

LICENSING COMMITTEE

WEDNESDAY, 21ST APRIL, 2021

Present: Councillor Judes Butt in the Chair

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

48 Apologies

Apologies for absence were received from Councillors Anderson, Bagwell and Flagg.

49 Declarations of Interests

There were no declarations of interest.

50 Protocol for Public Representation at Virtual Meetings

The Licensing Committee noted the revised protocol for public representation at formal virtual meetings.

51 Beach Wedding Area, West Undercliff

The following persons attended the hearing:

Sarah Rogers, BCP Senior Licensing Officer
Nananka Randle – BCP Licensing Manager
Tanya Coulter, BCP Legal Advisor to the Committee
Michelle Cutler, BCP Clerk to the Committee

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

Helen Wildman - BCP Council Events Manager – Representing the Applicant
Noel Oliver – BCP Council Seafront Contracts Manager – Representing the Applicant

Mathew Taylor – BCP, Senior Environmental Health Officer-Objector

Sergeant Gareth Gosling - Dorset Police - Objector

Members of the public who made representations and requested to speak:

Peter Chadwick
Peter Wulwik

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

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The Senior Licensing Officer presented a report, a copy of which had been circulated, along with other relevant papers for the meeting, and a copy of which appears as Appendix A to these minutes in the Minute Book.

The Committee was asked to consider an application for a variation to the existing premises licence for the Beach Wedding Area, West Undercliff, Bournemouth. The area currently licensed was identified on the Plan attached to the current premises licence and included with the Committee papers. The application was to vary the current licence to allow the following licensable activities to take place during the requested times:

- the supply of alcohol with food, on the premises only, daily, between the hours of 10:00hrs and 22:00hrs, between the months of April to September,
- the performance of plays, both indoors and outdoors, daily, between 10:00hrs and 22:00hrs,
- the exhibition of films, both indoors and outdoors, daily, between 10:00hrs and 22:00hrs,
- indoor sporting events daily between 10:00hrs and 22:00hrs,
- live and recorded music, both indoors and outdoors, daily, between 10:00hrs and 22:00hrs; and
- the performance of dance both indoors and outdoors, daily, between 10:00hrs and 22:00hrs,

The application was brought before the Licensing Committee for determination further to the requirements of the Council's Constitution as the applicant was BCP Council.

Following this, the officers from the Council's Events Team presented their application and case. They clarified that the plan attached to the current premises licence, as set out in Appendix 2 of the Committee Report, was the correct and relevant plan for the purposes of this application. The plan attached to the variation application showed a larger area of the beach, and the officers presenting the case made it clear that this was in error and the variation application was to vary activities within the current licensed area only. They also clarified that there was no current contract for beach weddings due to the Covid 19 situation. It was not re-tendered last year and so there would be no beach weddings taking place in all likelihood this year.

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. These conditions were identified at Appendix 5 of the Committee Report.

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.

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.

It was RESOLVED that the application to vary the premises licence, dated 2nd March 2021, in respect of 'Beach Wedding Area, West Undercliff' be GRANTED to enable

- the supply of alcohol with food, on the premises only, daily, between the hours of 10:00hrs and 22:00hrs, between the months of April to September,
- the performance of plays, both indoors and outdoors, daily, between 10:00hrs and 22:00hrs,
- the exhibition of films, both indoors and outdoors, daily, between 10:00hrs and 22:00hrs,
- indoor sporting events daily between 10:00hrs and 22:00hrs,
- live and recorded music, both indoors and outdoors, daily, between 10:00hrs and 22:00hrs; and
- the performance of dance both indoors and outdoors, daily, between 10:00hrs and 22:00hrs, subject to the inclusion of the conditions proposed by Dorset Police and Environmental Health, as agreed with the Applicant, and set out in the papers published with the Committee Report along with other conditions consistent with the Operating Schedule within the application.

Reasons for the Decision

The Committee gave detailed consideration to all the information that had been submitted before the meeting and contained in Agenda Item 4, in particular the 14 written representations made by 'other persons', who are local residents living close to the 'Beach Wedding Area' and the Representation made by Dorset Police.

The Committee noted that 1 'other person' and Bournemouth Town Watch had withdrawn their written representations following mediation between the Applicant and Dorset Police resulting in 24 conditions being offered on the application.

The Committee also considered the verbal representations of Mrs Rogers, Licensing Officer and also Helen Wildman, Events Manager and Noel Oliver, Seafront Contract Manager both representing the Applicant, BCP Council, Mathew Taylor, Environmental Health Officer, BCP Council, Sergeant Gosling, Dorset Police and the 'other persons' who had made verbal representations, namely Mr Chadwick and Mr Wulwik.

The Committee acknowledged the concerns raised in the written and verbal representations however 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 and Environmental Health, 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.

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

Present for the Decision:

Cllr J Butt – Chair of the Committee
Cllr R Burton
Cllr N Decent
Cllr B Dion
Cllr B Dove
Cllr G Farquhar

Cllr T Johnson
Cllr D Kelsey
Cllr L Williams
Cllr A Hadley
Cllr D Farr

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

52 **Boscombe Promenade and Beach**

The following persons attended the hearing:

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

Helen Wildman - BCP Council Events Manager – Representing the Applicant
Noel Oliver – BCP Council Seafront Contracts Manager – Representing the Applicant

Matthew Taylor – BCP, Senior Environmental Health Officer - Objector

Sergeant Gareth Gosling - Dorset Police - Objector

Member of the public who have made representations and requested to speak:

Mr Chadwick
Mr Reichwald

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, along with other relevant papers for the meeting, and a copy of which appears as Appendix A to these minutes in the Minute Book.

The Committee was asked to consider an application for a variation to the existing premises licence for Boscombe Promenade and Beach. The application was to vary the current licence to allow the following licensable activities to take place during the requested times:

- The sale of alcohol seven days a week between 10:00hrs and 22:00hrs between the months of April and September (with the exception of the annual Air Festival where the sale of alcohol would remain between 10:00hrs and 23:00hrs).

The area covered by the variation to allow the sale of alcohol during these times was identified on the plan attached to the application and shown in Appendix 1 of the Committee Report.

The application was brought before the Licensing Committee for determination further to the requirements of the Council's Constitution as the applicant was BCP Council.

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

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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. These conditions were identified at Appendix 4 of the Committee Report.

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.

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.

It was RESOLVED that the application to vary the premises licence, in respect of 'Boscombe Promenade and Beach' be GRANTED to enable the sale of alcohol seven days a week between 10:00hrs and 22:00hrs between the months of April and September (with the exception of the annual Air Festival where the sale of alcohol would remain between 10:00hrs and 23:00hrs), subject to the inclusion of the conditions offered by Dorset Police and agreed with the Applicant, detailed in Appendix 4 of the Committee Report along with those consistent with the Operating Schedule.

Reasons for the Decision

The Committee gave detailed consideration to all the information that had been submitted before the meeting and contained in Agenda Item 5, in particular the 6 written representations made by 'other persons', who are local residents living close to the 'Boscombe Promenade and Beach Area' and the Representation made by Dorset Police.

The Committee noted that Bournemouth Town Watch had withdrawn their written representation following mediation between the Applicant and Dorset Police resulting in 24 conditions being offered on the application.

The Committee also considered the verbal representations of Mrs Rogers, Licensing Officer and also Helen Wildman, Events Manager and Noel Oliver, Seafront Contract Manager both representing the Applicant, BCP Council, Mathew Taylor, Environmental Health Officer, BCP Council, Sergeant Gosling, Dorset Police and the 'other persons' who had made verbal representations, namely Mr Chadwick and Mr Reichwald.

The Committee acknowledged the concerns raised in the written and verbal representations but did not find any evidence to justify a refusal of the application. It was satisfied that if operated in accordance with the conditions both offered in the application and imposed, that the premises should not undermine the licensing objectives.

The Committee did consider the potential cumulative impact of the proposed variation in that there are already premises in the area licensed to sell alcohol and although didn't consider that this would be of sufficient impact to justify refusal of the application did consider that it would be preferable if the proposed pop-up restaurant was located to the Eastern end of the licensed area to ensure a wider geographical spread of the restaurant offer in the area. The Committee agreed this impact would need to be monitored over time.

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

Present for the Decision

Cllr J Butt – Chair of the Committee
Cllr R Burton
Cllr N Decent
Cllr B Dion
Cllr G Farquhar
Cllr T Johnson
Cllr D Kelsey
Cllr L Williams
Cllr A Hadley
Cllr B Dove
Cllr D Farr

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

53 Bournemouth Pier Approach

The following persons attended the hearing:

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

Helen Wildman - BCP Council Events Manager – Representing the Applicant
Noel Oliver – BCP Council Seafront Contracts Manager – Representing the Applicant

Matthew Taylor – BCP Senior Environmental Health Officer - Objector

Sergeant Gareth Gosling - Dorset Police - Objector

Member of the public who have made representations and requested to speak:

Mr Chadwick

Cllr D Brown – left at 12:09pm

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, along with other relevant papers for the meeting, and a copy of which appears as Appendix A to these minutes in the Minute Book.

The Committee was asked to consider an application for a variation to the existing premises licence for the Pier Approach, Bournemouth. The application was to vary the current licence to allow the following licensable activities to take place during the requested times:

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- The sale of alcohol seven days a week between 10:00hrs and 22:00hrs between the months of April and September (with the exception of the annual Air Festival where the sale of alcohol would remain between 10:00hrs and 23:00hrs).

The area covered by the variation to allow the sale of alcohol during these times was identified on the plan attached to the application and shown in Appendix 1 of the Committee Report.

The application was brought before the Licensing Committee for determination further to the requirements of the Council's Constitution as the applicant was BCP Council.

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. These conditions are identified at Appendix 5 of the Committee Report.

The Committee then heard from the member 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.

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.

It was RESOLVED that the application to vary the premises licence, dated 2nd March 2021, in respect of 'Bournemouth Pier Approach' be GRANTED to enable the sale of alcohol seven days a week between 10:00hrs and 22:00hrs between the months of April and September (with the exception of the annual Air Festival, where the sale of alcohol would remain between 10:00hrs and 23:00hrs), subject to the inclusion of the conditions offered by Dorset Police and Environmental Health, as agreed with the Applicant, and detailed in the appendices attached to the Committee Report along with condition consistent with the Operating Schedule.

Reasons for the Decision

The 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 representation made by one 'other person', a local resident living close to the 'Pier Approach' and the Representation made by Dorset Police.

The Sub-Committee noted that Bournemouth Town Watch had withdrawn their written representation following mediation between the Applicant and Dorset Police resulting in 24 conditions being offered on the application.

The Committee also considered the verbal representations of Mrs Rogers, Licensing Officer and also Helen Wildman, Events Manager and Noel Oliver, Seafront Contract Manager both representing the Applicant, BCP Council, Mathew Taylor, Environmental Health Officer, BCP Council, Sergeant Gosling, Dorset Police and the 'other person' who had made verbal representations, Mr Chadwick.

The Committee acknowledged the concerns raised in the written and verbal representations but did not find any evidence to justify a refusal of the application. It was satisfied that it operated in accordance with the conditions both offered in the application and agreed with Dorset Police, that the variation to the premises licence should not undermine the licensing objectives.

It was noted that the proposed variation related to two identified areas within the overall licenced area, and that assurances had been given by the Applicant that the proposed pop-up restaurant would be located in one or other of the proposed areas. 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

Present for the Decision:

Cllr J Butt – Chair of the Committee
Cllr R Burton
Cllr N Decent
Cllr B Dion
Cllr B Dove
Cllr G Farquhar
Cllr T Johnson
Cllr D Kelsey
Cllr L Williams
Cllr A Hadley
Cllr D Farr

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

Duration of the meeting: 10.00 am - 1.40 pm

Chairman at the meeting on
Wednesday, 21 April 2021