

**BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL**  
**LICENSING SUB-COMMITTEE**

Minutes of the Meeting held on 21 July 2021 at 10.00 am

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

7. Election of Chairman

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

Voting: Unanimous

8. Apologies

No apologies for absence were received.

9. Declarations of Interests

No declarations of interest were received.

10. 137 Redhill Drive, Bournemouth

Attendance:

From BCP Council:

Linda Cole, Legal Advisor to the Sub-Committee  
Sarah Rogers, Senior Licensing Officer  
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 the report at Agenda Item 5, a copy of which had been circulated to all parties prior to the meeting 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 premises licence to facilitate a cocktail delivery service at the premises known as '137 Redhill Drive', Bournemouth. The provision of off sales of alcohol only was requested from 11:00 hours to 23:00 hours each day of the week.

The Sub-Committee was advised that a representation had been received from Councillor Jackie Edwards on the grounds that to grant the application would undermine the prevention of public nuisance and the protection of children from harm. Councillor Jackie Edwards was unable to attend the Hearing and asked that her written representation be considered by the Sub-Committee.

The Applicant, Ms Hannah Skelsey, attended the Hearing and addressed the Sub-Committee to expand on the points made in her application. Ms Skelsey explained how she proposed to operate her business and the Sub-Committee asked various questions of her before being given the opportunity to sum up before the Sub-Committee retired to make its decision.

Before concluding the Hearing, the Legal Advisor advised all parties of the right of appeal.

**RESOLVED that the application for a new premises licence dated 28 May 2021, for the premises known as '137 Redhill Drive, Bournemouth, BH10 6AH' be GRANTED for the provision of off sales of alcohol between 11:00hrs and 23:00hrs seven days a week.**

**This premises licence is granted subject to all of the conditions offered in the operating schedule in part M of the application and the conditions listed below, which have been agreed by Dorset Police and incorporate the conditions which are recommended by Public Health and Trading Standards as well as those imposed by the Licensing Sub-Committee:-**

- 1. No customers shall be permitted on the premises. The premises shall only be used for the making and collection of cocktails for delivery. Customers shall not be permitted to collect from the premises.**
- 2. Deliveries shall only be allowed to business and residential addresses.**
- 3. Challenge 25 shall be operated by 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.**
- 4. All staff working at the premises concerned with the sale of alcohol, including delivery drivers, shall be trained with regard to the law on restricted sales (to persons under the age of 18 and/or who are intoxicated) and with regard to the terms and conditions of the premises licence. A written 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.**

5. Delivery drivers shall make ID checks to any person they believe to be under the age of 25 to make sure the person who receives the delivery reflects the same name/age on the order.
6. Refused deliveries shall be brought back to the premises and details recorded.
7. All deliveries shall be authorised by the DPS.
8. A maximum limit of 3 orders per day per customer. Up to 4 drinks would equate to 1 order and each drink will only contain 1 25ml shot of alcohol, the strength of the alcohol is to be agreed with Trading Standards.
9. All alcohol relating to the business is to be stored in a locked and secure area outside of business hours and when not being used for the preparation of an ordered cocktail.
10. The Premises Licence Holder to contact Dorset Police to request their assistance in reviewing the security at the premises, including whether the installation of a form of CCTV may be appropriate before the licence will take effect. The premises licence holder to advise the licensing authority when that review has taken place.

#### Reasons for Decision

The Sub-Committee gave detailed consideration to all of the information which has been submitted before the Hearing and contained in the report for Agenda Item 5, in particular the written representations made by 1 other person, Councillor Jackie Edwards and the verbal submissions made at the Hearing by the Licensing Officer, Sarah Rogers, and the Applicant, Ms Hannah Skelsey. The Sub-Committee also considered the responses given to all of the questions asked at the Hearing.

Whilst the Sub-Committee acknowledged the concerns expressed in Councillor Jackie Edwards representation in regard to the prevention of public nuisance and the protection of children from harm, it was noted that these concerns appeared to be based on a fear of what might happen in the future should the licence be granted and did not provide any substantial evidence of public nuisance that could be taken into account when determining the application. The Sub-Committee was mindful of the spirit of the Licensing Act 2003 and the case of *Thwaites PLC v Wirral Borough Magistrates' Court 2008*.

The Sub-Committee commended the applicant's enthusiasm to start up a new business and was confident that Ms Hannah Skelsey had the ability to operate her business responsibly and in accordance with the conditions offered and imposed on the Premises Licence. They acknowledged the Challenge 25 training in underage sales that she had already undertaken and her plan that all family members who will be assisting her in the operation of the business will also undertake such training. They welcomed that her priority was to limit any

**nuisance to local residents and her plan to move the business to a non-residential premise when it became viable**

**The Sub-Committee was satisfied that if the premises operated 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. It was noted that a review of the premises licence could be applied for at any time by a Responsible Authority or any other person should there be any issues associated with the premises in the future that undermine the licensing objectives.**

**Voting: Unanimous**

### **Right of Appeal**

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

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

#### 11. **The Boathouse, 9 Quay Road, Christchurch**

Attendance:

From BCP Council:

Linda Cole, Legal Advisor to the Sub-Committee  
Sarah Rogers, Senior Licensing Officer  
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 the report at Agenda Item 6, a copy of which had been circulated to all parties prior to the meeting 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 Boathouse', 9 Quay Road, Christchurch BH23 1BU to remove condition 2.10 imposed on the licence which stated:- "This variation will only have effect during the imposition of restrictions under the Coronavirus Act 2020 prohibiting or rendering unviable the normal use of the premises under the Premises Licence."

The Licensing Sub-Committee was advised that representations had been received from 20 other persons, which included a representations from

Councillor Coulton of Christchurch Town Council and one from Christchurch Town Council as a whole, to the removal of this condition on the grounds that to grant the application would undermine all four licensing objectives.

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

Sandra Graham, Solicitor - Trethowans LLP representing Macemade Ltd

Mr Richard Slater – Manager of The Boathouse

Mr Kim Slater – Director of Macemade Ltd

Mrs Sarah King – ‘Other Person’

Mr Adrian and Mrs Ruth Dwyer – ‘Other Person’

Councillor Avril Coulton - Christchurch Town Council – ‘Other Person’

Mr Daniel Lucas - Town Clerk, Christchurch Town Council – ‘Other Person’

Mrs Graham addressed the Sub-Committee on behalf of the applicant and explained how the business had developed at the Boathouse since the premises was purchased in 1998 and the changes that were required to trade through the pandemic. She advised that customers who had enjoyed these changes wished to continue to eat outside and enjoy the limited and less expensive offering from the airbus, which made it cheaper for families. Mrs Graham advised that her clients were a high-end responsible operator, that they liked to create a family environment and were constantly improving and investing in the premises to attract the right clientele. She produced some photographs of the outdoor area where the takeaway function was operated from.

Mrs Graham reminded the Sub-Committee that the ‘Quomps’ was a large public open space, which was intended to be used by local residents and visitors. She acknowledged some of the complaints that local residents had raised in their representations, such as dumped litter, glass and about groups of youths who congregated in the ‘Quomps’ but stated that all of those issues could not be attributed to the Boathouse. The Boathouse funded litter pickers to pick up all of the litter in the area and it was clear from the packaging of what was picked, it had not emanated from the Boathouse but other takeaways and shops; no drinks to takeaway were supplied in glass receptacles; the premises had become aware of youths who congregated and would not serve them; and their prices were relatively high to discourage binge drinking.

Mrs Graham advised the Sub-Committee that the premises worked closely with the Police and would call the Police to report issues on the ‘Quomps’ and were willing to assist and co-operate with the Police as necessary. Feedback from the Police had acknowledged it was helpful to have people on site in this area, not to control but to supervise and call them as appropriate.

The 'Other Persons' listed above made submissions to the Sub-Committee, the detail of which was set out in their relative representations.

The Sub-Committee asked questions of the applicant and all parties were given the opportunity to ask questions of each other. Mr Lucas sought clarification about the continuing offer to pick litter and Mrs Dwyer about the apparent conflict of the current application to vary and the reasons given for granting the minor variation in 2020. All parties were given the opportunity 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 'The Boathouse', 9 Quay Road, Christchurch, to remove condition 2.10 imposed on the licence which states:- *"This variation will only have effect during the imposition of restrictions under the Coronavirus Act 2020 prohibiting or rendering unviable the normal use of the premises under the Premises Licence."* be GRANTED subject to the following conditions offered by the applicant during the course of the Hearing:-**

- 1. That off sales cease at 22:00 hrs seven days a week**
- 2. That the premises provide a contact telephone number for residents to enable them to report noise nuisance emanating from the Boathouse as it occurs.**

#### **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 6, in particular the written representations made by 20 'other persons' on the grounds that to grant the application would undermine all four licensing objectives. The Sub-Committee also considered the verbal representations of Sarah Rogers, Senior Licensing Officer; Sandra Graham, Solicitor, on behalf of the Applicants, Mr Richard Slater and Mr Kim Slater, and the following 'other persons' that had submitted written representations:- Mrs Sarah King; Mr and Mrs Dwyer; Councillor Avril Coulton, Christchurch Town Council and Mr Daniel Lucas, Town Clerk, Christchurch Town Council. The Sub-Committee also considered the responses given to all of the questions asked at the Hearing.**

**Whilst the Sub-Committee acknowledged the concerns expressed by residents and Christchurch Town Council as a whole, it was noted that these concerns appeared to be based on a fear of what might happen in the future should condition 2.10 be removed from the licence and did not provide any substantial evidence to justify refusing the application. The Sub-Committee was mindful of the spirit**

of the Licensing Act 2003 and the case of *Thwaites PLC v Wirral Borough Magistrates' Court 2008*.

The Sub-Committee was of the view that many of the issues being complained about could not be attributed to the Boathouse and some were not relevant considerations that could be considered when determining this application.

The Sub-Committee noted that in the 12 months since the premises had operated a takeaway service there had been no complaints made about the premises and that no Responsible Authorities had objected to this application to vary.

The Sub-Committee acknowledged the arrangements that the premises have in place to clear all litter in the area; not just that generated by the Boathouse and that they provided temporary toilets for use by all visitors to the 'Quomps' when the BCP public toilets were closed during the Pandemic. They were pleased that the premises wanted to be involved with the community and wanted to work with Mr Lucas of Christchurch Town Council and commended their willingness to co-operate and assist the Police. The Sub-Committee welcomed the applicants offer to reduce the closing time of their takeaway operation from 23:00hrs to 22:00hrs, to reduce any potential noise at a later hour and to provide a contact telephone number where noise complaints could be reported by local residents as they occur.

The Sub-Committee noted that the applicants had a vast amount of experience in managing licensed premises in Christchurch and have developed and improved The Boathouse since it opened in 1998. They were impressed with how the premises was presented in the photographs produced and were confident that Mr Richard and Mr Kim Slater would continue to run the premises and the newer takeaway operation in a responsible manner.

The Sub-Committee noted that from 1<sup>st</sup> July 2021 a Public Space Protection Order had been put into place by BCP Council which includes the 'Quomps' area. This order does not ban alcohol or make it an offence to drink alcohol in the area; but does allow authorised officers and the Police to ask those causing anti-social behaviour, to stop drinking and to confiscate any alcohol. The Sub-Committee was mindful that this order should assist in the prevention of anti-social behaviour in the area and should alleviate some residents' concerns about noise nuisance caused by excess alcohol.

The Sub-Committee was satisfied that if the premises continued to operate in the responsible way they appeared to and in accordance with the conditions on the premises licence, then the premises should not undermine the licensing objectives. It was noted that a review of the premises licence could be applied for at any time by a Responsible Authority or any other person should there be any issues

associated with the premises in the future that undermine the licensing objectives.

**Right of Appeal**

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

The meeting ended at 1.10 pm

CHAIRMAN