

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 09 November 2022 at 10.00 am

Present: Cllr J J Butt, Cllr D Farr and Cllr D A Flagg

81. Election of Chair

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

Voting: Unanimous

82. Apologies

No apologies for absence were received.

83. Declarations of Interests

There were no declarations of interest.

84. Premier Westover 12 Westover Road Bournemouth

Present:

From BCP Council:

Sarah Rogers – Senior Licensing Officer
Mary Almeida – Legal Advisor to the Sub-Committee
Michelle Cutler – Clerk to the Sub-Committee

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 advised that the applicant had offered to reduce the daily terminal hour to permit the sale of alcohol off the premises from 03:00hrs to midnight as they were conscious of the concerns raised by objectors relating to a 03:00 hr closure.

The Sub Committee was asked to consider an application for a new premises licence for the premises known as 'Premier Westover', 12 Westover Road, Bournemouth.

The Licensing Authority received 5 representations from other persons, including one from Dorset Police as a responsible authority.

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

David Ramsey – Agent on behalf of the Applicant
Serkan Yildirim - Applicant
Louise Busfield – Dorset Police Licensing Team, Objector
Sergeant Gareth Gosling, Dorset Police, Objector
Samuel Old – Robert Old (menswear), retailer on Westover Road, Bournemouth, Objector

The Clerk advised that the following objectors had been contacted and were no longer attending, Mathew Corcia (Michael Mathews Jewellery), Sarah Watson (Bournemouth YMCA) and Paul Kinvig (Bournemouth Tow Centre BID).

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.

Louise Busfield, Dorset Police, referred to several letters of support that had been circulated by David Ramsey, agent for the applicant, in advance of the hearing. The Chairman advised that the Sub-Committee had not had sight of these as they had been submitted after the statutory timeframe for representations to be made and therefore the letters of support had not been accepted by the Sub-Committee.

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

RESOLVED that the application for a premises licence, dated the 26th September 2022, for the premises known as ‘Premier Westover’, 12 Westover Road, Bournemouth to permit the off sale of alcohol between the hours of 08:00 to 00:00 Monday to Sunday, be REFUSED.

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, including the written representations received in objection to the application.

The Sub-Committee further considered the verbal submissions made at the hearing by Sarah Rogers, the Senior Licensing Officer, David Ramsey, Agent on behalf of the applicant, Serkan Yildirim, the applicant, Louise Busfield, Licensing Officer Dorset Police, Sergeant Gareth Gosling, Dorset Police and Samuel Old, Robert Old (menswear), Westover Road, Bournemouth.

The Sub-Committee also took into account the responses given to all the questions asked at the hearing.

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 further noted that Westover Road was opposite the Lower Gardens, in Bournemouth which necessitated a seasonal dedicated policing presence due to the high levels of anti-social behaviour.

The Sub-Committee took into account the letter of representation from the Board of the Bournemouth Town Centre BID, who objected to the application due to existing levels of anti-social behaviour in the town centre, namely retail crime, aggressive begging, perceived and real threatening behaviour and substance abuse. In particular, the Sub-Committee noted that in the past six months, the Town Ranger Team had logged forty anti-social behaviour issues between the hours of 09:00 and 17:15 hours (their hours of work).

The Sub-Committee also noted the written submission from the Chief Executive Officer of the YMCA, Bournemouth, which was located at 56 Westover Road stating that if the licence was granted the premises would constitute a clear and present safeguarding risk to their vulnerable residents.

Taking everything into account the Sub-Committee took the view that granting a license to these premises would increase the propensity for anti-social behaviour and would exacerbate the existing issues. The Sub-Committee felt that the conditions offered by the applicant were not sufficient to alleviate the concerns raised by Dorset Police and other objectors, 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.

85. Parlourmentary 7 Southbourne Grove Bournemouth

Present:

From BCP Council:

Sarah Rogers – Licensing Officer
Mary Almeida – Legal Advisor to the Sub-Committee
Michelle Cutler – Clerk to the Sub-Committee

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

The Clerk advised that every effort had been made to contact Mr Brian Stocker, objector, however, he had not responded, and it was unlikely that he would be in attendance.

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 Licensing Officer clarified that the address of the premises was 7 Southbourne Grove, Bournemouth and that 4 Southbourne Grove was the registered company address.

The Sub-Committee was asked to consider an application for a new premises licence for the premises known as 'Parlourmentary', 7 Southbourne Grove, Bournemouth.

The Licensing Authority received 2 representations from other persons in objection to the application on the grounds of the public nuisance licensing objective.

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

Mr James Fowler – applicant

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

RESOLVED that the application, dated 16th September 2022, to permit recorded music between the hours of 07:00 and 23:00 and the sale of alcohol (on and off the premises) between the hours of 08:00 and 23:00, each day of the week for the premises known as 'Parlourmentary', be GRANTED.

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

In addition, the following conditions, agreed between the applicant and Dorset Police in advance of the hearing and imposed by the Sub-Committee on deliberation, shall be attached to the Licence:

1. All staff working at the premises concerned with the sale of alcohol shall be trained in accordance with an accredited training scheme on the law relating to prohibited sales, the age verification policy adopted by the premises and the conditions attaching to the premises licence.
 - 1.1 Refresher training shall be provided at least once every six months.
 - 1.2 A record shall be maintained of all staff training and that record shall be signed by the person receiving the training and the trainer.
 - 1.3 The records shall be kept for a minimum of twelve months and made available for inspection by the police, licensing, or other authorised officers.
2. 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 shall be made available on request to an authorised officer of the council or the police, said log shall record the following:(a) any complaints received(b) any incidents of disorder(c) any faults in the CCTV system /or searching equipment/ or scanning equipment(d) any refusal of the sale of alcohol(e) any visit by a relevant authority or emergency service(f) all crimes reported to the venue(g) all ejections of patrons(h) all seizures of drugs or offensive weapons.
 - 2.1 This log to be checked on a weekly basis by the DPS of the premises.

3. Challenge 25 shall be operated at the premises where the only acceptable forms of identification are (recognised photographic identification cards, such as a driving licence or passport or holographically marked PASS scheme identification cards).
- 3.1 Appropriate signage advising customers of the policy shall be prominently displayed in the premises.
4. A CCTV system shall be installed to cover all entry and exit points enabling frontal identification of every person entering in any light condition.
- 4.1 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.
- 4.2 All recordings shall be stored for a minimum period of thirty-one days with correct date and time stamping.
- 4.3 Recordings shall be made available immediately upon the request of police or an authorised officer of the council throughout the preceding thirty-one day period.
- 4.4 The CCTV system shall be updated and maintained according to police recommendations.
- 4.5 A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member must be able to show the police or authorised council officer recent data or footage with the absolute minimum of delay when requested.
- 4.6 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.
- 4.7 A documented check of the CCTV shall be completed weekly to ensure all cameras remain operational and the thirty-one days storage for recordings is being maintained.
5. On sales of alcohol to be ancillary to pre-arranged food tasting event.
6. Off sales of alcohol to be in sealed containers with the exception of alcohol infused ice cream.

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, in particular the written representations made by two other persons regarding the potential impact for public nuisance.

The Sub-Committee further considered the verbal submissions made at the hearing by Sarah Rogers, Senior Licensing Officer and James Fowler, the applicant.

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

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

The Sub-Committee acknowledged the concerns expressed but believed that the conditions put forward by the applicant and Dorset Police would address the relevant concerns raised to ensure compliance with the licensing objectives.

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

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

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

It was noted that a review of the premises licence could be applied for at any time by a Responsible Authority or any other person should there be any 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 12.00 pm

CHAIRMAN