

LICENSING SUB-COMMITTEE

WEDNESDAY, 12TH MAY, 2021

Present:

**Councillors Cllr S C Anderson, Cllr R Burton and
Cllr J Butt**

9 Election of Chairman

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

Voting: Unanimous

10 Apologies

The Chair advised that Councillor Julie Bagwell had submitted apologies and that Councillor Richard Burton would be taking on the role of one of the Licensing Sub Committee members, in his capacity as a reserve member.

11 Declarations of Interests

There were no declarations of interest.

12 Application for a new Premises Licence - BH1 Stop Mini Market, Old Christchurch Road, Bournemouth

The Chairman announced that the objector had withdrawn their representation and, as such, a hearing no longer required.

13 Application for a Variation of a Premises Licence, More the Merrier, 68 Kimberley Road

The Sub-Committee was advised that an application had been received to vary the licence of the premises known as 'More the Merrier', 68 Kimberley Road, Bournemouth. The Sub-Committee was requested to adjourn consideration of this application until a later date, at the request of the Applicant's Legal Representative.

RESOLVED that consideration of the application be adjourned until the Licensing Sub-Committee meeting scheduled for the 9 June 2021.

Voting: Unanimous

14 Application for a Variation of a Premises Licence, Urban Reef, Undercliff Drive, Bournemouth

Attendance:

From BCP Council:

Sarah Rogers, Senior Licensing Officer
Tanya Coulter Legal Advisor to the Sub Committee
Michelle Cutler, Clerk to the Sub Committee

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

The Senior Licensing Officer presented a report, a copy of which had been circulated and a copy of which appears as Appendix A to these minutes in the Minute Book.

The Sub Committee was asked to consider an application made by Licensing Lawyers, on behalf of the licence holders Urban Reef Restaurant Limited, for their restaurant to include the beach deck area. An Application was made for regulated entertainment, late night refreshment and the supply of alcohol, both on and off the premises, 24 hours a day each day of the week, with the following exceptions:- No sale of alcohol for consumption in the external areas of the premises would take place between the hours of 23:00 and 08:00 the following day. Regulated entertainment would not take place between the hours of 22:00 and 08:00 the following day. Late night refreshment, after 23:00, would not apply to the beach deck area.

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

Jon Payne, Licensing Lawyers - Solicitor for Applicant
Mark Cribb, Applicant

Sergeant Gareth Gosling, Dorset Police – Responsible Authority, objecting

The Chairman sought clarification of the Application and the Applicant confirmed that it was new application to cover the existing licence and outside decking area between 20:00hrs and 23:00hrs.

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

All parties were invited to sum up before the Sub Committee retired to make its decision. Before concluding the Hearing, the Legal Advisor advised all parties of the right of appeal.

It was RESOLVED that the application for a new premises licence of the premises known as 'Urban Reef', Undercliff Drive, BH5 1BN, dated 11 March 2021, to include the external beach decked area with a connecting area for transit be GRANTED, subject to the inclusion of the conditions proposed by Dorset Police and Environmental Health and agreed with the Applicant, as set out in the papers published with the Sub-Committee Report along with other conditions consistent with the Operating Schedule within the application and additional conditions further to discussion at the Hearing, to enable:

- **the performance of plays, both indoors and outdoors, daily, between 08:00hrs and 22:00hrs**
- **live and recorded music, both indoors and outdoors, daily, between 08:00hrs and 22:00hrs**
- **the exhibition of films, both indoors and outdoors, daily**
- **live music both indoors and outdoors, daily, between 08:00hrs and 22:00hrs**
- **the performance of dance both indoors and outdoors, daily, between 08:00hrs and 22:00hrs**

The terms and conditions of the current licence are replicated, with the exception of the beached decked area, where the following additional conditions shall apply. In addition, Late Night Refreshment shall not apply to the beach decked area and there shall be no

sale for consumption in external areas of the premises between 23:00 and 08:00 on the following day.

1. The premises shall operate and maintain a text, radio or pager link system (whichever is used by Townwatch), to be activated, made available to and monitored by the DPS or their authorised agent.
2. The premises shall maintain membership of the Townwatch scheme (or any successor scheme); a senior member of staff shall attend Townwatch meetings during the period when the deck is in use for licensable activities.
3. 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. Training that is nonspecific to the premises must be delivered by or on behalf of an accredited training provider.
4. The holder of the licence shall undertake a risk assessment regarding; 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 immediately to an authorised officer of the Licensing Authority or Dorset Police upon request. 5. In the event that there is a formal multi-agency 'stepped process' for escalation of resources operating in the vicinity of the licensed premises the licence holder must ensure that they increase the levels of resources in line with the reasonable recommendations of Dorset Police and their partners. To ensure consistency, any requests for increase in resources shall be authorised by an officer holding the rank of Inspector or above. The risk assessment referred to in condition 4 will be reviewed and updated to include the level of resources required for each of the 'stepped process' levels in the event of such a formal process being activated.
6. The licence holder shall ensure that the operator of the premises has an Evacuation Plan which enables the safe evacuation and movement of staff and customers in the event of an incident. This plan will include provision for movement of persons within the premises when the space outside of the curtilage of the premises is occupied.
7. 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 the police or an authorised officer of a Responsible Authority (Licensing Act 2003).
8. There shall be a written drugs policy detailing the actions to be undertaken to minimize the opportunity to use or supply illegal substances with the premises. Training of staff in relation to this policy shall be recorded and available for inspection by an authorised officer at all reasonable times. Records shall be retained for at least 12 months.
9. No drinks shall be served in open glass containers at any time.

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10. The Applicant shall commission a survey by a qualified engineer to ensure that CCTV at the premises effectively covers the area of decking and CCTV to be installed to in line with recommendations of the engineer. 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.
11. 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.
12. 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
13. Outside of the hours that the decking area is used for the sale of alcohol, all alcohol within the location of the decking area is to be secured behind locked grills, locked screens or locked cabinet doors to prevent access to the alcohol by both customers or staff.
14. The number of persons permitted in the premises at any one time (including staff) shall not exceed the number as stated within the Premises Management Plan.
15. 'Challenge 25', shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport / Holographically marked PASS scheme identification cards. Appropriate signage advising customers of the policy shall prominently displayed in the premises.
16. There shall be no promotional sales of alcohol at the premises where alcohol is sold at a price lower than that at which the same or similar alcoholic drinks are sold on the main premises.
17. The supply of alcohol at the premises shall only be to a person seated taking a table meal there for consumption by such a person as ancillary to their meal, and to persons attending to have a meal who wish to have a pre or post meal drink.

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18. A procedure for supporting and 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.
19. There shall be no sales of alcohol from the facility located on the decking area for consumption off the premises.
20. There shall always be a personal licence holder on duty on the premises when the premises are open for the sale alcohol.
21. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the sale of alcohol from the decked area of the premises 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.
22. 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.
23. Where licensable live or recorded music is planned to be held on the beach deck, a Noise Management Plan (NMP) must be submitted at least 28 days before the event. The NMP must include schedule, breaks, details on any amplification, sound levels and the processes in place to minimise disruption to residents including contact telephone numbers of the responsible person on-site during the event with which noise complaints can be addressed if they arise. The plan shall include the methodology to achieve that Music noise levels do not exceed 65dB(A) over a 15 minute period when measured at the boundary of any noise sensitive premises and that low frequency noise shall be controlled at the 63Hz and 125Hz octaves, so as not to exceed 70dB(A) at any time when measured at the boundary of any noise sensitive premises.
24. The premises licence holder shall require that any patrons drinking and/or smoking immediately outside the premises do so in an orderly manner and are supervised by staff.

Reasons for the Decision

The Sub-Committee gave detailed consideration to all the information that had been submitted before the meeting and contained in Agenda Item 7,' and the Representation made by Dorset Police.

The Sub-Committee noted that 3 'other persons' had withdrawn their written representations. It also noted that 2 conditions had been agreed between the Applicant and Environmental Health.

The Sub-Committee also considered the verbal representations of Mrs Rogers, Licensing Officer, BCP Council; Jon Payne, Licensing Lawyers, representing the Applicant; Mark Cribb, the Applicant and Sergeant Gosling, Dorset Police.

The Sub Committee acknowledged the concerns raised in the written and verbal representations of Dorset Police and considered the detailed responses of Sergeant Gosling to the representations made about the proposed conditions by the Applicant and his solicitor. It noted the reasons submitted by the Police for the proposed conditions and listened to the views of the Applicant.

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In summary, the Sub-Committee did not consider that there were sufficient reasons to justify a refusal of the application. It did however consider that there was justification for the conditions proposed by the Police in the main, although did amend some of the proposed conditions following representations made by the Applicant. In particular it considered the condition relating to off-sales from the decked area and condition relating to the locking up and securing of alcohol when the decked area was not in use were reasonable and proportionate to support the licensing objectives and attach these conditions along with the conditions as agreed and amended during the hearing. The Sub-Committee was satisfied that if operated in accordance with the conditions both offered in the application and agreed with the Police and Environmental Health, and set by the Sub-Committee that the premises licence should not undermine the licensing objectives.

It was noted that a review of the premises licence could be applied for at any time by the Responsible Authorities, or any other person, should any problems associated with the licensing objectives in relation to the premises occur once the licence was granted.

Right of Appeal

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

Decision: Unanimous

The Legal Advisor to the Sub-Committee and clerk were present during the decision making process but did not participate in the decision.

Note: At the start of the hearing the Chair set out the procedure to be followed at the hearing and obtained the agreement of all parties present.

15 Application for a Variation of a Premises Licence , Noisy Lobster, Avon, Christchurch

From BCP Council:

Sarah Rogers, Senior Licensing Officer
Tanya Coulter, Legal Advisor to the Sub Committee
Michelle Cutler, Clerk to the Sub Committee

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

The Senior Licensing Officer presented a report, a copy of which had been circulated and a copy of which appears as Appendix A to these minutes in the Minute Book.

The Sub-Committee was asked to consider an application to vary the current premises licence to include the supply of alcohol for off sales from a hatch attached to the current premises. The hours for the off sales from this hatch would be 11:00hrs to 21:00hrs daily.

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

Peter Hayward, Applicant

Cllr Paul Hilliard, Objecting

Joanne Rimmer , Objecting

Cllr Paul Hilliard also read out a statement on behalf of Mr Pollard (objector), as Mr Pollard was unable to attend the Hearing.

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

All parties were invited to sum up before the Sub Committee retired to make its decision. Before concluding the Hearing, the Legal Advisor advised all parties of the right of appeal.

It was RESOLVED that the application to vary the premises licence of the premises known as 'Noisy Lobster', Avon Beach, Christchurch, dated 18 March 2021, to include the off sale of alcohol Monday to Sunday from 11:00 hrs to 21:00hrs from a takeaway food hatch at the premises, be GRANTED. The off sales of alcohol will be subject to the current licence conditions and subject to the inclusion of the conditions proposed by Dorset Police and agreed with the Applicant, as set out in the papers published with the Sub-Committee Report and listed below:

- **A CCTV system, shall be installed to cover all entry and exit points of the premises enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record and cover areas where alcohol is kept for selection and purchase by the public, whilst the premises is open for licensable activities. It shall operate during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with correct date and time stamping. Recordings shall be made available immediately upon the request of Police or an authorised officer of the council throughout the preceding 31 day period. The CCTV system shall be updated and maintained according to police recommendations.**
- **CCTV shall be installed above the bar in the take away outlet enabling frontal identification of customers when placing their order.**
- **A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.**
- **CCTV shall be downloaded on request of the Police or authorised officer of the council. Appropriate signage advising customers of CCTV being in operation, shall be prominently displayed in the premises.**
- **A documented check of the CCTV shall be completed weekly to ensure all cameras remain operational and the 31 days storage for recordings is being maintained.**
- **All staff working at the premises concerned with the sale of alcohol shall be trained in accordance with an accredited training scheme from time to time 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.**
- **An incident log shall be kept at the premises. The log shall include the date and time of the incident and the name of the member of staff who has been involved. and made available on request to an authorised officer of the Council or the Police, which shall record the following: (a) any complaints received (b) any incidents of disorder (c) any faults in the CCTV system / or searching equipment /or scanning equipment (d) any refusal of the sale of alcohol (e) any visit by a**

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relevant authority or emergency service (f) all crimes reported to the venue (g)
all ejections of patrons (h) all seizures of drugs or offensive weapons

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

- 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 be prominently displayed at the premises.
- Staff will control the queues to ensure there is no congregation or anti-social behaviour in the vicinity of the takeaway area.
- Condition 22 to be varied to ensure it includes both on sales and off-sales – the condition provides that alcohol shall only be consumed by those persons that are consuming food purchased from the premises.

Reasons for the Decision

The Sub-Committee gave detailed consideration to all the information that had been submitted before the meeting and contained in Agenda Item 8', in particular the 44 written representations made by 'other persons', who are local residents living close to the 'Noisy Lobster'. The Sub-Committee also considered the verbal representations of Trudi Barlow, Licensing Officer, BCP Council; the Applicant, Peter Hayward and the 'other persons' who had made verbal representations, namely Joanne Rimmer, Chris Lake and Cllr Hilliard (also representing Robert Pollard).

The Sub-Committee noted that during the consultation period in response to the application, Dorset Police had undertaken mediation with the Applicant and agreement had been reached that should the application to vary the premises licence be granted then 10 further conditions should be attached to the licence with the agreement of the Applicant. It further noted that as a result of this agreement in regard to conditions Dorset Police withdrew its representation in respect of the application.

The Sub-Committee noted and acknowledged the concerns raised in the written and verbal representations of the 44 'other persons'. It gave careful consideration to the concerns raised. It noted that some of the concerns related to matters which were outside of the control of the Applicant, for example the concerns raised about the dangers of swimming whilst intoxicated and some of the litter that affected the beach area and car park area. It noted that the Applicant employed staff to empty the bins it provided at the premises and to monitor and clear tables located outside. It also noted that there was no evidence of concerns raised by any of the responsible authorities during the periods the premises had operated as proposed in previous years utilising temporary event notices and considered the advantage of additional control provided by the proposed conditions attached to the licence as opposed to relying on temporary event notices. All in all, when considering the representations made by all parties and the conditions agreed with Dorset Police it did not consider that there were sufficient reasons to justify a refusal of the application. It was satisfied that if operated in accordance with the conditions both offered in the application and agreed with the Police, that the variation to the premises licence should not undermine the licensing objectives.

It was noted that a review of the premises licence could be applied for at any time by the Responsible Authorities, or any other person, should any problems associated with the licensing objectives in relation to the premises occur once the licence was granted.

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Right of Appeal

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

Decision: Unanimous

The Legal Advisor to the Sub-Committee and clerk were present during the decision making process but did not participate in the decision.

Note: At the start of the hearing the Chair set out the procedure to be followed at the hearing and obtained the agreement of all parties present.

Duration of the meeting: 10.00 am - 1.07 pm

Chairman at the meeting on
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