

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 19 July 2022 at 10.00 am

Present:-

Cllr J J Butt – Chair

Present: Cllr G Farquhar and Cllr L Williams

31. Election of Chair

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

Voting: Unanimous

32. Apologies

There were no apologies received.

The Chair thanked the reserve members, Cllr D Farr and Cllr D Kelsey, for their attendance at the start of the meeting.

33. Declarations of Interests

There were no declarations of interest.

34. SoBo Beach, Solent Promenade, Southbourne Coast Road

Present:

From BCP Council:

Tania Jardim– Licensing Officer

Nick Maguire – Contracts Coordinator, Tourism

Johanne McNamara – Legal Advisor to the Sub-Committee

Jill Holyoake – 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 following the receipt of representations from three 'other

persons'. The representations had been circulated at appendix 4 of the report and related to the prevention of crime and disorder and public nuisance licensing objectives.

No representations had been received from any of the other responsible authorities. Following mediation with Dorset Police and Environmental Health additional conditions had been agreed with the applicant as detailed in appendix 5 of the report.

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

Sandra Graham, Trethowans LLP – representing the applicant, Macemade Limited

Richard Slater – General Manager

Kim Slater – Director of applicant company

Ms Graham also called upon Nick Maguire to confirm matters of fact regarding the Council's role in the contractual process for the site.

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 for a premises licence for SoBo Beach, Solent Promenade, Southbourne Coast Road, for the provision of live music (indoors and outdoors) Monday to Sunday 12:00 to 22:00, the provision of recorded music (indoors and outdoors) Monday to Sunday 12:00 to 22:00 and the supply of alcohol (on and off the premises) Monday to Sunday 10:00 to 21:30 (to allow time for alcohol to be consumed following purchase prior to the premises closing), be granted with the additional conditions agreed following mediation with Dorset Police and Environmental Health as listed in the Licensing Officer's report, subject to the inclusion of the wording in red which was originally agreed but omitted from the final version:

- **No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas by the operator between 23:00 hours and 08:00 hours on the following day. This condition does not apply to commercial waste services collecting any such materials.**

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 for Agenda Item 5, in particular the written representations made by three other persons, and the verbal submissions made at the hearing by those parties attending and the responses given to all questions asked at the

hearing. As the three other persons were not in attendance, the sub-committee took steps to ensure that the issues contained in the representations relevant to the licensing objectives were raised and addressed at the hearing.

The sub-committee noted that no representations had been received from any of the Responsible Authorities.

The sub-committee welcomed the positive steps taken by the applicant in co-operating with Dorset Police and Environmental Health and in attempting to contact residents in order to address the concerns raised around anti-social behaviour, noise nuisance and crime and disorder. While the sub-committee acknowledged the concerns expressed by residents in the representations, the sub-committee believed that the conditions put forward by the applicant and agreed with Dorset Police and Environmental Health would address these concerns. These included measures to mitigate noise pollution, in particular to prevent the sound of live and recorded music projecting backwards up the cliff towards residential properties, the provision of CCTV and the availability of toilets and parking in the locality during hours of operation.

The sub-committee noted that the applicant was an experienced local operator with a proven track record whose intention was to provide premium quality alcohol ancillary to the food offered at the premises. The sub-committee was satisfied that if the premises operated in a responsible way as presented by the applicant and in accordance with the conditions on the premises licence, then the premises should not 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.

Voting: Unanimous

35. Bread and Butcher, 491 Christchurch Road, Bournemouth

Present:

From BCP Council:

Sarah Rogers – Senior Licensing Officer

Johanne McNamara – Legal Advisor to the Sub-Committee

Jill Holyoake – Clerk to the Sub-Committee

The Chair 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 and a copy of which appears as Appendix B to these minutes in the Minute Book.

The Sub Committee was asked to consider an application for a new premises licence following the receipt of representations from seven 'other persons'. The representations had been circulated at appendix 4 of the report and related to all four licensing objectives.

No representations had been received from any of the other responsible authorities. Following mediation with Dorset Police and Trading Standards additional conditions had been agreed with the applicant as detailed in supplementary document setting out 'consolidated conditions'.

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

Jon Payne, Licensing Lawyers – representing the applicants, Lukasz Bondyra and Jiri Mascilak

Lukasz Bondyra – joint 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 for a premises licence for Bread and Butcher, 491 Christchurch Road, Bournemouth, to permit the off sale and delivery of alcohol between the hours of 11:00 and 18:00 Tuesday to Friday and 10:00 to 14:30 on Saturdays, be granted with conditions agreed following mediation with Dorset Police and BCP Trading Standards and as presented in the 'Consolidated Conditions' document published as a supplement to the Senior Licensing Officer's report.

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 and supplement for Agenda Item 6, in particular the written representations made by seven other persons, and the verbal submissions made at the hearing by those parties attending and the responses given to all questions asked at the hearing. As the seven other persons were not in attendance, the sub-committee took steps to ensure that the issues contained in the representations relevant to the licensing objectives were raised and addressed at the hearing.

The sub-committee noted that no representations had been received from any of the Responsible Authorities.

The sub-committee welcomed the positive steps taken by the applicant in co-operating with Dorset Police and BCP Trading Standards to agree conditions to ensure the premises did not undermine the licensing objectives. The applicant had consolidated these conditions and added further conditions in order to respond to issues raised in the representations. While the sub-committee acknowledged the concerns expressed by residents in the representations, the sub-committee believed that the consolidated conditions put forward by the applicant and agreed with Dorset Police and Trading Standards would address those concerns relevant to the licensing objectives. These included measures to ensure that the delivery of alcohol was subject to strict age verification procedures, the layout of the premises and the location of alcohol next to the counter, measures to prevent the sale of alcohol leading to anti-social behaviour or crime in the vicinity and the successful completion of accredited staff training (as confirmed by the Senior Licensing Officer at the hearing).

The sub-committee noted that the Mr Bondyra had experience in retail and the licensed trade, he had been a personal licence holder for nearly ten years and had previously been a designated premises supervisor. The premises intended to provide premium and specialist alcohol which would be ancillary to the primary purpose of food sales during limited daytime hours of operation.

The sub-committee was satisfied that if the premises operated in a responsible way as presented by the applicant and in accordance with the conditions on the premises licence, then the premises should not 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.

Voting: Unanimous

The meeting ended at 12.13 pm

CHAIRMAN