

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

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

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

6. Election of Chair

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

Voting: Unanimous

7. Apologies

There were no apologies for absence.

8. Declarations of Interests

There were no declarations of interest.

9. Hospitality Marquee, Bournemouth Seafront

Present:

From BCP Council:

Tania Jardim, Licensing Officer

Alan Parr, Legal Advisor to the Sub-Committee

Michelle Cutler, Clerk to the Sub-Committee

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

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

The Sub Committee was asked to consider an application for a new Premises Licence to permit live and recorded music and the sale of alcohol on the premises between the hours of 10:00 to 23:00 on Sunday to Thursday and 10:00 to 00:00 on Friday and Saturday, submitted by the Head of Destination and Events, Bournemouth, Poole and Christchurch (BCP) Council, on 18 March 2022.

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

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

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

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

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

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

The Sub Committee asked various questions of all parties present and were grateful for the responses received. All parties had the opportunity to ask questions. All parties were invited to sum up before the Sub-Committee retired to make its decision. Before concluding the hearing, the Legal Advisor advised all parties of the right of appeal.

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

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

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

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

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

Reasons for Decision

The Sub-Committee gave detailed consideration to all of the information which had been submitted before the Hearing and contained in the report for Agenda Item 5 and the additional information provided before the hearing, in particular the written representations made by 15 other persons, and the verbal submissions made at the Hearing by the Licensing Officer, Tania Jardim, Jon Weaver, Head of Resorts Marketing & Events Tourism and Helen Wildman, Events Manager, Commercial Tourism, both representing the applicant, BCP Council, Mrs Barbara Gomez, objecting and representing herself and a number of residents who had also made representations objecting and Mr Peter Chadwick, objecting and representing Mr Edward Wokakowski.

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

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

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

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

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

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

Voting: Unanimous

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

Present:

From BCP Council:

Tania Jardim, Licensing Officer

Alan Parr, Legal Advisor to the Sub-Committee

Michelle Cutler, Clerk to the Sub-Committee

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

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

The Sub Committee was asked to consider an application made by Mr Philip Day of Lacey's Solicitors on behalf of Conroy's Bar Limited to vary the Premises Licence.

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

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

The Licensing Authority received 7 representations in support of the application

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

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

The Sub Committee asked various questions of all parties present and were grateful for the responses received. All parties had the opportunity to ask questions. All parties were invited to sum up before the Sub-Committee retired to make its decision. Before concluding the hearing, the Legal Advisor advised all parties of the right of appeal.

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

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

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

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

Reasons for Decision

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

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

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

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

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

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

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

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

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

Voting: Unanimous

The meeting ended at 12.45 pm

CHAIRMAN