Manager

Michelle Cutler, Clerk to the Sub Committee

Matt Lewin – Barrister, Legal Advisor to the Sub-Committee

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 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 made by Admiral Bars (Hampshire) Limited for the renewal of the licence to use the premises as a sexual entertainment venue, providing relevant entertainment, for a further twelve-month period. A variation to the second-floor plan was also requested in order to bring it in line with the Licensing Act 2003 premises licence plan, which was granted by way of minor variation on 15th April 2022. In addition, the applicant sought the approval of a new widow display.

The Licensing Authority received 4 valid objections.

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

For the Applicant:

Robert Sutherland, Keystone Law, representing the Applicant
Alastair Weatherstone (Director of Applicant Company)

Objecting:

Susan Stockwell
Cllr Dunlop
Cllr Northover

The Sub Committee asked various questions of all parties present and was grateful for the 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 licence be renewed and the variation to the layout be granted , but consent for the proposed external display be refused.

Reason for Decision

1. On 20 July 2022, a hearing was held to determine an application by Admiral Bars (Hampshire) Ltd ("the Applicant") for:
 - a. the renewal of a Sexual Entertainment Venue ("SEV") licence at Temptation, 1 Yelverton Road, Bournemouth ("the Venue"),
 - b. a variation to the second-floor plan; and
 - c. approval of a new external display.
2. In making the decision, the Sub-Committee have taken into account:
 - the reports pack (which includes the application form and objections)
 - evidence presented and submissions made by the parties at the hearing
 - the Council's Sex Establishment Policy ("the Policy") and guidance issued by the Home Office
3. The decision of the Sub-Committee is to renew the licence and grant the variation to the layout, but to refuse consent for the proposed external display. The reasons for the decision are as follows.
4. The Venue has operated as a lap dancing club for 17 years, principally as Spearmint Rhino under different ownership. It has held an SEV licence since 2010. The licence was last renewed in June 2021. The licence was transferred to the Applicant in October 2021.
5. The application was advertised and the Council received objections from five members of the public. Neither Dorset Police nor any other responsible authority objected to the application.
6. The Licensing Officer advised the Sub-Committee that she had attended a joint inspection of the Venue with Dorset Police in March 2022. On the basis of that visit, she was satisfied that everything seemed in order with one or two minor issues that were being dealt with promptly.

7. The Applicant relied largely on a written statement provided by the company's director and shareholder, Mr Weatherstone, which the Sub-Committee have read. The Applicant's representative confirmed that the licence authorised the Venue to trade for 24 hours, 7 days a week but, in practice, it trades from Wednesday to Saturday and that it opens at 9pm. He believed that the external displays (which did not have the Council's consent and have been removed following objections) complied with the conditions of the licence. He also believed that the silhouettes were gender neutral. The Applicant was prepared to accept the standard conditions set out in the Policy. The Applicant was also prepared to accept an external display which removed reference to a "strip club" or similar. The Applicant was asked about the Venue's entry policy which (according to the FAQs on its website, apparently discriminated against female customers) and confirmed that unaccompanied women were entitled to enter the Venue. As for the locality and vicinity of the Venue, the Applicant stated that it was located in the town centre and in the vicinity of a number of other venues (the casino, late night bars, clubs, etc) which attract adults at night for entertainment purposes.

8. One local resident made an objection at the hearing. She stated that the Sub-Committee had no power to commit themselves to future decisions and were not tied to past decisions. She stated that the Sub-Committee are required to consider whether to re-license the Venue afresh every year and that the Sub-Committee did not owe any special allegiance to the Applicant. She pointed to three websites operated by the Applicant which had been displayed externally which, although they may not have illegal content, contained indecent material without age verification which, she said, reflected poorly on the Applicant's suitability. She also stated that the local area was increasingly residential.

9. Cllrs Northover and Dunlop also made objections at the hearing. Both councillors echoed many of the resident's objections. Cllr Northover stated that the surrounding area had changed, with a huge number of new cafes and other businesses opening which had given the area a more vibrant and family-oriented feeling. She was also concerned about the website links which had been displayed for children to see and that this showed poor judgment on the part of the Applicant. She asked the Sub-Committee to consider what kind of environment this Venue created for the safety of women. Cllr Dunlop stated that there had been a lot of complaints since the Applicant took over the Venue. She said that the Council had made a conscious decision to change the character of the area, to attract more families and businesses and that a SEV in this location completely undermined those efforts and was contrary to the Council's core values. She asked the Sub-Committee to acknowledge that this area had undergone significant change, meaning that a SEV was now unsuitable.

10. The Sub-Committee have been advised of the discretionary grounds on which to refuse to renew the licence in paragraph 12(3) of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 and that, in light of the objections received, grounds (a) and (d) are the most relevant. The Sub-Committee are aware of the rule that "moral" objections to SEVs cannot be taken into account but have also had due regard to the three equality objectives in the Public Sector Equality Duty (section 149 of the Equality Act 2010). The Sub-Committee also confirm that this application has been considered on its own merits.

11. Taking all of this into account, the Sub-Committee are satisfied that the SEV licence should be renewed. As for the suitability of the Applicant, the Sub-Committee consider that Mr Weatherstone's professional background and experience in this industry makes him suitable to hold a licence (through his company). The Sub-Committee also attach great weight to the Licensing Officer's confirmation that the Venue was compliant with its licence conditions at her inspection earlier this year. The Sub-Committee do not consider the website links to undermine the Applicant's suitability: they were not unlawful, although it is accepted that their content will not be to everyone's taste.

12. As for the locality and vicinity of the Venue, based on the Sub-Committee's local knowledge, it was considered that there has been no a material change in the character of the area since the licence was last renewed. The Sub-Committee acknowledge that some new businesses have moved in but it was also taken into account that this Venue primarily trades late at night when most of the businesses referred to by the objectors have closed. The Sub-Committee also bear in mind that Yelverton Road is not a main thoroughfare and is more of a side road and so is unlikely to attract significant numbers of passers-by. The Sub-Committee do not accept that the continued presence of this longstanding SEV for a further year is inappropriate in this location or that it creates a risk to the safety of local people.

13. There were no objections to the variation of the second-floor layout and the Sub-Committee note that this layout has already been approved by the Licensing Authority. Therefore, the Sub-Committee are content to grant this variation to the licence.

14. The Sub-Committee do not accept the Applicant's contention that the silhouettes in the proposed external displays are gender neutral. The Sub-Committee believe that the general public would believe these silhouettes depict women in sexualised positions and give a strong indication that this is a SEV. In light of the objections received, the Sub-Committee consider that the proposed external display could be construed as offensive to public decency and therefore the Sub-Committee refuse this application. However, the Sub-Committee are content with the current external display as it appears in Appendix A of the reports pack.

15. In line with the Policy, the Sub-Committee will substitute the current licence conditions for the standard conditions at Appendix A of the Policy.

16. There is no right of appeal against this decision.

41 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.

42 Consideration of Suitability for a new Private Hire Driver Applicant

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).

The Chair made introductions and explained the procedure to be followed in considering this item, which was agreed by all participating parties.

Attendance:

From BCP Council:

Wesley Freeman – Licensing Officer
Johanne McNamara – Legal Advisor to the Sub-Committee
Michelle Cutler – Clerk to the Sub-Committee

The Driver was also in attendance.

The Licensing Manager presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'A' to these Minutes in the Minute Book.

Councillors were asked to decide whether the applicant was a 'fit and proper' person to hold a Private Hire Driver's licence.

The Sub-Committee asked various questions of all parties present and was grateful for the responses received.

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 having considered the written report of the Licensing Officer and the verbal submissions and responses to questions provided at the hearing by all parties and having regard to the BCP Hackney Carriage and Private Hire Driver Policy and the relevant guidance documents issued by the Institute of Licensing (IOL) and the Department of Transport, the Sub-Committee have decided that the applicant is not a 'fit and proper' person to hold a private hire drivers licence at this time.

Reason for the Decision

Section 11.2 of the BCP Taxi policy states that there should be a 3-year period free from convictions from the restoration of the DVLA licence and the Sub-Committee notes the applicants DVLA licence was restored in August 2020, so the 3-year time period falls short of 1 year. The Sub Committee did not feel that there was any reason present to justify departing from the Policy.

The Sub-Committee also note the guidance issued by the Institute of Licensing 'Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades' at section 4.39, which states *that Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence. However, subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted a licence or retain a licence.*

Right of Appeal

All parties to the application have the right to Appeal to the Magistrates Court within the period of 21 days beginning with the day on which the Applicant is notified by the Licensing Authority of the decision in writing.

Wednesday, 20th July, 2022

Voting - Unanimous

Duration of the meeting: 10.00 am - 1.55 pm

Chairman at the meeting on
Wednesday, 20 July 2022

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 03 August 2022 at 10.00 am

Present:-

Cllr J J Butt – Chair

Present: Cllr D Farr and Cllr D Kelsey

43. Election of Chair

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

Voting: Unanimous

44. Apologies

There were no apologies received.

The Chair thanked the reserve member, Cllr T Johnson, for his attendance at the start of the meeting.

45. Declarations of Interests

There were no declarations of interest.

46. Application for Premises Licence at Late Night Store, 690-692 Christchurch Road, Bournemouth, BH7 6BY

The Chairman advised that this item had been withdrawn as Dorset Police had withdrawn its representation and therefore a hearing was no longer required.

47. Application for Premises Licence for Maxi Market, 673-675 Christchurch Road, Bournemouth

Present:

From BCP Council:

Sarah Rogers – Senior Licensing Officer

Mary Almeida – Legal Advisor to the Sub-Committee

Michelle Cutler – Clerk to the Sub-Committee

Louise Smith – Democratic and Overview and Scrutiny Officer, observing

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

The Chairman noted that correspondence had been received late the previous day from Mr Simms, Lacey's Solicitors, representing the applicant, in the form of various emails to show that attempts at mediation had been made with the solicitor representing some of those who had made representations, however, mediation had been unsuccessful.

An email had also been received from Mr Payne, LSL Solicitors, representing 6 objectors, advising that he had received instructions not to attend the hearing because of the associated cost to private individuals, however, he asked that the sub-committee carefully consider the application and the proposals for conditions that had been advanced by both parties.

The Chairman noted that Mr Somannolla had withdrawn his objection prior to the hearing and would no longer be attending.

The 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 following the receipt of representations from six 'other persons' against the application on the grounds that it would undermine the prevention of crime and disorder, prevention of public nuisance and protection of children from harm licensing objectives.

No representations had been received from any of the other responsible authorities.

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

Mr Byron Simms, Lacey's Solicitors – Representing the Applicant
Krzysztof Dziebowski – Director of applicant company

The Sub-Committee asked various questions of all parties present and were grateful for the 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 to permit the sale of alcohol between 08:00hrs and 23:00hrs each day of the week, for "off sales" only, for the premises known as 'Maxi Market' 673-675, Bournemouth dated 8th June 2022, be GRANTED.

This Premises Licence is granted subject to all of the conditions offered in the operating schedule in part M of the application.

In addition, the following conditions, offered by the applicant during the hearing and imposed by the Sub-Committee on deliberation, shall be attached to the Licence:

- 1. A digital CCTV system shall be installed to cover all public parts of the premises and the immediate external area and thereafter maintained in good working order.**
- 2. 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.**
- 3. The premises shall display a contact telephone number in the window so that residents can contact the premises licence holder in the event of any issues.**

Reason 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 6, in particular the written representations made by LSL Solicitors, on behalf of 6 other persons, and the verbal submissions made at the hearing by the Senior Licensing Officer, Sarah Rogers, Mr Byron Simms, Laceys Solicitors, representing the applicant and Krzysztof Dziebowski, Director of the Applicant Company.

The Sub-Committee also considered the responses given to all the questions asked at the hearing.

The Sub-Committee was mindful that no representations had been received from any of the Responsible Authorities and that one objector had withdrawn their representation before the hearing.

The Sub-Committee noted the willingness of the applicant to co-operate with residents to minimise disruption to them. Whilst the Sub-Committee acknowledged the concerns expressed by residents the Sub-Committee believed that the conditions put forward by the applicant would address the relevant concerns raised and that some of the conditions raised by the objectors were not necessary to ensure compliance with the licensing objectives.

The submissions were mainly concerns speculating what may happen in the future should the application be granted, and the Sub-Committee is unable to base its decision on such concerns. The Sub-Committee did not find any evidence to justify a refusal of the application.

In making its decision, the Sub-Committee has had regard to the case of 'Thwaites PLC v Wirral Borough Magistrates' Court 2008. There was no evidence before the Sub-Committee that would show that granting the licence would give rise to negative impact on the licensing objectives.

The Sub-Committee was satisfied that if the premises operated in accordance with the conditions on the premises licence, then the premises licence holder should not undermine the licensing objectives. It was noted

that a review of the premises licence could be applied for at any time by a Responsible Authority or any other person should there be any issue/s associated with the premises in the future that may undermine the licensing objectives.

In making this decision the Sub-Committee have had regard to the Bournemouth, Christchurch and Poole Council Licensing Policy, the revised guidance, as set out by the Secretary of State and the licensing objectives, as set out in the Licensing Act 2003.

The legal adviser explained that all parties to the application have the right to appeal to the Magistrates Court within the period of 21 days beginning with the day on which the applicant is notified by the Licensing Authority of this decision in writing, and that the decision would not come into effect until the expiry of said 21 days.

Voting: Unanimous

The meeting ended at 10.30 am

CHAIRMAN

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 17 August 2022 at 10.00 am

Present:-

Cllr J J Butt – Chair

Present: Cllr R Burton and Cllr D Kelsey

48. Election of Chair

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

Voting: Unanimous

49. Apologies

An apology was received from Cllr Toby Johnson.

The Chair thanked the reserve member, Cllr Richard Burton, for attending and stepping up as full member of the sub-committee.

50. Declarations of Interests

There were no declarations of interest.

51. Exclusion of Press and Public

RESOLVED that under Section 14 (2) of the Licensing Act 2003 (Hearings) Regulations 2005 and 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, 2 and 7 in Part I of Schedule 12A of the 1972 Act and that the public interest in withholding the information outweighs such interest in disclosing the information.

52. Application for Expedited Review of Premises Licence at Rancho Steak House, D26a Dolphin Quays, The Quay, Poole, BH15 1HU

This item was restricted by virtue of Section 14 (2) of the Licensing Act 2003 (Hearings) Regulations 2005 and paragraphs 1, 2 and 7 of Schedule 12A of the Local Government Act 1972.

Exempt information – Categories 1 (information relating to any individual), 2 (information which is likely to reveal the identity of an individual) and 7 (information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime).

Present:

From BCP Council:

Tania Jardim– Licensing Officer

Sarah Rogers – Senior Licensing Officer

Johanne McNamara – Legal Advisor to the Sub-Committee

Jill Holyoake – Clerk to the Sub-Committee

Ella Hornsby – attending in an observational capacity for work experience

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 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 an expedited review of the premises licence for the premises known as Rancho Steak House, Unit 26 Dolphin Quays, the Quay, Poole, submitted by Dorset Police on 28 July 2022, on the grounds that the premises was associated with serious crime.

No representations had been received from any of the other responsible authorities.

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

Mr John Bean – Dorset Police Licensing Team

Mr Jon Wallsgrove – Legal representative for the current Designated Premises Supervisor (DPS) and Premises Licence Holder (also in attendance)

The Sub Committee asked various questions of all parties present and were grateful for the 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 having considered the application for an expedited review of the premises licence for Rancho Steak House, D26a Dolphin Quays, The Quay, Poole BH15 1HU the Sub Committee agrees that the following steps be taken by the Licensing Authority as appropriate for the promotion of the licensing objectives:

- **Modification of the conditions of the current premises licence by the addition of two conditions as follows:**

- **The current DPS shall not enter the premises at any time**
- **The current DPS shall have no financial interest or involvement with the premises and no management responsibilities with the premises**
- **The removal of the current DPS as the current Designated Premises Supervisor at the premises**
- **The suspension of the premises licence for a seven day period**

Further the Sub Committee agrees that the interim steps taken to suspend the licence on 29 July 2022 shall remain in place for a further seven day period with the inclusion of the additional steps to modify the conditions and remove the DPS as set out above

Reason 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 6, in particular the written evidence provided by Dorset Police in support of the application for expedited review and the verbal submissions made at the hearing by Mr John Bean on behalf of Dorset Police Licensing and by Mr Jon Wallsgrove, the legal representative for the current DPS, and the responses given to all questions asked at the hearing. In particular the Sub-Committee noted that Mr Wallsgrove advised that immediate plans were in place for the transfer of the premises licence and variation of the Designated Premises Supervisor at the premises to be made to a new operator and that the current DPS would have no connection with the business.

In determining the review, the Sub Committee considered what steps it considered appropriate and proportionate for the promotion of the licensing objectives as follows:

Modification of the conditions of the premises licence:

The Sub Committee agreed that the two additional conditions offered by the current DPS's legal representative, to prevent him entering the premises at any time and removing any financial or managerial involvement in the premises, were sufficient to remove the risk associated with him being on the premises and would safeguard and uphold the licensing objectives, having taken account the reasons put forward in the review application, in that the alleged offences took place on the premises.

Exclusion of a licensable activity from the scope of the licence:

The Sub Committee noted that the exclusion of one or more licensable activities was not applicable in this case as it would not address the concerns raised in the review.

The removal of the Designated Premises Supervisor from the licence:

The Sub Committee agreed that the removal of the current DPS as DPS as offered by his legal representative was a necessary and proportionate step to safeguard and uphold the licensing objectives in view of the reasons for the review. The current DPS's legal representative confirmed that should the licence not be revoked he would immediately apply for the transfer of the premises licence and variation of the DPS to a new operator. Mr Wallsgrove advised that this would be to an experienced DPS with no financial or social connections to the current DPS and would have immediate effect (subject to Dorset Police not objecting to these applications as permitted to any application to transfer).

Suspension of the Licence:

The Sub Committee agreed that suspending the licence for a further seven day period, as offered by the current DPS's legal representative, would safeguard and uphold the licensing objectives by addressing the risks associated with the premises operating prior to the completion of the transfer of the lease for the premises from the current DPS to the new operator. The seven days was deemed sufficient for the transfer of the lease to take place and for the new operator/DPS to assume her position while minimising further adverse impact on existing employees at the premises.

Revocation of the Licence:

Given the offers made by the current DPS's legal representative to address the reasons for the review, the steps taken by the Sub Committee as set out above are considered proportionate and sufficient to safeguard and uphold the licensing objectives without the need to revoke the premises licence.

Consideration of Interim Steps

The Sub Committee agreed that the interim step to suspend the licence be maintained for a further seven day period and that all other steps agreed in determining the review should be included to ensure the licensing objectives are safeguarded and upheld while the transfer of the lease is concluded and the current DPS's involvement in the premises ceases. For the avoidance of doubt the interim steps are:

1. The Licence be suspended for a further 7 days from 17th August 2022
2. Modification of the conditions of the current premises licence by the addition of two conditions as follows:
 - The current DPS shall not enter the premises at any time
 - The current DPS shall have no financial interest or involvement with the premises and no management responsibilities with the premises

3. The removal of the current DPS as the current Designated Premises Supervisor at the premises

Right of appeal

Final Review

An appeal against the final review decision may be made to a Magistrates Court within 21 days of the appellant being notified of the Licensing Authority's determination on the review. An appeal may be made by the premises licence holder, the Chief Officer of Police and/or any interested person who made relevant representations.

Interim Steps

The Licence Holder or the Chief Officer of Police may appeal against the decision made by the Licensing Authority concerning its review of the interim steps to a Magistrates Court. The appeal must be made within 21 days of the applicant being notified of the Licensing Authority's decision and must be heard in full by the Magistrates Court within 28 days beginning with the day on which the appellant lodged the appeal.

In making this decision the Licensing Sub Committee had regard to the Bournemouth, Christchurch and Poole Council Licensing Policy, the Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 and Section 53a-C Licensing Act 2003 Summary Review Guidance and the licensing objectives as set out in the Licensing Act 2003.

Voting: Unanimous

The meeting ended at 11.03 am

CHAIRMAN

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By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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LICENSING COMMITTEE



Report subject	Review of the Hackney Carriage maximum fares and charges
Meeting date	15 September 2022
Status	Public Report
Executive summary	<p>A request has been received by Mr David Lane on behalf of BCP Taxi and Private Hire Association for a 6% increase on the current Hackney Carriage Tariff.</p> <p>The Local Government (Miscellaneous Provisions) Act 1976 allows the council to fix the rates or fares within the district for time as well as distance.</p> <p>Any change in the tariff will be reflected across all three current Hackney Carriage zones within BCP Council conurbation.</p>
Recommendations	<p>It is RECOMMENDED that:</p> <p>Members consider the request for an adjustment in the current fares and charges. Members can either</p> <ul style="list-style-type: none"> I. Approve the changes II. Approve the changes with amendments III. Refuse the proposed change
Reason for recommendations	<p>Section 65 (1) of the Local Government (Miscellaneous Provisions) Act 1976 allows the council to fix the rates of fares and charges to be paid in respect of the hire of a Hackney Carriage.</p> <p>The taxi trade has requested a change to the current rates and charges.</p>

Portfolio Holder(s):	Councillor Bobbie Dove – Community Safety and Regulatory Services
Corporate Director	Jess Gibbons – Chief Operations Officer
Report Authors	Trudi Barlow – Licensing Officer
Wards	Council-wide
Classification	For Decision

Background

1. At the Licensing Committee on the 10th March 2022 a request was made by the BCP Taxi and Private Hire Association for a fare increase of 7%. At the time of the meeting fuel prices were increasing on an almost daily basis and one of the members suggested it would be appropriate to increase it to 8% this was agreed and implemented on the 1st May 2022. See Appendix 1. At the same meeting it was also suggested by members that an increase of 10% could be considered, however this was declined by the trade association at the time with the proviso that they could make a request for further increase later in the year if necessary.
2. On the 19th July 2022, a request for a further increase of 6% was received from Mr David Lane on behalf of the BCP Taxi and Private Hire Association with comparisons of 4% and 8% increases. See Appendix 2.
3. This was accompanied by a letter addressed to Councillor Butt as Chair of the Licensing Committee outlining the rationale for the requested increase. See Appendix 3
4. The rate of inflation is 9.4 % to June with the Bank of England estimating that it could rise to 13%.
5. For information to compare our fares with other areas the Private Hire and Taxi Monthly magazine publishes a fare chart. You can search by local authority at [Hackney Taxi Fare Tables \(phtn.co.uk\)](http://Hackney Taxi Fare Tables (phtn.co.uk)). The proposed increase will change the day rate fare from £7.80 to £8.20.

Consultation

6. Section 65 (2a and b) of the Local Government (Miscellaneous Provisions) Act 1976 require that when any change is made to the fares and charges for hackney carriages, the council must publish a notice of the amended charges in at least one local newspaper and must specify the period of not less than 14 days, for objections to be made.
7. A copy of the notice must also be published at the council offices for the period of 14 days from the date of first publication.
8. If no objections are received the change will come into operation on the date of expiration of the notice.
9. If objections are made and not withdrawn, then the committee will have to consider the objections and any agreed changes or modifications would then come into

operation on a specific date no more than 2 months after the original consultation period.

Options Appraisal

10. Members consider the request for an adjustment in the current fares and charges.

Members can either:

I. Approve the changes as requested. The proposed chart reflecting the changes as requested is attached at Appendix 4.

II. Approve the changes with amendments as agreed by members, a new fare chart will then be created.

III. Refuse the proposed change and retain the current fare tariff.

Summary of financial implications

11. The costs of the public notices in the paper are met within current budget.

Summary of legal implications

12. Not applicable.

Summary of human resources implications

13. Not Applicable.

Summary of sustainability impact

14. Not applicable.

Summary of public health implications

15. Not applicable.

Summary of equality implications

16. Not applicable.

Summary of risk assessment

17. Not applicable.

Background papers

Local Government (Miscellaneous Provisions) Act 1976

[Local Government \(Miscellaneous Provisions\) Act 1976 section 65](#)

Appendices

Appendix 1 - Current Hackney Carriage fare chart – May 2022

Appendix 2 – Table showing proposed 6% increase with comparison of 4% and 8%

Appendix 3 – Letter from BCP Taxi and Private Hire association

Appendix 4 – Proposed Hackney Carriage fare chart showing increase of 6%

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Bournemouth, Christchurch and Poole Council

This vehicle's meter is calibrated with these **maximum fares and charges from 1 May 2022**



Tariff 1 day rate

Between 6:30am - midnight daily

(initial charge £3)

£5.14 for the first mile then £2.59 per mile

Waiting time 20p per 37 seconds

Tariff 2 night rate

Between midnight - 6:30am daily and all public holidays

(initial charge £4)

£6.85 for the first mile then £3.46 per mile

Waiting time 25p per 38 seconds

Tariff 3 Christmas/New Year

6:30pm 24 December - 6:30am 27 December / 6:30pm 31 December - 6:30am 2 January

(initial charge £4.50) £7.70 for the first mile then £3.89 per mile Waiting time 30p per 38 seconds

No extra charge

- Assistance dogs
- Wheelchair or similar mechanically operated personal conveyances

Note: Meter will not start until wheelchair is loaded



Extra charges

a. **For more than one passenger**

(two children under 10 yrs old are counted as one person for charging, children under 3 yrs old no charge)

b. **For five or more passengers** in a multi-seater vehicle

c. **Booking fee** for each pre-arranged hiring

d. For each item of **luggage** carried (excluding small hand luggage/carrier bags) and for each **animal**

e. **Soiling** the vehicle by person or animal

Tariff 1 Tariff 2/3

20p	25p
£1	£1.25
£1	£1.25
20p	25p
£75	£75

Complaints or comments ► email taxi.privatehire@bcpcouncil.gov.uk (please include the Hackney Carriage plate number)

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Fare Increase Comparison Table

	Rate	Pull Off	Pull off Yards	Unit Yards	Unit Secs	1 Mile	2 Mile
Current Fare	Rate 1 - Day	£3.00	442.28	135.91	37	£5.14	£7.74
	Rate 2 - Night	£4.00	437.46	127.17	38	£6.85	£10.31
	Rate 3 - Christmas/ New Year	£4.50	447.92	135.73	38	£7.70	£11.59
4% Increase	Rate 1 - Day	£3.00	385.99	128.08	37	£5.35	£8.04
	Rate 2 - Night	£4.00	352.61	122.28	38	£7.12	£10.72
	Rate 3 - Christmas/ New Year	£4.50	333.20	130.51	38	£8.01	£12.05
6% Increase	Rate 1 - Day	£3.00	320.00	128.00	37	£5.45	£8.20
	Rate 2 - Night	£4.00	316.51	119.89	38	£7.26	£10.93
	Rate 3 - Christmas/ New Year	£4.50	324.66	128.15	38	£8.16	£12.28
8% Increase	Rate 1 - Day	£3.00	280.62	125.84	37	£5.55	£8.35
	Rate 2 - Night	£4.00	275.62	117.75	38	£7.40	£11.14
	Rate 3 - Christmas/ New Year	£4.50	287.05	125.68	38	£8.32	£12.52

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APPENDIX 3

Cllr J Butt
Chair
Licencing Committee
BCP Council

19 July 2022

Dear Cllr Butt,

Application for exceptional Fare Review.

Members of our trade remain grateful for the decision of the committee earlier this year to agree a 8% increase in the approved meter rate.

However I am sure that you will understand that the costs used when calculating that request were those applicable in December last year. Furthermore the cost of diesel fuel has consistently been in the region of 35-40% of the total annual costs incurred by drivers and therefore the exponential rise in this expense since the beginning of 2022 is having a devastating effect on all drivers.

Indeed the £0.506 (34%) increase in the price of each litre of diesel since 1 Jan effectively means a rise of approx. 12.5% in the total expenses for each driver over only a six month period. This is without allowing for any increase in other items.

If we now relate this to the current approved fare chart rate per additional mile we would see an increase of 32, 43 & 49 pence (for rate 1, 2 & 3 respectively).



Another way of looking at this is to divide the 56p increase by 8 (a realistic Miles Per Litre (MPL) for taxis) which gives an absolute increase of 7p per mile. However, as I am sure you understand, drivers use fuel when travelling back to a rank empty which can routinely double the number of miles travelled in any shift.

We are conscious of the fact that everyone is facing difficulties with their finances due to the current rate of inflation but at the present time our members are facing these increases AND at the same time having their income reduced.

It is for this reason that we respectfully request your agreement to a 6% rise in the approved meter rate to be implemented at the earliest possible opportunity.

The agreed formula is designed to reflect the total increase being faced by drivers, but limiting this rise to 6% will only cover the increase in the cost of fuel and not provide any increase in profits. Furthermore we are not seeking any change to the time element of the fare which will further limit the effect of the change.

We believe that we are the only small business that has to obtain approval to pass on increases in costs as they occur, but have to absorb the resultant loss as we continue to trade.

I would add that we have considered asking instead for a supplement on top of the fare for each journey at the current rate but have decided against this as it is likely to result in inequality as every customer would face the same increase irrespective of the distance travelled.

Yours sincerely
David Lane



Secretary

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Bournemouth, Christchurch and Poole Council

This vehicle's meter is calibrated with these **maximum fares and charges from 1 November 2022**

Tariff 1 day rate

Between 6:30am - midnight daily
(initial charge £3)
£5.45 for the first mile then £2.75 per mile
Waiting time 20p per 37 seconds

Tariff 2 night rate

Between midnight - 6:30am daily and all public holidays
(initial charge £4)
£7.26 for the first mile then £3.67 per mile
Waiting time 25p per 38 seconds

Tariff 3 Christmas/New Year

6:30pm 24 December - 6:30am 27 December / 6:30pm 31 December - 6:30am 2 January
(initial charge £4.50) £8.16 for the first mile then £4.12 per mile Waiting time 30p per 38 seconds

No extra charge

- Assistance dogs
- Wheelchair or similar mechanically operated personal conveyances

Note: Meter will not start until wheelchair is loaded



Extra charges

- For more than one passenger**
(two children under 10 yrs old are counted as one person for charging, children under 3 yrs old no charge)
- For five or more passengers** in a multi-seater vehicle
- Booking fee** for each pre-arranged hiring
- For each item of **luggage** carried (excluding small hand luggage/carrier bags) and for each **animal**
- Soiling** the vehicle by person or animal

	Tariff 1	Tariff 2/3
--	----------	------------

	20p	25p
	£1	£1.25
	£1	£1.25
	20p	25p
	£75	£75

Complaints or comments ▶ email taxi.privatehire@bpcouncil.gov.uk (please include the Hackney Carriage plate number)

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Forward Plan – Licensing Committee, 15 September 2022 - *Publication date: 7 September 2022*

Forthcoming meeting dates: 15 September 2022 / 8 December 2022 / 9 March 2023

	Subject	Purpose of report	Consultation	Report author(s)	Meeting date
1	Review of Hackney Carriage Maximum Fares and Charges Tariff	<p>A request has been received on behalf of BCP Taxi and Private Hire Association for an increase in the current Hackney Carriage Tariff.</p> <p>Any change in the tariff will be reflected across all three current Hackney Carriage zones within BCP Council conurbation.</p>	When a change is made to the fares and charges for hackney carriages, the Council must give notice, consider and respond to any objections received within the timescales and procedures set out in Section 65 (2 a and b) of the Local Government (Miscellaneous Provisions) Act 1976.	Trudi Barlow, Licensing Technician	15 September 2022
2.	Electric and Hybrid Vehicles – Taxi and Private Hire	<p>At its meeting on 10 March 2022 the Committee considered an update report on the implementation of the new BCP Taxi and Private Hire Vehicle Policy and in relation to Electric/Hybrid vehicles the Committee asked about actions to progress the current lack of provision or incentives to provide for these vehicles, prior to a full review of the policy in 2025.</p> <p>The Committee agreed that the Chair should write to the Leader of the Council and the Portfolio Holder for Transport and</p>	<p>Transport and Sustainability team</p> <p>BCP Taxi and Private Hire Association</p>	Nananka Randle, Interim Head of Safer Communities	8 December 2022

	Subject	Purpose of report	Consultation	Report author(s)	Meeting date
		<p>Sustainability on behalf of the Committee to ask whether there are any funding opportunities to address the lack of electric charging points at Hackney Carriage Ranks.</p> <p>The Committee also asked that officers (a) prepare some wording to include in the policy to indicate that the Council is keen to work with the Trade to increase provision of electric and hybrid licensed vehicles, and (b) add this item to the Committee's Forward Plan.</p>			
3.	Provision and Positioning of Taxi Ranks	<p>To report back on the outcome of discussions with the Taxi Trade in response to an issue being raised at the Committee meeting on 10 March 2022 questioning whether the provision and location of taxi ranks was meeting current need.</p>	BCP Taxi and Private Hire Association	Nananka Randle, Interim Head of Safer Communities	9 March 2023
4.	Unmet Needs Survey	<p>To consider the outcome of the latest Unmet Needs Survey and determine whether any change to the current number of Hackney Carriage vehicles is required.</p> <p>In accordance with Department for Transport best practice guidance dated April 2010, if a</p>	The format of the Unmet Needs Survey includes observation survey of taxi ranks and public and stakeholder consultation.	Nananka Randle, Interim Head of Safer Communities	9 March 2023

	Subject	Purpose of report	Consultation	Report author(s)	Meeting date
		Local Authority places quantitative restrictions on the number of Hackney Carriage licences it needs to demonstrate that there is no significant unmet need, usually by means of carrying out a survey at no more than three-yearly intervals.			
5.	Wheelchair Accessibility Vehicles	To consider amendments to the vehicle policy to address concerns raised relating to the number and availability of licenced wheelchair accessible vehicles	Passenger transportation service Disability consultation group Access Dorset BCP Taxi and Private Hire Association	Nananka Randle Interim Head of Safer Communities	9 March 2023

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