

Notice of Licensing Committee



Date: Thursday, 9 March 2023 at 10.00 am

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

Membership:

Chair:

Cllr J J Butt

Vice Chair:

Cllr T Johnson

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

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

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?MIId=4721>

If you would like any further information on the items to be considered at the meeting please contact: Jill Holyoake 01202 127564 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

1 March 2023



Available online and
on the Modern.gov
app



Maintaining and promoting high standards of conduct

Declaring interests at meetings

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

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



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. Declarations of Interests

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

Declarations received will be reported at the meeting.

4. Confirmation of Minutes

To confirm and sign as a correct record the minutes of the Licensing Committee meetings held on 8 December 2022 and 26 January 2023 and the Licensing Sub Committee meetings held on 24 November 2022, 7 and 21 December 2022, 18 January 2023 and 1 and 9 February 2023.

5 - 50

5. 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.bcpccouncil.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.

6. Provision of Taxi Ranks

At the Committee meeting on 10 March 2022 the Taxi Trade raised a question about whether the level of provision and location of hackney carriage ranks was meeting current need.

51 - 54

Subsequently officers and members of the BCP Taxi Trade worked together to undertake an audit of all the ranks. Together all ranks were visited and any defects or suggestions for improvement was noted.

The provision of ranks is provided by the Highways team and following this audit the findings have been fed back to Highways for them to programme any necessary works.

7. Request for amendments to the Hackney Carriage and Private Hire Vehicle Policy

55 - 60

The BCP Hackney Carriage and Private Hire Vehicle Policy was implemented on the 1 June 2021. This replaced the three policies of the previous legacy authorities.

The BCP Hackney Carriage and Private Hire Trade Association (BCP Trade) have made a request to amend the current BCP Hackney Carriage and Private Hire Vehicle Policy 2021 in respect to

- increasing the initial maximum licensable age of non-wheelchair accessible vehicles which is currently 3.5 years.
- delay the date that all vehicles must meet the Euro 6 emission standard which is currently 31 December 2023.

8. Forward Plan

61 - 62

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

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 08 December 2022 at 10.00 am

Present:-

Cllr J J Butt – Chairman

Cllr T Johnson – Vice-Chairman

Present: Cllr S C Anderson, Cllr R Burton, Cllr G Farquhar, Cllr D Farr, Cllr D Kelsey, Cllr L Williams and Cllr A Filer (In place of Cllr N Decent)

Present Cllr D Flagg

Virtually:

39. Apologies

Apologies were received from Cllrs N Decent, B Dion, M Howell, D Brown and K Wilson.

40. Substitute Members

Cllr A Filer substituted for Cllr N Decent for this meeting.

41. Urgent Business - Election of Vice-Chair 2022-23

The Chairman advised the Committee that a resignation from the position of Vice-Chairman had very recently been received from Cllr D Kelsey due to personal reasons. The Chairman had therefor taken the decision to add the Election of Vice-Chair for 2022-23 to the agenda for this meeting as an urgent items of business in accordance with the constitution.

The Chairman advised that the reasons for adding this as an urgent item were that there needed to be a Vice-Chair in place at all times for the purpose of licensing sub-committees which needed to be chaired by either the Chairman of Licensing, the Vice-Chair or an experienced Licensing Committee member. With the number of hearings scheduled over the next few weeks and also the need to be available at short notice for TENS or emergency taxi hearings the Chairman did not feel that the election of a Vice-Chairman could wait until the next Committee meeting in January, particularly as there was only a small number of Committee members who were considered experienced in Licensing for this purpose. The Chairman did not feel that it was acceptable to risk the democratic process being impaired due to the absence of a Vice-Chair.

A Councillor questioned how electing a new Vice-Chair today would affect the number of people available to Chair a Sub-Committee. It was noted that from an administrative point of view electing a Vice-Chair at this meeting would enable the allocation of members to the scheduled Sub-Committees and increase the availability of someone to Chair these meetings.

Nominations were received and seconded for both Cllr D Brown and Cllr T Johnson. A secret ballot was then conducted.

RESOLVED: That Cllr T Johnson be appointed Vice-Chair for the remainder of the 2022/23 municipal year.

42. Declarations of Interests

There were no declarations of interest.

43. Confirmation of Minutes

The minutes of the Licensing Committee held on 15 September 2022 and the Licensing Sub Committees held on 31 August, 14 and 29 September and 9 November were approved as correct records and signed by the Chairman.

44. Public Issues

There were no public issues.

45. Electric and Hybrid Vehicles - Taxi and Private Hire

The Interim Head of Safer Communities introduced the 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 advised that, since the Council declared a climate emergency, policies have reflected the aim to reduce harmful emissions. When the Taxi and Private Hire Policy was recently amended the Licensing Committee had requested that additional wording be included within the policy to recognise the use of electric and hybrid vehicles within the licenced fleet and prepare for the review of the policy to be completed by 2025. It was noted that the Licensing Service had met with the trade in November and raised this issue which would continue to be an item of interest for future liaison meetings with the trade. The Committee was asked to consider the following proposed wording for the current Policy and approve it, approve it with amendments or to not accept the wording:

“We propose (wish) to encourage the take up (use) of low emission vehicles while discouraging high emission fossil fuelled vehicles in our fleet. This may include introducing differing vehicle licensing fees for hybrid electric and ultra-low emission vehicles and high emission vehicles. We will seek to examine the feasibility of this by working with the taxi trade, to examine options that are available, with a view to differentiating the licence fees paid by vehicle type when the policy is fully reviewed in 2025.”

The Committee raised a number of points during its consideration of this issue which were responded to by Officers, and which included:

- Whether there was any opposition from drivers to convert to electric or hybrid vehicles. It was noted that the choice of vehicle was up to the

drivers and they would need to make a decision in terms of both purchase and running costs.

- At present there was only one fully electric vehicle in the fleet. It was unknown if any other drivers intended to purchase them. Comments were made that it would be good to see a greater take up of electric vehicles and it was welcomed that the trade was consulting with drivers and stakeholders.
- Committee members asked about reducing idling of vehicles on ranks. However, Officers explained that as the ranks were not parking spaces but areas for vehicles to wait for a fare this would be difficult. It could be encouraged at quieter times with some messaging to the trade or with vehicles which were fitted with the appropriate technology. The Committee asked if officers could take this forward with the trade.
- It was suggested that there was a need to be careful with wording around reducing fees, to ensure that there weren't any adverse impacts. The Committee was advised that this was an incentive which some authorities were using, and the fees were top loaded to vehicles with higher admissions. It was noted that this wouldn't be looked at until the development of the new policy and would be kept as an option.
- The Committee asked what level of charging points was needed to accommodate further electric vehicles in the fleet. The trade hadn't raised any issues regarding this, but it could be raised at the next liaison meeting.
- The Committee asked how many phases there would be in the instillation of charging points and how long this would take. Members were advised of the outline of installation plans available on the website: [Electric Vehicle \(EV\) Chargers \(bcpccouncil.gov.uk\)](https://www.bcpccouncil.gov.uk/electric-vehicle-chargers). There were currently 28 public chargers installed and ready to go. It was noted that it would not be possible to install these in taxi ranks as they were not parking spaces, but it would be possible for them to be installed near to ranks.
- Comments were made that it would be good to have some sort of temporary discount or other incentive to move to electric vehicles.
- In terms of the timeline for making changes it was noted that any major changes to the current policy would need to go out to consultation and work would be beginning soon on a full review of the current policy which would need to be adopted by June 2025, it was therefore unlikely that any changes to the existing policy regarding electric vehicles would be able to be made sooner.

(Cllr A Filer left at 11.00am)

The Committee members discussed the specific wording of the amendment to the policy and suggested that it should state, "propose to encourage the take up of the use of..."

RESOLVED: That the Policy be amended to include the following wording "We propose to encourage the take up of the use of low emission vehicles while discouraging high emission fossil fuelled vehicles in our fleet. This may include introducing differing vehicle licensing fees for hybrid electric and ultra-low emission vehicles and

high emission vehicles. We will seek to examine the feasibility of this by working with the taxi trade, to examine options that are available, with a view to differentiating the licence fees paid by vehicle type when the policy is fully reviewed in 2025”.

Voting: Unanimous

46. Forward Plan

The Chairman outlined the current items on the Committee’s Forward Plan. The Interim Head of Safer Communities advised that an item on taxi vehicle and operators’ fees for the January meeting should state that there would be a period of consultation with drivers and the trade on any changes to fees.

It was noted that the item on wheelchair accessible vehicles would be moved to the May meeting date and a task and finish group to look at this issue would meet prior to the May meeting.

The meeting ended at 11.06 am

CHAIRMAN

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING COMMITTEE

Minutes of the Meeting held on 26 January 2023 at 10.00 am

Present:-

Cllr J J Butt – Chair

Cllr T Johnson – Vice-Chair

Present: Cllr S C Anderson, Cllr D Brown, Cllr R Burton, Cllr B Dion,
Cllr D Farr, Cllr D A Flagg, Cllr M Howell, Cllr D Kelsey and
Cllr L Williams

47. Apologies

Apologies were received from Cllr J Bagwell, Cllr N Decent and Cllr G Farquhar

48. Substitute Members

There were no substitute members for this meeting.

49. Declarations of Interests

There were no declarations of interest for this meeting.

50. Public Issues

There were no public issues for this meeting.

51. Fee Review - Gambling Act, Scrap Metal, Pleasure Boats, Sex Establishments and Licensing Act

The Interim Head of Safer Communities 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 purpose of the report was for the Licensing Committee to consider a cost of living increase in the non-statutory set fees charged for licences/registrations administered by the Licensing Committee. Options available to Members were to agree or amend as they deemed fit the proposed fees set out in the appendices to the report or maintain the current fee structure.

The Interim Head of Safer Communities responded to questions and comments from committee members on the reasons for the proposed increase in fees and the levels at which some fees had been set. Key points raised and clarified included:

- The proposed fees were calculated on a cost recovery basis, taking into account all factors involved in providing each element of the service.
- It was noted that staff salaries and the cost of supplies had increased and could increase further.
- It was noted that there was a statutory set maximum which could be charged for some fees.
- The proposed fees would ensure overall costs were recovered. This may not be the case if considering each fee in isolation, however it was not the intention to calculate fees on the basis of some fees subsidising others.
- The Council had no control over Licensing Act 2003 fees as these were set by Central Government and had not been reviewed since 2005. It was noted that the Local Government Association were among those lobbying for change. The level of the existing fees was somewhat mitigated by the high number of licensing act applications and efficiencies in process.

A Committee Member felt some fees were excessive in terms of the percentage increases proposed and was concerned for the impact on small businesses. A move to amend the proposed fees to be accepted but with a limit of a 15% increase in any individual fee was seconded but was unsuccessful when put to a vote, with 2 votes in favour and 9 against.

The majority of Committee Members did not consider a fixed percentage increase across the board would give a true reflection of how each individual fee was calculated. It was noted that this was a complex process which required significant input from the Council's Finance Officer. The fees as proposed would ensure that overall cost recovery was achieved.

RESOLVED that the proposed fees as stated in the appendices to the report be agreed.

Voting: For – 10, Against – 1, Abstain – 0

52. Review of Hackney Carriage and Private Hire Licence Fees

The Interim Head of Safer Communities 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.

The purpose of the report was for the Committee to consider an increase to the fees charged by BCP Council to enable the Council to recover the costs for the administration of the Hackney Carriage and Private Hire licensing regime. The review was required due to increases in the Council's operating costs as a result of inflationary increases. Options available to Members were to agree or amend as they deemed fit the proposed fees set out in the appendix to the report or maintain the current fee structure.

The Interim Head of Safer Communities responded to questions and comments from committee members on the reasons for the proposed increase in fees and the levels at which some fees had been set. Key points raised and clarified included:

- It was noted that the Hackney Carriage Trade had received two fare increases this financial year and that the cost of fuel had now decreased.
- The finance officer had reviewed the proposed fees and confirmed that they were set appropriately.
- A fixed percentage increase across the board would not be appropriate. Not all fees were renewed at the same time. Vehicle fees were renewed annually, whereas those for drivers were every three years and for operators every five years. There were also more costs involved in licensing the hackney carriage regime than private hire.
- There was a recognised national shortage of drivers, reasons for this included the impact of Brexit and Covid, the retirement of older drivers and the need for more onerous checks required by statutory guidance.
- That said, it was noted that the Council was still receiving driver applications and forthcoming knowledge tests were fully booked.

A Committee Member questioned the rationale for the proposed fees which he felt were excessive in terms of percentage increase and would have a detrimental impact. Other Committee Members felt that the proposed increases were reasonable and referred to the current base figures involved, the recent fare increases for the Trade and the need to cover the overall costs of providing the service. It was noted that the some of the fee calculations also took into account supplier costs which had risen dramatically.

RESOLVED that the proposed fees as stated in the appendix to the report be agreed.

Voting: For – 9, Against – 1, Abstain – 0

The Committee was advised that the proposed fees for Hackney Carriage and Private Hire licensing would now be subject to a statutory consultation with a process in place to consider any objections if received as set out in paragraphs 9 – 12 of the report.

The meeting ended at 10.50 am

CHAIR

This page is intentionally left blank

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 24 November 2022 at 10.00 am

Present: Cllr J J Butt, Cllr T Johnson and Cllr D Kelsey

86. Election of Chair

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

Voting: Unanimous

87. Apologies

There were no apologies.

The Chair thanked Cllr L Williams for attending as reserve member in case he was required.

88. Declarations of Interests

In respect of the DYMK application Cllr D Kelsey declared that he had in the past frequented the property and was aware of the owners but this was not prejudicial to his views on the application.

89. Application for Premises Licence at MV Margarita moored at Elkin's Boatyard, Christchurch River

Present:

From BCP Council:

Tania Jardim– Licensing Officer

Linda Cole – Legal Advisor to the Sub-Committee

Jill Holyoake – Clerk to the Sub-Committee

Kieran Clarke – Democratic Services, observing for training purposes.

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 for MV Margarita, moored at Elkin's Boatyard, Christchurch River, submitted by Mr Philip Day of Lacey's Solicitors LLP on behalf of Mr Lewis Malone, for the supply of alcohol on and of the premises,

Monday to Sunday 10:00 to 23:00. It was noted that the boatyard named in the application should have read 'Elkins' not 'Elgins'.

21 representations had been received from other persons objecting to the application on the grounds of all four licensing objectives. 100 representations had also been received. The Licensing Officer provided an update on her report and explained that a response to the representations received in objection had been submitted by Mr Philip Day. A copy of this response had been circulated as a supplement and appears as Appendix B to these minutes in the Minute Book.

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

Mr Philip Day*, Lacey's Solicitors LLP – on behalf of the applicant
Mr Lewis Malone – applicant
Mr James White – objector
Cllr Avril Coulton, Christchurch Town Council – objector

*Mr Day was accompanied by a colleague, Mr Byron Sims, observing for training purposes.

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 a new premises licence for MV Margarita, usually moored at Elkins Boatyard, Christchurch, the Sub Committee has decided to grant the premises licence for the supply of alcohol on the premises, Monday to Sunday 10:00 to 23:00, and off the premises on up to 12 days a year Monday to Sunday 10:00 to 23:00, when the vessel is moored on the River Stour or the River Avon and a charitable or fund raising event is taking place in close proximity to where the vessel is moored.

In addition, the conditions as set out in section M of the operating schedule of the application, be added to the licence, subject to the following amendment to that set out in section M (a) as offered by the applicant:

Alcohol shall only be supplied to Customers who have booked a fishing trip or other pleasure trip(charter) on the vessel; bona fide friends or guests of the vessels owner(s); and /or if the vessel is moored, to persons boarding the vessel during any charity or other fund-raising event ("or handed to persons on board other vessels that pull alongside"- to be deleted)

Reason for Decision

The Sub-Committee considered all of the information which had been submitted before the hearing and contained in the report, appendices and supplement for Agenda Item 5. The Sub-Committee further considered the verbal submissions made at the hearing by all parties and noted the responses given to questions asked at the hearing.

The Sub-Committee was mindful that no representations had been received from any of the Responsible Authorities and there were 100 representations in support of the application.

The Sub-Committee acknowledged the concerns expressed in the 21 objections, many of which raised the issue of the effect of the grant of the licence on the natural environment. It was noted that this issue had been considered by BCP Council's Biodiversity Officer in consultation with Natural England and it was agreed that the application would not have a likely significant effect on features of the Solent and Dorset Coast Special Protection Area under the Habitat Regulations.

The Sub Committee noted that some of the concerns raised by those objecting did not fall within the provisions of the Licensing Act 2003 but would be subject to harbour, maritime and other regulations/permissions. In response to questions the Sub Committee noted that the applicant was currently going through the process of obtaining required permissions and was aware that other requirements may be necessary before he could operate, including the need for the vessel to be fully coded before use. The issues regarding access to and health and safety within Elkin's Boatyard were not relevant to the Sub Committee's consideration of the licensing objectives.

The Sub Committee agreed that there appeared to be a degree of misunderstanding and uncertainty in the representations as to the nature of the licence applied for and its anticipated negative impact on the licensing objectives. It was noted that the MV Margarita was a small vessel with a maximum capacity of 12 passengers and 2 crew and that the supply of alcohol was ancillary to its main purpose as a pleasure boat for fishing trips and/or charter and that food would form part of the offer for customers. Alcohol would only be served to passengers on board and not to other users of the water, as appeared to be the concern of many objectors. Mr Day representing the applicant, made it clear to the sub-committee that there was no plan for the vessel to be used as a 'party boat' or floating off licence.

The sub-committee were advised that the crew would aim for any day trip to be completed before dark, but timings were dependant on the tides. This together with the fact the vessel was limited by its size reassured the sub-committee that there was less risk for members of the public to be disturbed by noise nuisance.

It was also noted that off sales would be restricted to a maximum of 12 days per year and would only be permitted when activities relating to a charitable or other fund-raising event is taking place near to where the vessel is moored, with a requirement that the applicant give at least a week's written notice to the Police and Licensing Authority prior to each occasion.

The Sub-Committee was satisfied that if the applicant operated the premises responsibly 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 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.

All parties to the application have the right to appeal to the Magistrate's Court within the period of twenty-one days beginning with the day on which the applicant is notified by the Licensing Authority of this decision in writing.

Voting: Unanimous

90. Application to Vary Premises Licence at DYMK, 31 Poole Hill, Bournemouth, BH2 5PW

Present:

From BCP Council:

Tania Jardim – Licensing Officer

Linda Cole – Legal Advisor to the Sub-Committee

Jill Holyoake – Clerk to the Sub-Committee

Kieran Clarke – Democratic Services, observing for training purposes.

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 C to these minutes in the Minute Book.

The Sub Committee was asked to consider an application to vary the premises licence for DYMK, 31 Poole Hill, Bournemouth BH2 5PW, submitted by TLT Solicitors on behalf of Greene King Retailing Limited, as follows: to extend the hours for supply of alcohol, films, live music, recorded music, anything of a similar description and late-night refreshment on

Wednesdays and Thursdays until 03:00. In addition, the application sought to extend the premises opening hours until 04:00 on Wednesday and Thursday and on all non-standard timings, with all other days and times to remain unaltered. In addition to the extension of hours, the applicant had applied to vary the layout and design of the premises in accordance with plan submitted with the application and to update the current licence conditions by way of additional conditions and the removal of others.

Six representations had been received from other persons objecting to the application on the grounds that granting the variation would undermine the prevention of public nuisance licensing objectives. BCP Council's Environmental Health had also objected on ground of public nuisance.

Following the publication of the Licensing Officer's report, a witness statement from Mr Shaun Mitchell, operator of the premises, and supporting appendices, had been submitted by Mr Piers Warne, TLT Solicitors, on behalf of the applicant. A copy of these documents had been circulated as a supplement and appear as Appendix D to these minutes in the Minute Book. The statement included a partial amendment to the variation application in response to the resident concerns, to reduce the extension of hours for the licensing activities specified to 02:00 on Wednesdays and Thursdays and to reduce the extension of the premises opening hours to 03:00 on Wednesdays and Thursdays.

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

- Mr Piers Warne, TLT Solicitors – representing the applicant, Greene King Retailing Limited
- Mr Shaun Mitchell – Operator
- Mr Andrew Hill, BCP Council Environmental Health, objector
- Ms Mary Allen, objector
- Mr Chris Blackburn, objector
- Ms Hannah Cole, objector

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 to vary the premises licence for DYMK, 31 Poole Hill, Bournemouth BH2 5PW, to extend the hours for supply of alcohol, films, live music, recorded music, anything of a similar description and late-night refreshment on Wednesdays and Thursdays until 02:00 (amended from 3:00 by the applicant prior to the hearing); to extend the premises opening hours on Wednesday and Thursday until 03:00 (amended from 04:00 by the applicant prior to the hearing) and on all non-standard timings, with all other days and times to remain unaltered; to vary the layout and design of the premises in accordance with plan submitted with the

application; and to update the current licence conditions by way of additional conditions and the removal of others, the Sub Committee has decided to GRANT the variation subject to the following additional/replacement conditions agreed by the Sub Committee:

- The premises opening hours on Wednesday and Thursday shall be until 02:30.
- A noise limiter shall be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be affected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
- No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
- The lobbied entrance (that is two sets of doors that are set so that one is closed when the other one is open) shall be utilised at all times at the premises when music is being played.

Conditions offered by the applicant and revised by Sub Committee:

- After 22:00 Patrons will only be permitted to use the outside area for temporary purposes e.g. to smoke.
- No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 22:00 and 08:00 on the following day.
- 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 monitored and made available to residents and businesses in the vicinity.

Condition agreed following mediation between Dorset Police and the applicant and revised by Sub Committee:

- At least 2 SIA licensed door supervisors shall be employed at the premises from 21:00 hours every Friday, Saturday and every Sunday of a bank holiday weekend and from 22:00 hours on any

other night the premises operates beyond 01:00 hours until the premises has closed, and the last customer has left the building

Condition agreed following mediation between Dorset Police and the applicant:

- Bottle bins shall be provided at the exit doors. No open vessels to be removed from the premises.

In addition, the following conditions offered in Part 3 of the Variation Application will be added to the Licence

- All staff involved in the sale of alcohol shall receive training on the law relating to prohibited sales, the age verification policy adopted by the premises and the conditions attaching to the premises licence. Refresher training shall be provided at least once every 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 police, licensing or other authorised officers.
- The premises shall prominently display signage at all entrances informing customers: -
'All persons entering this premise are liable to be searched. Agreement to search is a condition of entry. If persons do not consent, entry will be refused. Police may be called if drugs or weapons are found.'
CCTV is in operation throughout this premises and is made available to the police.
Any person found carrying weapons or illegal drugs will be permanently excluded and the police will be informed.
'Management reserve the right to refuse entry'
- Risk assessment to be carried out in relation to the requirement of additional SIA
trained staff for special events and anticipated busy periods
- A copy of the risk assessment should be made available to an authorised officer of the Licensing Authority or Dorset Police upon request and for a period of up to 6 months.
- All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility yellow jackets or vests.
- The Daily Record Register will contain consecutively numbered pages, the full

name and registration number of each person on duty, the employer of that person and the date and time he/she commenced duty and finished duty (verified by the individual's signature).

- The Daily Record Register will be retained on the premises for a period of twelve months from the date of the last entry and made available to an authorised officer from the Licensing Authority or Police on request.
- The premises shall install and maintain a comprehensive CCTV system, all entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31-day period. The CCTV system should be updated and maintained according to police recommendations.
- An incident log shall be kept at the premises. The log should include the date and time of the incident and the name of the member of staff involved. The log to be made available on request to an authorised officer of the Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
- 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 I Holographically marked PASS scheme identification cards). Appropriate signage advising customers of the policy shall prominently displayed in the premises.
- A currently qualified first aider must be employed on the premises at all times that the premises are open to the public. The venue will also provide first aid facilities commensurate with the type of event and customers expected.
- The PLH/DPS will operate to a written dispersal policy which ensures the safe and

gradual dispersal of customers from the premises. The policy will be agreed with Dorset Police. The PLH/DPS will ensure that staff receive training on the policy and a record of training shall be kept/made available to an authorised officer upon request.

The following conditions were removed from the licence:

2.1, 2.3, 2.5, 2.7, 2.8, 2.9, 2.10, 2.15, 2.17, 2.18

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, appendices and supplement for Agenda Item 6. The Sub-Committee further considered the verbal submissions made at the hearing by all parties. The Sub-Committee also noted the responses given to questions asked at the hearing.

The Sub-Committee was mindful that a representation had been received from one of the Responsible Authorities as well as 6 Other Persons regarding the proposed extension of hours. The Sub Committee acknowledged the concerns expressed by BCP Council's Environmental Health Officer and local residents/landlords regarding excessive noise and disturbance in the area of the premises. It was noted that there were a number of licensed premises in close proximity with varying hours of operation and conditions, all of which had on occasion caused noise nuisance resulting in complaints. This included DYMK which had been served with a noise abatement notice in 2019.

While in no way diminishing the validity of the points raised regarding noise and disturbance or the detrimental impact this had on local residents, the Sub Committee felt that there was a degree of uncertainty as to whether this could be directly attributed to DYMK, based on the evidence presented before and at the hearing. It was noted that there had been no recent complaints to the Council about the premises, although it was acknowledged that the representations were now raising a number of concerns, including frustration that the premises did not respond when contacted.

The Sub Committee acknowledged that some of the conditions to prevent public nuisance on the licence issued in 2005 were now too general and should be replaced to reflect the current operation of the premises and the concerns raised. The Sub Committee agreed that the additional/replacement conditions were a proportionate response to ensure compliance with the licensing objectives. It was noted that some of these conditions had been offered by the applicant voluntarily or through mediation. There appeared to have been some confusion regarding who residents should contact at the premises, with any concerns. This was clarified at the hearing to be the Operator Mr Shaun Mitchell. The applicant's commitment to engage with local residents/landlords was welcomed. The Sub Committee was also grateful to the Environmental Health Officer for his offer to work with the premises to ensure that its

operation did not adversely affect residents and there is an expectation that the Operator does this.

The Sub-Committee was satisfied that if the premises operated 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 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.

All parties to the application have the right to appeal to the Magistrate's Court within the period of twenty-one days beginning with the day on which the applicant is notified by the Licensing Authority of this decision in writing

Voting: Unanimous

The meeting ended at 1.49 pm

CHAIRMAN

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 07 December 2022 at 10.00 am

Present: Cllr J Bagwell, Cllr J J Butt and Cllr L Williams

91. Election of Chair

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

Voting: Unanimous

92. Apologies

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

93. Declarations of Interests

There were no declarations of interest.

94. Protocol for Public Speaking at Meetings

The Protocol for Public Speaking at Meetings was noted.

95. Simply Pleasure, 333-335 Holdenhurst Road, Bournemouth, BH8 8BT

Present:

From BCP Council:

Tania Jardim, Licensing Officer
Michelle Cutler, Clerk to the Sub-Committee
Johanne McNamara, 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 Mr Timothy Hemming of ABS Holdings for the renewal of the licence to use the premises at 333-335 Holdenhurst Road as a sex establishment to trade for a further twelve-month period.

The Licensing Authority received one objection.

Mr Timothy Hemming attended the hearing and addressed the Sub-Committee to expand on the points made in his written submission. The objector did not attend and wished to remain anonymous.

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

In the absence of the objector the Chair raised a question regarding the website address for the business. The Licensing officer advised that the name of the premises was 'Simply Pleasure.com' and that could be shown on the premises regardless as to whether the website address was displayed. The current policy allowed for the name of the premises to be displayed in the shop window, providing that it was approved by the Council, which it was. The Legal Adviser explained that there was no prohibition on displaying the website address.

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.

Decision

The Sub-Committee heard from the Licensing Officer, Tania Jardim and from Mr Timothy Hemming, the Applicant, who spoke to his written submissions.

The objector was not present, having sent apologies in advance, however, the Sub-Committee took full account of the contents of their objection.

The Sub-Committee accepted that there was a bus stop sited close to the premises, however, it had been there since the 1960's without cause for concern.

The Sub-Committee also accepted that there was nothing to prohibit the premises from displaying it's website address in the shop window. There was no breach of the current Licence in this regard. Website contents are not monitored by the Licensing Authority.

The Sub-Committee also heard from the Licensing Officer that there have been no complaints or breaches in relation to the current Licence.

In respect of the character of the locality, the Sub-Committee accepted that it had not changed materially since the previous renewal, or indeed for some years, and agreed that it was one of the principal locations within the area for the night-time economy. There had been no substantial changes to the uses to which buildings in the vicinity were put, and the Sub-Committee saw no basis on which to refuse the application given there had been no material change.

Given the above the Sub-Committee agreed that section 10 of the SEV Policy applied to these premises, which benefit from an 'existing licence' as set out in the Policy. It was noted that as an objection had been received it was necessary for the said application to be considered at a hearing. The application was considered in light of the SEV Policy and the relevant legislation, and in particular paragraph 12(3)(d) of the 1976 Act. The objection received did not raise any matter to which the other potentially relevant sections would apply.

Having taken all the above into account the Sub-Committee were of the view that the licence should be renewed for another year.

The meeting ended at 10.47 am

CHAIRMAN

This page is intentionally left blank

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 21 December 2022 at 10.00 am

Present:-

Cllr J J Butt – Chair

Present: Cllr S C Anderson and Cllr D Kelsey

96. Election of Chair

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

Voting: Unanimous

97. Apologies

Apologies were received from Cllr J Bagwell. As first reserve, Cllr D Kelsey stepped up to replace Cllr Bagwell as a member of the sub committee.

The Chair thanked Cllr K Wilson for attending as second reserve in case he had been required.

98. Declarations of Interests

There were none.

99. Ratio Bar (formerly known as Xchange) 4 The Triangle Bournemouth

Present:

From BCP Council:

Tania Jardim – Licensing Officer

Linda Cole – 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 for Ratio Bar (formerly known as Xchange), 4 The Triangle, Bournemouth, submitted by Ratio Bars Limited, to permit

regulated entertainment and the supply of alcohol between the hours of 21:00 and 05:00 each day of the week.

In response to the application Dorset Police and Environmental Health had made representations against the application on the grounds that granting the licence would undermine the prevention of crime and disorder and the prevention of public nuisance licensing objectives. No other representations had been received.

Following the publication of the Licensing Officer's report, the following evidence was received and published in two supplements, copies of which appear as Appendix B to these minutes in the Minute Book:

- Supporting information from Dorset Police
- Supporting information from the applicant which had been provided at the time of application but omitted in error from the report
- Supporting information from the Environmental Health Officer, including copies of two sound reports provided on behalf of the applicant.

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

- Mr Steve Wright, Licensing Consultant on behalf of Ratio Bars Limited
- Mr William Mouhana – Designated Premises Supervisor
- Sergeant Gareth Gosling and Ms Vanessa Rosales, Dorset Police Licensing, objector
- Mr Andrew Hill, BCP Council Environmental Health, objector

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.

During the hearing, Mr Wright offered the following additional/amended conditions on behalf of the applicant with a view to addressing concerns raised by Dorset Police, Environmental Health and Sub Committee Members:

- The Premises Licence Holder shall be a member of Pub Watch and shall attend meetings regularly.
- An additional CCTV camera shall be fitted inside the lobby facing the front entrance.
- Amendment to proposed condition 14 under the prevention of crime and disorder, to replace “glass champagne flutes” with “polycarbonate champagne flutes”.
- A fully developed Drugs Policy shall be included as part of the operating schedule.
- A Personal Licence Holder shall be present on the premises at all times during trading hours.

- A suitable and sufficient sound engineer's report shall be submitted to the Council for approval by Environmental Health.
- A suitable and sufficient schedule of works shall be submitted to the Council for approval by Environmental Health.
- All works shall be completed in accordance with the documents submitted to the Council and approved by Environmental Health, prior to the opening of the premises.
- All staff on the premises including SIA staff shall be issued with hand held radio communicators.
- The accommodation above the premises shall only be used for staff employees.
- The hours applied for on the licence to be amended to be from 22:00 to 03:00 on Monday, Tuesday, Thursday and Sunday (excluding Bank Holiday Sundays) and 22:00 to 05:00 on Wednesday, Friday and Saturday.*

* With regard to the amended hours, Mr Wright sought assurance from Dorset Police that they would be happy with the application should the terminal hour be 03:00 7 days a week and the premises promote the licensing objectives. Dorset Police advised that this would be subject to other issues raised in their representation and at the hearing being addressed, not only by an assurance but through conditions, including but not exclusively the use of the upstairs accommodation, the responsibility of the premises to the wider community and safety concerns.

Mr Wright confirmed that the premises would not carry out promotions. It was noted that some of the wording in the applicant's supporting information needed revising as it seemed to contradict this approach. Other matters raised included the number of SIA staff required on the premises each day and arrangements for the delivery of training.

During the submission from Environmental Health it became apparent that the applicant's acoustic consultant had only submitted a sound insulation test report and preliminary noise survey report to the Council and his client on 19 December 2022 and that the acoustic consultant would now need to consult with specialist companies in relation to nightclub specific sound attenuation provision to resolve the issues raised.

In view of the need for further acoustic information to be submitted and the need to address other issues raised during the hearing, the Chair proposed with the agreement of the Sub Committee to adjourn the hearing until a later date to allow sufficient time for these matters to be given proper consideration.

RESOLVED that the hearing be adjourned until 10.00am on Wednesday 15 February 2023.

Voting: Unanimous

The meeting ended at 12.12 pm

CHAIR

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 18 January 2023 at 10.00 am

Present: Cllr R Burton, Cllr J J Butt and Cllr T Johnson

100. Election of Chair

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

Voting: Unanimous

101. Apologies

No apologies for absence were received.

102. Declarations of Interests

There were no declarations of interest.

103. Christchurch Road Stores, Bournemouth

The Chair advised that the applicant had requested that this matter be adjourned due to personal reasons. All parties to the application were in agreement and it was proposed that this item be adjourned until the Licensing Sub-Committee, taking place on 9th February 2023.

RESOLVED that the application for a new premises licence for the premises known as 'Christchurch Road Stores', Bournemouth, BH1 1LL, be adjourned until 9th February 2023.

104. Sunset Beach at Aruba, Pier Approach, Bournemouth

Present:

From BCP Council:

Tania Jardim– Licensing Officer
Linda Cole – 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 premise licence for the premises known as 'Sunset Beach at Aruba', Pier Approach, Bournemouth, BH2 5AA.

The Licensing Authority received one representation from Dorset Police on the prevention of crime and disorder licensing objective.

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

Julia Palmer, JCP Law – Acting on behalf of the Applicant
Mr Matthew Piovan – Designated Premises Supervisor (DPS)
Sargant Gareth Gosling – Dorset Police
Vanessa Rosales – Dorset Police, Drug and Alcohol Harm Reduction Team

During the hearing, Julia Palmer advised that the applicant had voluntarily removed the request for late night refreshments and had put forward the following additional conditions: -

- Substantial food be offered up to 30 minutes before the terminal licensing hour.
- At least 1 (SIA) licensed supervisor be present when the premises is open on Bank Holidays, School Holidays, including Half Terms and Weekends. A SIA licensed supervisor will be on duty when 75 or more customers are on the premises.
- Sales of alcohol for consumption off the premises shall be limited to one alcoholic drink per customer. No beer, lager or cider sold shall have an ABV (alcohol by volume) exceeding 5.5%. (To replace 2.16 set out in supplementary document 1).

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 application dated 1 December 2022, for a premises licence for the period 1 April 2023 to 30 September 2028, to operate between 1 April and 30 September of each year for the premises known as 'Sunset Beach at Aruba' be GRANTED; to allow the sale of alcohol on the premises, provision of regulated entertainment; plays, films, live music, recorded music and performances of dance, to a terminal hour of 10:00pm Sundays to

Wednesdays and to 10:30pm Thursdays to Saturdays, Bank Holiday Sundays and during the Air Festival.

The application to allow the sale of alcohol off the premises is granted for a limited period of 1 April 2023 to 30 September 2023.

This Premises Licence is granted subject to the conditions set out in Supplementary Document 1, which was submitted on 13 January 2023 by the applicant in response to the Supplementary Information submitted by Dorset Police on the 10 January 2023. These are set out below and will become the Annex 2 conditions of the licence.

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

- Substantial food be offered up to 30 minutes before the terminal licensing hour.
- At least 1 (SIA) licensed supervisor be present when the premises is open on Bank Holidays, School Holidays, including Half Terms and Weekends. At all other times ... (insert at the beginning of condition 2.7 below)
- Sales of alcohol for consumption off the premises shall be limited to one alcoholic drink per customer. No beer, lager or cider sold shall have an ABV (alcohol by volume) exceeding 5.5%. (To replace 2.16 set out in supplementary document 1).

Annex 2 conditions

Definition: in these conditions, 'Authorised Officer' means an authorised officer of the Licensing Authority and/or Dorset Police.

General Objectives

2.1 The operation shall be covered by a full Event Management Plan agreed at Safety Advisory Group meetings. The Event Management Plan will be sent to all agencies for consultation.

2.2 The representative of the Premises Licence Holder shall liaise with the responsible authorities and attend Safety Advisory Group meetings if and as requested.

2.3 The Premises Licence Holder shall provide both public and employers liability insurance to the Council prior to the commencement of this Licence.

2.4 There shall be no Festival style entertainment provided for customers outside the curtilage of the site unless specifically authorised by the Licensing Authority and Police in advance.

2.5. The Licence shall only operate during the period 1 April to 30 September.

Prevention of Crime and Disorder

2.6 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 and holographically marked PASS scheme identification cards. Appropriate signage advising customers of the policy shall be prominently displayed in the premises.

2.7 A SIA licensed supervisor will be on duty when 75 or more customers are on the premises. The Premises Licence Holder shall undertake a Risk Assessment with regard to the deployment of additional SIA licensed door supervisors at different times of the day and on different days of the week to determine whether it is appropriate to deploy additional door supervisors on those days (and if so at what times and what ratio of door supervisors to anticipated customers) and will implement the outcome of that Risk Assessment. A copy of the Risk Assessment shall be made available to an Authorised Officer upon request.

2.7.1 SIA supervisors will have and maintain an adequate radio link with staff on site to assist with prevention of crime and disorder.

2.8 No drinks shall be served in glass containers at any time.

2.9 The premises shall operate and maintain a text/radio/pager link system (whichever is used by Townwatch) to be activated made available to and monitored by the DPS or their authorised agent.

2.9.1 The premises shall maintain membership of the Townwatch scheme (or any successor scheme); a senior member of staff shall attend all Townwatch meetings for the month preceding the event until September in each year unless an emergency arises preventing such attendance. The premises will support and participate in all Townwatch initiatives.

2.10 All staff working at the premises concerned with the sale of alcohol shall be trained in the Local Authority Trading Standards package of training No Proof of Age No Sale (NPOANS) 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 an Authorised Officer.

2.11 The Event Management Plan referred to at 2.1 will include, amongst other things, the following:

2.11.1 A stepped process for escalation of resources if and as necessary, to include the provision of SIA supervisors.

2.11.2 An Emergency Evacuation procedure.

2.11.3 A drugs policy.

2.11.4 Customer Capacity levels.

2.11.5 A procedure for supporting and dealing with unwell members of the public.

2.11.6 A lost child policy.

2.11.7 A dispersal policy.

2.11.8 A health and safety policy and procedures.

2.11.9 A Noise Management policy.

2.11.10 First Aid procedures.

2.12 A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale, a description of the person refused, why they were refused (e.g.no ID, fake ID) and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by an Authorised Officer.

2.13 The premises shall install and maintain a comprehensive CCTV system. All entry and exit points to the alcohol service areas will be covered enabling evidential frontal identification of every person (i.e. head and shoulders) entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period. The CCTV system should be updated and maintained according to police recommendations.

2.13.1.1 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 is open to the public. This staff member must be able to show an Authorised Officer recent data or footage with the absolute minimum of delay when requested.

2.14 An incident log shall be kept at the premises. The log should include the date and time of the incident and the name of the member of staff involved. The log to be made available on request to an Authorised Officer will record the following:

- (a) all crimes reported to the venue.
- (b) all ejections of patrons.
- (c) any complaints received.
- (d) any incidents of disorder.
- (e) all seizures of drugs or offensive weapons.
- (f) any faults in the CCTV system or searching equipment or scanning equipment.
- (g) any visit by a relevant authority or emergency service.

2.15 Outside of the hours authorised for the sale of alcohol, all alcohol within the trading area is to be secured behind locked grills, locked screens or locked cabinet doors to prevent access to the alcohol by customers and/or staff.

2.17 There shall always be a personal licence holder on duty on the premises when the premises are authorised to sell alcohol.

2.18 With the exception of signage relating to the venue on the structures (in a format and wording agreed prior to commencement of activities with the Police) and surrounding fencing, no advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment its premises or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.

Public Safety

2.19 Access for emergency vehicles shall be kept clear in respect of those areas under the control of the operators of the premises.

2.20 Any temporary staging and large marquees shall be checked by a qualified person for safety purposes.

Prevention of Public Nuisance

2.21 Where music provision is planned to be more than background music a Noise Management Plan (NMP) must be submitted at least 28 days before the event and this NMP must be agreed by the Licensing Authority. The NMP must include schedule, breaks, details on any amplification, sound levels and the process in place to minimise disruption to residents including contact telephone numbers of the responsible person on-site during the event with whom noise complaints can be addressed if they arise. If a noise officer from BCP regulatory team receives adequate complaints to justify visitation and their visit determines the noise levels to be a statutory nuisance, the event may be closed down without prior warning.

2.22 Music noise levels shall not exceed 65dB(A) over a 15 minute period when measured at the boundary of any noise sensitive premises.

2.23 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.

Reasons for Decision

The Sub-Committee considered all the information which had been submitted before the hearing and contained in Agenda Item 6; in particular the detailed supplementary representation by Sgt Gosling of Dorset Police and the supplementary documents submitted by Mrs Julia Palmer, Solicitor, on behalf of the applicant Aruba Ltd in response. The Sub-Committee was grateful for this additional information.

The Sub-Committee also considered the verbal submissions made at the hearing by Tania Jardim, Licensing Officer, Mrs Palmer representing the Applicant, Mr Matthew Piovan of Aruba Ltd and Sgt Gareth Gosling representing Dorset Police.

The Sub-Committee asked questions of the parties, allowed parties to ask questions of each other and noted the responses given to all questions asked at the hearing.

It was noted that prior to the meeting, to mediate the concerns of Dorset Police, that Aruba Ltd had amended their application by removing their application for late night refreshment and reducing the terminal hour for sale of alcohol to 10:00pm Sundays to Wednesdays and to 10:30pm Thursdays to Saturdays, Bank Holiday Sundays and during the Air Festival.

The Sub-Committee acknowledged the concerns expressed by Dorset Police in regard to SIA supervisor provision, removal of restaurant conditions and off sales, but believed that the conditions offered by the applicant would address the concerns raised to ensure the licensing objectives were not undermined.

The Sub-Committee noted that Aruba Ltd had operated the same premises under the BCP Premises Licence for the last two summers. Sergeant Gosling was very complementary about the running of the premises and Mr Matthew Piovan, the proposed DPS showed a willingness to work with the Police. He was an experienced operator in this location and no evidence had been presented to show that there had been any issues connected to these premises in previous summers or at the other beach premises that he is involved with.

The Sub-Committee understood that what was being offered in this premises was a very casual dining experience and there may be some friction in this environment for the necessity to always buy a substantial meal with a drink. However, they welcomed the applicant's confirmation that there was no intention of providing a festival type site or a vertical drinking establishment. They were advised they still planned for drinks to be served and consumed at tables and offered a condition that a substantial food offering would be available until 30 minutes before the terminal licensing hour. The Sub-Committee were reassured that removal of the restaurant condition, should not add to crime and disorder in this area.

The decision re off sales was more challenging, as the sub-committee accepted that the premises were situated in a sensitive area, which became particularly busy in peak summer months when the weather is warm and sunny. The Sub-Committee considered the heat map, submitted by Dorset Police, which covered a 12-month period up to the 1/12/22. Sgt Gosling was questioned about the number of incidents in the area surrounding where the premises were marked. He advised it would be in the 10s but confirmed none of the incidents could be connected directly to the premises itself. The Sub-Committee noted Dorset Police' concern re off-sales from this premises at any time of the day because of the large volume and mix of people who could potentially be in the area. They were of the view that the offer to restrict the off-sale of alcohol to 1 drink per customer and for off-sales to be sold at the same price as on-sales will negate any addition to the crime and disorder already experienced in the area, particularly as unlimited amounts of alcohol can be bought close by and brought down to the beach area. In addition, the operation will mean that the area is better lit

after dark, which should deter crime and disorder and there is already a Public Spaces Protection Order (PSPO) in place to deal with alcohol related anti-social behaviour

The Sub-Committee however noted Dorset Police' concern that the provision of alcohol for consumption off the premises is likely to increase the demand on Dorset Police at peak periods, they noted the heat map submitted by Dorset Police highlighting incidents of crime and disorder occurring in this area and are aware that there have been issues of anti-social behaviour. However, there are no incidents of crime and disorder that can be attributed directly to the premises and there is no Community Impact policy in place. The Sub-Committee felt it proportionate to both the applicant and Dorset Police to restrict the licence for supply of alcohol off the premises to one year, to give the Licensing Authority and Dorset Police confidence that such an operation does not undermine the licensing objective of crime and disorder in this particularly sensitive site.

The Sub-Committee had confidence in the DPS, Mr Piovan and were satisfied that if the premises was managed in the responsible way the other beach-front premises were managed and operated in accordance with the licence conditions, then the licensing objectives should not be undermined by the operation of this premises.

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 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 issued under section 182 Licensing Act 2003 and the licensing objectives, as set out in the Licensing Act 2003.

All parties to the application have the right to appeal to the Magistrate's Court within the period of twenty-one days beginning with the day on which the applicant is notified by the Licensing Authority of this decision in writing.

The meeting ended at 11.50 am

CHAIRMAN

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 01 February 2023 at 10.00 am

Present:-

Cllr J J Butt – Chair

Present: Cllr G Farquhar and Cllr T Johnson

1. Election of Chair

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

Voting: Unanimous

2. Apologies

There were no apologies. The Chair thanked Cllr D Farr and Cllr D Kelsey for their attendance as reserves in case needed.

3. Declarations of Interests

For transparency Cllr T Johnson reported that he had been a member of Planning Committee when the application for change of use had been dealt with but this did not affect his judgement on the licensing application.

4. Application for a Premises Licence at McDonald's Barrack Road, Christchurch BH23 2AW

Present:

From BCP Council:

Sarah Rogers – Interim Licensing Manager

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 Interim 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 for a new premises licence for McDonald's, Barrack Road, Christchurch, BH23 2AW, submitted by McDonalds Restaurants Ltd, to allow the provision of late

night refreshment from 23.00 to 05:00 Monday to Sunday. In response to the application the Licensing Authority had received an objection from one other person on the grounds that granting the application would undermine the prevention of public nuisance licensing objective.

Mr Leo Charalambides, Legal representative for the applicant, attended the hearing and addressed the Sub Committee to expand on the points made in written submissions.

The following persons were also in attendance on behalf of the applicant in case their input was required but they were not required to address the Sub Committee:

Mr Mark Gallant, McDonalds Restaurants Ltd, Fire Safety and Licensing Officer

Elaine Rayner, Shoosmiths LLP, Solicitors on behalf of applicant

The objector was not present, having previously indicated that they would not be attending the hearing. The Chair read aloud the objector's written representation in their absence, for the purpose of the public record.

The Sub Committee asked various questions of Sarah Rogers, Interim Licensing Manager, and Leo Charalambides, Legal Representative for the applicant, 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 new premises licence for McDonalds, Barrack Road, Christchurch BH23 2AW, to allow the provision of late night refreshment from 23:00 to 05:00 Monday to Sunday, be granted in accordance with the application.

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, in particular the written representations made by the objector, and the verbal submissions made at the hearing by Sarah Rogers, Interim Licensing Manager, and Leo Charalambides, the Legal Representative for the Applicant. The Chair read aloud the objector's written representation in their absence, for the purpose of the public record.

The Sub-Committee was mindful that no representations had been received from any of the Responsible Authorities. In considering the objector's representation, the Sub Committee acknowledged that it was only able to take into account matters directly relevant to the licensing objectives in respect of the operation of the proposed premises licence.

The Sub-Committee was encouraged by the applicant's desire to engage and work with the local community to minimise any noise nuisance and

public nuisance, within its control, the applicant's openness to engage with groups to co-operate with litter picking and by the experience already gained by the applicant in running successful businesses elsewhere.

The Sub-Committee was satisfied that if the premises operate in accordance with both the conditions offered in the operating schedule of the application and as described at the hearing, that the premises should not undermine the licensing objectives and as such the Application for a Premises Licence should be allowed. 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.

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.

All parties to the application have the right to appeal to the Magistrate's Court within the period of twenty-one days beginning with the day on which the applicant is notified by the Licensing Authority of this decision in writing.

Voting: Unanimous

The meeting ended at 10.50 am

CHAIR

This page is intentionally left blank

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 09 February 2023 at 10.00 am

Present:-

Cllr J J Butt– Chair

Present: Cllr T Johnson and Cllr D Kelsey

109. Election of Chair

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

Voting: Unanimous

110. Apologies

There were no apologies for this meeting. The Chair thanked Cllrs B Dion and L Williams for their attendance as reserves at the start of the meeting in case they had been required.

111. Declarations of Interests

The Chair and Cllr D Kelsey both declared for transparency that they knew Barry Goldbart, the applicant's representative for the Christchurch Road Stores application, in his capacity as a former councillor of the preceding Bournemouth Borough Council.

112. Application to Vary Premises Licence at Delice des Champs, 13 Gervis Place, Bournemouth, BH1 2AL

Present:

From BCP Council:

Ellie King – Licensing Officer

Linda Cole – 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 to vary the premises licence for the premises known as Delice des Champs, 13 Gervis

Place, Bournemouth BH1 2AL, to extend the provision of late night refreshment from 23:20 to 05:00 on Thursday, Friday and Saturday.

In response to the application representations had been received from Dorset Police, on the grounds of the public safety and prevention of crime and disorder licensing objectives, and Environmental Health, on the grounds of prevention of public nuisance licensing objective. Following mediation between Environmental Health and the applicant the extended hours had been reduced from 05:00 to 03:00 and additional conditions agreed as set out in the report.

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

- Mr Cumali Ayhan and Mrs Donna Ahmed – the applicants
- Sergeant Gareth Gosling, Dorset Police – objecting

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 vary the premises licence for Delice des Champs, 13 Gervis Place, Bournemouth BH1 2AL, to extend the provision of late night refreshment from 23:20 to 05:00 – amended to 03:00 following mediation – on Thursday, Friday and Saturday, be granted with the conditions offered in the applicants’ operating schedule and the following additional conditions suggested by Dorset Police:

Conditions agreed with Environmental Health through mediation prior to the hearing:

- There shall be no public access to the premises after 23.00hrs, except to the front serving counter area, behind the sliding door
- No live/recorded music will be played between the hours of 23.00hrs and 08.00hrs
- All tables and chairs shall be rendered unusable by 23.00hrs each day
- Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly
- No deliveries/collections to and from the premises shall take place between 23.00hrs and 07.00hrs
- No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00hrs and 07.00hrs
- Takeaway deliveries from the premises shall not take place after 23.20hrs on any day.

- The terminal hour for late night refreshment shall be 03.00hrs Thursday to Saturday and 23.20hrs Monday to Wednesday.

Conditions put forward by Dorset Police and accepted by the applicant at the hearing:

- The holder of the licence shall undertake a risk assessment with regard to the deployment of SIA Door Supervisors at different times of the day and on different days of the week to determine whether it is appropriate to deploy door staff on those days and/or at any other time(s) and to then implement the outcome of the risk assessment. A copy of the risk assessment should be made available to an authorised officer of the Licensing Authority or Dorset Police upon request and for a period of up to 6 months.
- The premises shall install and maintain a comprehensive CCTV system, all entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period. The CCTV system should be updated and maintained according to police recommendations.
- 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 is open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.
- An incident log shall be kept at the premises. The log should include the date and time of the incident and the name of the member of staff involved. The log to be made available on request to an authorised officer of the Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
- All staff working at the premises shall be trained in Conflict Management and shall receive refresher training at least every 6 months. A record of all staff training shall be maintained and kept on the premises and made available on request to an authorised officer of the Council or the Police
- The premises shall operate and maintain a text/radio/pager link system (whichever is used by Townwatch), to be activated, made available to and monitored by the PLH or his authorised agent.

- A suitably trained First Aider or appointed person to deal with first aid issues will be provided at all times when the premises are open.
- A procedure for dealing with unwell members of the public will be in place including those who appear to be affected by alcohol or drugs. Staff will be appropriately trained in such procedures.

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 verbal submissions made at the hearing by Mr Cumali Ayhan and Mrs Donna Ahmed, the applicants, and Sergeant Gareth Gosling, Dorset Police.

The Sub Committee noted that the applicants had demonstrated a willingness to negotiate with Environmental Health prior the hearing to agree additional conditions, including a reduction in the terminal hour requested on Thursday to Saturday from 05:00 to 03:00. Dorset Police confirmed at the hearing that the amendment to the terminal hour was deemed to be a positive step in promoting the licensing objectives.

At the hearing Dorset Police explained their areas of concern which led them to making a representation against the application, particularly those around conflict management, the need for SIA doorman and awareness of the issues that can arise when customers have been consuming alcohol. Sgt Gosling agreed that his concerns could be mitigated by a series of conditions, to provide the assurance the Police required that the premises would actively promote the licensing objectives.

The Sub Committee noted that the applicants understood the reasons for the conditions being put forward by Dorset Police and that they had responded positively to these at the hearing and indicated a willingness to accept them. During discussions it was also noted that Mr Ayhan had 15 years' experience of working in the night-time economy and dealing with its clientele.

The Sub Committee agreed that it shared the assurance provided to Dorset Police by the applicant's willingness to accept the additional conditions, the reduction in the terminal hour to 03:00 and the previous experience of Mr Ayhan.

The Sub-Committee was satisfied that if the premises operated in accordance with the conditions offered in the operating schedule of the application, the conditions agreed through mediation with Environmental Health and the conditions put forward by Dorset Police and accepted by the applicant at the hearing, that the premises should not undermine the licensing objectives and as such the application to vary the premises licence should be allowed.

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.

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.

All parties to the application have the right to appeal to the Magistrate's Court within the period of twenty-one days beginning with the day on which the applicant is notified by the Licensing Authority of this decision in writing

Voting: Unanimous

113. Application for Premises Licence - Christchurch Road Stores, 62 Old Christchurch Road, Bournemouth BH1 1LL

Present

From BCP Council:

Sarah Rogers – Interim Licensing Manager

Linda Cole – 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. It was noted that this matter had been adjourned by the Sub-Committee on 18 January 2023 with the agreement of all parties, to enable the applicant to attend the hearing

The Interim Licensing Manager 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 for the premises known as Christchurch Road Stores, 62 Old Christchurch Road, Bournemouth BH1 1LL, to permit off sales of alcohol from 10:00 to 22:00 each day of the week. In response to the application a representation had been received from Dorset Police on the grounds of the public safety and prevention of crime and disorder licensing objectives. Following publication of the Officer's report it was noted that the applicant had submitted a supplementary letter offering options for consideration regarding the provision of off sales.

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

- Barry Goldbart, on behalf of the applicant
- Nicholas Gregory, the applicant
- Sergeant Gareth Gosling, Dorset Police – objecting

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 new premises licence for Christchurch Road Stores, 62 Old Christchurch Road, Bournemouth BH1 1LL, to permit off sales of alcohol from 10:00 to 22:00 each day of the week, be refused.

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 and in the supplementary letter submitted by the applicant on 7 February 2023 and the verbal submissions made at the hearing by Mr Barry Goldbart on behalf of the applicant and by Mr Nicholas Gregory, the applicant, and by Sergeant Gareth Gosling, Dorset Police.

The Sub Committee was mindful that the Licensing Authority should look to Dorset Police as its main source of advice on crime and disorder. The Sub-Committee noted the concerns raised by Dorset Police regarding the location of the premises, in an area of Bournemouth Town Centre that experienced a disproportionate number of street drinkers, anti-social behaviour, crime and disorder, all of which already negatively impacted on the local community.

The Sub Committee noted that while there were conditions offered in the applicant's operating schedule, Dorset Police did not consider these sufficient to address the concerns raised in its representation.

At the hearing the Sub Committee sought to ascertain the applicant's understanding of these concerns and his role in mitigating them. In presenting the application and responding to questions, the applicant and his representative were unable to demonstrate the level of understanding of the licensing objectives which the Sub Committee would expect. They were unable to show sufficient appreciation of the negative impact of off-sales on street drinking and anti-social behaviour in such a sensitive area of the town centre. There was also a misunderstanding of the role of Dorset Police in assisting applicants to promote the licensing objectives and the role of an applicant in mitigating any harm their proposed licence may cause.

In addition to these concerns the Sub Committee felt that there was a lack of detail and clarity in how the applicant intended to operate the licence. The original layout plan of the premises included a significant section for off sales. In an effort to mitigate concerns while maintaining the percentage of alcohol sales to make the business viable, the applicant had suggested the following compromise in his letter received on 7 February 2023:

Either 1) Only alcohol in multi packs to be available on the shelves no spirits to be sold even from behind the counter (at the hearing the applicant indicated that the multi packs would be low strength/4% abv), OR

2) the ability to sell alcohol by delivery only. Through Deliveroo, Just Eat, etc, these products would not be on view and kept in the cellar below the shop.

The Sub Committee shared the views of Dorset Police that these proposed changes lacked sufficient detail, had not been thought through properly and failed to address the concerns raised, for example no information was provided regarding the checks that needed to be put in place when alcohol is sold for delivery to ensure that the licensing objectives were not undermined.

In conclusion, the Sub Committee had no confidence that the applicant would be able to operate the premises safely without adding to the existing issues in the area and undermining the prevention of crime and disorder and public safety licensing objective and therefore, the Sub-Committee unanimously agreed to refuse the application.

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.

All parties to the application have the right to appeal to the Magistrate's Court within the period of twenty-one days beginning with the day on which the applicant is notified by the Licensing Authority of this decision in writing.

Voting: Unanimous

The meeting ended at 11.38 am

CHAIR

This page is intentionally left blank

LICENSING COMMITTEE



Report subject	Provision of Taxi Ranks
Meeting date	9 March 2023
Status	Public
Executive summary	<p>At the Committee meeting on 10 March 2022 the taxi trade raised a question about whether the level of provision and location of hackney carriage ranks was meeting current need.</p> <p>Subsequently officers and members of the BCP Taxi Trade worked together to undertake an audit of all the ranks. Together all ranks were visited and any defects or suggestions for improvement was noted.</p> <p>The provision of ranks is provided by the Highways team and following this audit the findings have been fed back to Highways for them to programme any necessary works.</p>
Recommendations	<p>It is RECOMMENDED that:</p> <p>Members considered the contents as shown.</p>
Reason for recommendations	<p>The rank survey was undertaken following the formation of BCP Council and was a form of audit to determine the number, provision, and suitability of ranks within the conurbation.</p> <p>Members of the Committee requested that the outcome of the proposed rank's survey was reported back to the Committee.</p>

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

Background

1. Historically the three legacy council areas have provided hackney carriage ranks at key locations usually dependant on need. A rank is provided by way of a Traffic Regulation Order (TRO) which then controls the number of hackney carriage vehicles that can use the rank and the times that the rank is in force.
2. During the Committee meeting of 10 March 2022 members requested that an officer report be produced following a BCP Taxi Private Hire Association (the trade) request, that the current provision of ranks across the BCP area be reviewed.
3. During the summer of 2022 members of the trade, Mr David Lane, Mr Peter Vass and Mr Paul Sondheim, together with officers, Mrs Trudi Barlow and Mr Wesley Freeman from the taxi licensing team visited all the ranks within the conurbation to ascertain the current condition of signage and road markings and positioning of each rank. In total 70 ranks were inspected.
4. During the survey the trade views on each ranks were sought and incorporated into the findings which are summarised below:-

Issue	No. of ranks affected	Action taken
Rank no longer exists/disappeared	3	Notified highways who will address this
Rank no longer required	2	Notified highways who will address this
Rank relocated due to transformation or development	5	Sits with highways and will be reviewed in line with TROs which controls this.
Removal of a rank	1	This was a disused rank on Dear Hay Lane in Poole.
Signage (some mixed messages about rank use and times which was confusing) some	17	Reported to highways to correct and clarify as needed

missing and other damaged		
Road Markings missing/faded	23	Notified highways to address
Spaces provided needed amendment	3	It is recognised that at certain ranks such as Westover Road or Exeter Road the ranks can be full during busy nights such as Friday and Saturdays. However, there it is very difficult to find other alternative locations which would meet the requirements of the trade and Highways. This will remain under review as changes are made to the town centre areas.

5. Generally, it was found that parking by non-licensed vehicles on ranks was an issue. When witnessed by officers or when complaints are sent to the taxi licensing team, a referral is made to parking enforcement for action.
6. During the survey, it was noted that the appearance and signage of ranks in legacy council areas was different. Highways have confirmed they are looking to harmonise this as improvements and changes are made to the ranks.
7. Officer observations during the survey concluded that many of the ranks were underused, such as in Christchurch, there was only 1 vehicle seen on the rank in the whole legacy area. In Poole the normally busy George, train station and lower High Street only had a maximum of 3 vehicles per rank. Ongoing observations by officers have confirmed this is not unusual.
8. Large scale transformation of roads has resulted in changes to ranks, as such licensing officers are now liaising with highways officers to review all TRO's which relate to taxi ranks.

Summary of financial implications

9. Improvements to ranks and replacement signage and markings are undertaken by highways.

Summary of legal implications

10. The provision and maintenance of ranks sits with the highways team and is outside the remit of licensing officers.

Summary of human resources implications

11. The survey was undertaken within current team resource levels.

Summary of sustainability impact

12. Not applicable

Summary of public health implications

13. Not applicable

Summary of equality implications

14. Not applicable

Summary of risk assessment

15. Not applicable

Background papers

BCP Hackney Carriage and Private Hire Vehicles Policy

[BCP Hackney Carriage and Private Hire Vehicle Policy \(bcpcouncil.gov.uk\)](http://bcpcouncil.gov.uk)

LICENSING COMMITTEE



Report subject	Request for amendments to the Hackney Carriage and Private Hire Vehicle Policy
Meeting date	9 March 2023
Status	Public Report
Executive summary	<p>The BCP Hackney Carriage and Private Hire Vehicle policy was implemented on the 1 June 2021. This replaced the three policies of the previous legacy authorities.</p> <p>The BCP Hackney Carriage and Private Hire Trade Association (BCP Trade) have made a request to amend the current BCP Hackney Carriage and Private Hire Vehicle Policy 2021 in respect to</p> <ul style="list-style-type: none"> • increasing the initial maximum licensable age of non-wheelchair accessible vehicles which is currently 3.5 years. • delay the date that all vehicles must meet the Euro 6 emission standard which is currently 31 December 2023.
Recommendations	<p>It is RECOMMENDED that:</p> <p>Members consider the information provided and either.</p> <ol style="list-style-type: none"> Agree the amendments to the policy as requested. Make additional amendments to the policy as presented. Make no changes and leave the policy as published.
Reason for recommendations	<p>Members are asked to consider the request from the BCP Hackney Carriage and Private Hire Trade Association to amend the current BCP Council Taxi and Private Hire Vehicle policy.</p> <p>The request related to the initial age of all vehicles accepted onto the fleet, the BCP trade request this is increased.</p> <p>In addition, the current Policy requires that vehicle licences will not be renewed after 31 December 2023 for vehicles which do not meet the Euro 6 emissions. The BCP trade request that this date is delayed.</p>

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

Background

1. The primary and overriding objective of the Taxi and Private Hire Policies is to protect the safety of passengers and other road users. The policy also acknowledges the environmental impacts of the vehicles licenced by BCP Council. As such, requirements were included within the Policy to support climate change measures.
2. The BCP Taxi and Private Hire Vehicle Policy came into force on the 1 June 2021. The policy is available on the BCP Council website. The website provides guidance for all the types of application, including forms and vehicle inspection standards. [Information for Taxis and private hire licences](#)
3. Chapter 6 deals with any amendments to the Policy and states that:-

6.1 This policy is a working document, and the Licensing Authority reserves the right to alter and amend the policy as appropriate to correct errors, inconsistencies, clarify guidance, legislative changes and issue a revised version of the policy at any time.

6.2 However, any significant changes to the Policy will only be implemented after a formal consultation process with the trade and public.

6.2 Any significant amendment is defined as one that:-

 - *Is likely to have a significant financial effect on licence holders or*
 - *Is likely to have a significant procedural effect on licence holders or*
 - *Is likely to have a significant adverse effect on the community*

Trade amendments request

4. As outlined in the letter from the BCP Trade (see Appendix1) a request has been made for the committee to consider the amendments to the vehicle policy. The first request is to amend section 7.5 of the policy which refers to the age of vehicles at first licence. This currently reads as follows.

7.5 All vehicles at first licence must be no more than 3.5 years old from the date of first registration and the vehicle engine emissions must meet euro 6 emission standard or higher (or other equivalent standard.) See section 9.
5. The proposed amendment is to increase the age at first licence to 4.5 years in line with the current wheelchair accessible vehicle requirements.
6. The second request is to amend section 9.4 which currently reads:-

9.4 All vehicles licenced by BCP council will meet the Euro 6 emission standard by 31st December 2023. No vehicle licences at renewal will be issued for vehicles which fail to meet this standard after this date.

7. The trade request that the date is amended to read either, the 31 August 2025 or 31 December 2024, which is the date for compliance with new livery requirement set out in section 17.3.
8. Representatives from the trade will be present to deliver their request and answer any questions members may have.

Options Appraisal

9. Members consider the information provided and either.
 - Agree the amendments to the policy as requested.
 - Make additional amendments to the policy as presented.
 - Make no changes and leave the policy as published.

Summary of financial implications

10. Any costs associated with the implementation of the Policy are be covered by the income from the licence and renewal fees received.

Summary of legal implications

11. The legal advisor has reviewed the proposed amendments.
12. The Council must have policies in order to administer the taxi and private hire licensing function and protect public safety.

Summary of human resources implications

13. Not applicable.

Summary of sustainability impact

14. The impact of licensed vehicles has been taken into account and the policy reflects good practice regarding vehicle emission standards. I would add how many vehicles not currently compliant as this will impact on emissions if allowed to remain licenced longer

Summary of public health implications

15. Not applicable.

Summary of equality implications

16. The Policies have been subject to Equality Needs Assessment and the minor amendments do not adversely impact on the previous assessment.

Summary of risk assessment

17. Not applicable.

Background papers

[BCP Hackney Carriage and Private Hire Vehicle Policy](#)

Licensing Committee –

[4 February 2021 – Agenda and reports pack](#) - Report is at Agenda Item 6, page 21.

[4 February 2021 - Minutes of meeting](#)

[10 March 2022 - Agenda and reports pack](#) – Report is at Agenda Item 7, page 183.

[10 March 2022 - Minutes of meeting](#)

Appendices

Appendix 1 – Letter from the BCP Hackney Carriage and Private Hire Trade Association in regard to the request.

Request to amend vehicle age on first licencing.

May I start this request by painting a picture of a vehicle owner who back in 2018 decided it was time to update their vehicle and after considering what was available chose to buy a high quality, low mileage 2015 car. This decision was made in accordance with the policies then in place which meant that they could use the vehicle until 2030. He was confident of being able to meet these financial commitments, and be able to budget to replace it in the late 2020's.

The situation was changed by the implementation of the new BCP policies which meant that the vehicle would be licenced for the last time during 2023 and have to be replaced about six years earlier than previously budgeted for. This obviously presented him with some problems but he was again confident of overcoming these difficulties. However, like almost everyone else, he was then faced with the effects of the Covid 19 pandemic and also of Russia's invasion of Ukraine and the cost of living crisis. As a result of these events he is now faced with the real prospect of not being able to finance a replacement vehicle that meets the demands of the current BCP policy and therefore having to leave the trade.

It is because of instances such as this that we request an amendment to the policy with regard to the age of vehicles when first licenced. At an earlier meeting between our Association and the Licensing Team a desire to extend this to 6 years was expressed. Having further reflected upon this we now seek support in one or more of the following ways:-

- An increase to match that recently agreed for Wheelchair Accessible Vehicles i.e. a maximum age of four and a half years, with an appropriate maximum mileage restriction.
- A change to the date after which only Euro 6 vehicles will be relicenced to, say, 31 August 2025. (10 years after Euro 6 became the legal standard).
- A benefit of agreeing this last suggestion would be that it could be enhanced to set 10 years as the standard time between the introduction of new emission standards (Hybrid, full EV or Hydrogen) and the need for licenced vehicles to comply. This would mean that all vehicle owners would be aware of the time any vehicle they purchase could remain on the fleet.

- Aligning the dates for Euro 6 and the new BCP livery to 31 Dec 2024, as previously recommended by the Licencing Manager.

Any support you can agree would be much appreciated.

Forward Plan – Licensing Committee, 9 March 2023 - *Publication date: 1 March 2023*

Forthcoming meetings 9 March 2023 / 24 May 2023

	Subject	Purpose of report	Consultation	Report author(s)	Meeting date
1.	Provision and Positioning of Taxi Ranks	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.	BCP Highways BCP Taxi and Private Hire Association	Nananka Randle, Interim Head of Safer Communities	9 March 2023
2.	Request for amendments to the Hackney Carriage and Private Hire Vehicle Policy	To consider a request from the Taxi Trade to amend the current Vehicle Policy to increase the initial maximum licensable age of non wheelchair accessible vehicles which is currently 3.5 years and delay the date that all vehicles must meet the Euro 6 emission standard which is currently 31 December 2023.	Not applicable	Nananka Randle, Interim Head of Safer Communities	9 March 2023
3.	Unmet Needs Survey	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. In accordance with Department for Transport best practice guidance dated April 2010, if a	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 As the results of the Unmet Needs Survey have yet to be received it is recommended to reschedule this report to the next

	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.			meeting on 24 May 2023 in order to give proper consideration to the findings of the survey.
4.	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 Suggested Licensing Committee working party	Nananka Randle Interim Head of Safer Communities	24 May 2023
5.	Review of Pricing Mechanism for Licensed Vehicles	To consider how hackney carriage fare charge reviews are undertaken, in response to a request from the Committee asking if a mechanism can be addressed.	BCP Taxi and Private Hire Association	Nananka Randle Interim Head of Safer Communities	24 May 2023