

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING COMMITTEE

Minutes of the Meeting held on 20 April 2021 at 10.00 am

Present:-

Cllr J J Butt – Chairman

Present: Cllr D Brown, Cllr R Burton, Cllr N Decent, Cllr B Dion, Cllr B Dove,
Cllr G Farquhar, Cllr A Hadley, Cllr T Johnson, Cllr D Kelsey and
Cllr L Williams

42. Apologies

Apologies had been received from Councillors S Anderson, Bagwell and Farr.

43. Declarations of Interests

There were no declarations of interest received.

44. Confirmation of Minutes

The minutes of the meeting held on 31 March 2021 were agreed as a true and accurate record.

Voting: unanimous

45. Protocol for Public Representation at Virtual Meetings

There were no public questions, statements or petitions for this meeting.

46. East Cliff Promenade and Beach

An application had been received for a new premises licence for East Cliff Promenade and Beach.

BCP Council has made an application for a new premises licence for part of Bournemouth's seafront to include the sandy beach and shoreline.

The application was originally made for the provision of regulated entertainment and the sale of alcohol, both on and off the premises but following consultation with Dorset Police it was agreed to remove the provision of off sales from the application and on sales to be only sold with food.

The hours requested for all activities are between 10:00 and 22:00, mainly during the months of March – September, with the alcohol provision from April – September each year as part of a wider catering offer on the Seafront. The application was to allow the following licensable activities to take place during the requested times:

Plays – 10:00 to 22:00

Films - 10:00 to 22:00

Live Music - 10:00 to 22:00

Recorded Music - 10:00 to 22:00

Performances of Dance -10:00 to 22:00

Activity like music/dance - 10:00 to 22:00

Sale of alcohol – 10.00 to 22.00 – for the specified area identified on the Plan

Attendance:

Cllr J Butt – Chair of the Committee

Cllr J Bagwell – Vice-Chair of the Committee

Cllr D Brown

Cllr R Burton

Cllr N Decent

Cllr B Dion

Cllr B Dove

Cllr G Farquhar

Cllr T Johnson

Cllr D Kelsey

Cllr L Williams

Sarah Rogers, BCP Senior Licensing Officer

Nananka Randle, BCP Licensing Manager

Helen Wildman, BCP Council Events Manager

Noel Oliver – Seafront Contracts Manager, BCP Council

Jon Weaver – Head of Resort Marketing & Events, BCP Council

Sergeant Gareth Gosling - Dorset Police

Matthew Taylor – Senior Environment Health Officer

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

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

The application prompted 47 representations from other persons under the prevention of crime and disorder, prevention of public nuisance, public safety and the protection of children from harm licensing objectives. A copy of the representations received was attached at Appendix 2 to the report.

Environmental Health agreed conditions with the applicant which will form part of the operating schedule should the application be granted. A copy of these conditions was attached at Appendix 3 to the report.

Following mediation with Dorset Police it was agreed that the provision of off sales would be removed from the application and on sales would only take place with food. A number of conditions which will form part of the operating schedule should the application be granted, have been agreed with the applicant and are attached at Appendix 4 to the report.

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

Peter Chadwick

Mr and Mrs C Lee

Stuart Jacobs (representing Karen Jacobs)

Richard Perkoff

Peter Reichwald

Eric Waley

Mr K Wragg

Peter Wulwik

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

Following this, the officers from the Council's Events team presented their application and case.

Dorset Police then presented the Police position and advised the Committee that the Police had been in discussion with the Applicant who had agreed to a total of 24 conditions to be attached to the proposed licence which in the view of the Police would mitigate the impact of the proposed licence and support the Licensing Objectives.

The Committee then heard from the members of the public who had made relevant representations and who had requested the right to speak at the meeting. They expanded upon their written representations and advised the Committee of their concerns and set out their reasons why they considered the proposals would not promote the Licensing Objectives. They also raised concerns about procedural matters including the lack of detail within the application itself and potential conflict with the Council's Statement of Licensing Policy in this respect, and concern that the required Notices did not contain the required information and had not been displayed to ensure residents would have seen them.

The Council's Legal Adviser was asked to advise the Committee in respect of the validity of the Notices and provided advice that they complied with the specific requirements of the Regulations.

All parties were invited at the appropriate time to ask questions of the other participants following their presentations.

The Committee asked various questions of all parties present and were grateful for responses received. There were several questions posed and answered by both the Senior Licensing Officer and the Council's Events team officers and all parties were invited to sum up before the Committee retired to make its decision. Before concluding the hearing, the Legal Advisor advised all parties of the right of appeal.

Decision:

It was RESOLVED that the new premises licence application, dated 2nd March 2021, in respect of East Cliff Promenade and Beach, be GRANTED, for the hours requested for all regulated entertainment activities between 10:00 and 22:00, mainly during the months of March – September, with the alcohol provision from April – September each year as part of a wider catering offer on the Seafront. The Licence to include the change from the original application to provide for the on-sale only of alcohol as part of provision of a substantial meal. The Licence to be subject to all conditions set out in the Report and additional papers including the conditions agreed with Dorset Police, as detailed in Appendix four of the report, and the Environmental Health Officer. In addition, the Licence to be subject to a condition providing that the events be limited to five per calendar year.

Reason for the decision:

The Licensing Committee considered all written representations, as detailed in Agenda item five, and the verbal representations and presentations made at the meeting by the Senior Licensing Officer, the applicant and other parties, which included Dorset Police and local residents.

The Licensing Committee welcomed the applicant's additional assurance that there would be a maximum of five events held per calendar year and hoped that this would provide some reassurance for local residents that events would not be held 365 days a year.

The Committee acknowledged the concerns raised in both the written and verbal representations submitted but were satisfied that the proposed licensable activities did not undermine the licensing objectives if undertaken in accordance with the operating schedule and the conditions imposed. The Committee considered that the conditions proposed were extensive and appropriate and provided sufficient measures to monitor and mitigate against any noise nuisance or anti-social behaviour to local residents, who had raised concerns.

Members noted that Safety Advisory Group meetings would be held on a regular basis involving Police, Ambulance, and other appropriate bodies and that all activities and events would have to comply with Council regulated event criteria. Furthermore, the Committee noted that full risk assessments and health and safety/ event safety checks and requirements would be agreed with organisers prior to the event. Members were

considerate of the thoroughness of event management plans that would be produced with each proposed event and specifically recognised the commitment to environmental clean-up and the prevention of noise disturbance that would be enforced for all events to ensure they are regulated correctly. The Committee all agreed that the licence would enable more control over activities held on the premise and would enable the licence to be brought back for a review if there were any issues relating to the activities in future.

The Committee considered the relevant sections of the Statement of Licensing Policy as referenced by the residents in regard to the requirements for applications for premises licences. It was of the view that whilst it was not possible to provide the fullest extent of the information as set out in the Policy this was due to the nature of the application itself there had been additional information provided as far as possible prior to the hearing and at the hearing itself. It considered that it had sufficient information upon which to make a decision, and that if there was a divergence from the strict wording of the Policy in this case there was justification for it due to the nature of the application and for the reason that the grant of a premises licence would provide an element of control over licensable activities which may not be so clearly enabled in the event that events and activities were dealt with by applications for Temporary Event Notices.

The Committee agreed that the applicant had met the statutory requirements for the publication and distribution of the Licence application site notices but accepted concerns from the residents that with the impact of Covid and residents staying nearer to their homes, more thought could have been given as to the locations at which the notices were posted and this would be raised with the applicant when making future applications as a matter to consider.

The Committee granted the licence with the clear expectation that the premises strictly uphold the licensing objectives. The Committee was therefore satisfied that if the above expectations were met and the conditions adhered to, the premises should not undermine the licensing objectives.

Voting: unanimous

13:00 break

47. Tofts Beach

13:30 restart

An application had been received for a new premises licence for Tofts Beach.

BCP Council has made an application for a new premises licence for part of Bournemouth's seafront to include the sandy beach and shoreline.

The application was originally made for the provision of regulated entertainment and the sale of alcohol, both on and off the premises but following consultation with Dorset Police it was agreed to remove the

provision of off sales from the application and on sales to be only sold with food.

The hours requested for all activities are between 10:00 and 22:00, mainly during the months of March – September, with the alcohol provision from April – September each year as part of a wider catering offer on the Seafront. The application is to allow the following licensable activities to take place during the requested times:

Plays – 10:00 to 22:00

Films - 10:00 to 22:00

Live Music - 10:00 to 22:00

Recorded Music - 10:00 to 22:00

Performances of Dance -10:00 to 22:00

Activity like music/dance - 10:00 to 22:00

Sale of alcohol – 10.00 to 22.00 – for the specified area identified on the Plan.

Attendance:

Cllr J Butt – Chair of the Committee

Cllr J Bagwell – Vice-Chair of the Committee

Cllr D Brown

Cllr R Burton

Cllr N Decent

Cllr B Dion

Cllr B Dove

Cllr G Farquhar

Cllr T Johnson

Cllr D Kelsey

Cllr L Williams

Sarah Rogers, BCP Senior Licensing Officer

Nananka Randle, BCP Licensing Manager

Helen Wildman, BCP Council Events Manager

Jon Weaver – BCP Council Head of Resort Marketing & Events

Noel Oliver – BCP Council Seafront Contracts Manager

Sergeant Gareth Gosling - Dorset Police

Matthew Taylor – Senior Environment Health Officer

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

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

The application prompted 26 representations from other persons under the prevention of crime and disorder, prevention of public nuisance, public safety and the protection of children from harm licensing objectives. A copy of the representations received were attached at Appendix 2 to the report.

Environmental Health agreed conditions with the applicant which will form part of the operating schedule should the application be granted. A copy of these conditions was attached at Appendix 3 to the report.

Initial concerns were raised by Dorset Police but, following mediation, it was agreed that the provision of off sales would be removed from the application and on sales would only take place with food. A number of conditions which will form part of the operating schedule should the application be granted, have been agreed with the applicant and were attached at Appendix 4 to the report.

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

Peter Chadwick

Ken Cohen

Richard Perkoff

Roderick Pound, (representing Susan Delaney)

Peter Reichwald

Eric Waley

Peter Wulwik

Following this, the officers from the Council's Events team presented their application and case.

The Dorset Police represented then presented the Police position and advised the Committee that the Police had been in discussion with the Applicant who had agreed to a total of 24 conditions to be attached to the proposed licence which in the view of the Police would mitigate the impact of the proposed licence and support the Licensing Objectives.

The Committee then heard from the members of the public who had made relevant representations and who had requested the right to speak at the meeting. They expanded upon their written representations and advised the Committee of their concerns and set out their reasons why they considered the proposals would not promote the Licensing Objectives. They also raised concerns about procedural matters including the lack of detail within the application itself and potential conflict with the Council's Statement of Licensing Policy in this respect, and concern that the required Notices did not contain the required information and had not been displayed to ensure residents would have seen them.

The Council's Legal Adviser was asked to advise the Committee in respect of the validity of the Notices and provided advice that they complied with the specific requirements of the Regulations.

All parties were invited at the appropriate time to ask questions of the other participants following their presentations.

The Committee asked various questions of all parties present and were grateful for responses received. There were several questions posed and answered by both the Senior Licensing Officer and the Council's Events team officers and all parties were invited to sum up before the Committee retired to make its decision. Before concluding the hearing, the Legal Advisor advised all parties of the right of appeal.

Decision:

It was RESOLVED that the new premises licence application, dated 2nd March 2021, in respect of Tofts Beach, be GRANTED, for the hours requested for all regulated entertainment activities between 10:00 and 22:00, mainly during the months of March – September, with the alcohol provision from April – September each year as part of a wider catering offer on the Seafront. The Licence to include the change from the original application to provide for the on-sale only of alcohol as part of provision of a substantial meal. The Licence to be subject to all conditions set out in the Report and additional papers including the conditions agreed with Dorset Police, as detailed in Appendix four of the report, and the Environmental Health Officer. In addition, the Licence to be subject to a condition providing that the events be limited to five per calendar year.

Reason for the decision:

The Licensing Committee considered all written representations, as detailed in Agenda item six, and the verbal representations and presentations made at the meeting by the Senior Licensing Officer, the applicant and other parties, which included Dorset Police and local residents.

The Licensing Committee welcomed the applicant's additional assurance that there would be a maximum of five events held per calendar year and hoped that this would provide some reassurance for local residents that events would not be held 365 days a year.

The Committee acknowledged the concerns raised in both the written and verbal representations submitted but were satisfied that the proposed licensable activities did not undermine the licensing objectives if undertaken in accordance with the operating schedule and the conditions imposed. The Committee considered that the conditions proposed were extensive and appropriate and provided sufficient measures to monitor and mitigate against any noise nuisance or anti-social behaviour to local residents, who had raised concerns.

Members noted that Safety Advisory Group meetings would be held on a regular basis involving Police, Ambulance, and other appropriate bodies

and that all activities and events would have to comply with Council regulated event criteria. Furthermore, the Committee noted that full risk assessments and health and safety/ event safety checks and requirements would be agreed with organisers prior to the event. Members were considerate of the thoroughness of event management plans that would be produced with each proposed event and specifically recognised the commitment to environmental clean-up and the prevention of noise disturbance that would be enforced for all events to ensure they are regulated correctly. The Committee all agreed that the licence would enable more control over activities held on the premise and would enable the licence to be brought back for a review if there were any issues relating to the activities in future.

The Committee considered the relevant sections of the Statement of Licensing Policy as referenced by the residents in regard to the requirements for applications for premises licences. It was of the view that whilst it was not possible to provide the fullest extent of the information as set out in the Policy this was due to the nature of the application itself there had been additional information provided as far as possible prior to the hearing and at the hearing itself. It considered that it had sufficient information upon which to make a decision, and that if there was a divergence from the strict wording of the Policy in this case there was justification for it due to the nature of the application and for the reason that the grant of a premises licence would provide an element of control over licensable activities which may not be so clearly enabled in the event that events and activities were dealt with by applications for Temporary Event Notices.

The Committee agreed that the applicant had met the statutory requirements for the publication and distribution of the Licence application site notices but accepted concerns from the residents that with the impact of Covid and residents staying nearer to their homes, more thought could have been given as to the locations at which the notices were posted and this would be raised with the applicant when making future applications as a matter to consider.

The Committee granted the licence with the clear expectation that the premise strictly uphold the licensing objectives. The Committee was therefore satisfied that if the above expectations were met and the conditions adhered to, the premises should not undermine the licensing objectives.

Voting: unanimous

The meeting ended at 4.35 pm

CHAIRMAN