

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 13 March 2024 at 10.15 am

Present: Cllr M Howell, Cllr A Keddie and Cllr S Moore

112. Election of Chair

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

Voting: Unanimous

113. Apologies

No apologies for absence were received.

114. Declarations of Interests

There were no declarations of interest.

115. Protocol for Public Speaking at Licensing Hearings

The protocol for public speaking was noted.

116. Application for a Premises Licence at Premier, 1 Bank Chambers, Penn Hill Avenue, Poole, BH14 9NB

Attendance:

BCP Council:

Sarah Rogers – Senior Licensing Officer
Mary Almeida – Legal Advisor to the Sub-Committee
Michelle Cutler – Clerk to the Sub-Committee
Cllr Judy Richardson – Observing for training purposes

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

The Sub-Committee was informed that the objector, Cllr Oliver Walters would not be attending the hearing. Mr Veli Bulbul, the applicant, had also given his apologies due to a family bereavement.

The Licensing Officer presented the 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 for the premises known as 'Premier', 1 Bank Chambers, Penn Hill Avenue, Poole, BH14 9NB to permit the Supply of Alcohol (Off Sales only) from 07:00 to 00:00 on every day of the week.

The Licensing Authority received 1 representation from 1 other person on the grounds that to grant the application would undermine the prevention of crime and disorder, prevention of public nuisance and public safety licensing objectives.

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

Mr Phillip Day, Lacey's Solicitors – Solicitor representing the Applicant
Jackson Warriner, Lacey's Solicitors – Apprentice solicitor, attending for training purposes

The Sub-Committee asked various questions of all parties present and was 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 new premises licence in respect of the premises known as 'Premier', 1 Bank Chambers, Penn Hill Avenue, Poole, BH14 9NB, to permit the Supply of Alcohol (Off Sales only) from 07:00 to 00:00 on every day of the week be GRANTED.

Reasons for Decision

The Sub-Committee considered all the information which had been submitted before the Hearing and contained in the report for Agenda Item 5, together with verbal submissions made at the hearing by Mr Philip Day, the applicant's solicitor.

The Sub-Committee noted that there had been no representations made by any responsible authorities and that there was no evidence of crime and disorder, public nuisance or public safety issues associated with the premises or in the locality of the premises.

Although the applicant, Mr Bulbul, was unable to attend the hearing, the Sub-Committee was satisfied with Mr Day's response to various questions raised regarding Mr Bulbul's ability as a licensee. Mr Day advised that Mr Bulbul had been in the licensed trade for several years and has other licensed premises in the conurbation, none of which had ever been subject to a review.

The Sub-Committee considered the written representation made by Cllr Oliver Walters, Penn Hill Ward, on the grounds that "late night sales will increase the availability of alcohol on Penn Hill Avenue and could lead to an increase in crime, aggressive behaviour and transient noise causing disturbance to those living nearby". The Sub-Committee noted Cllr Walters was unable to attend the hearing to expand on his representation and had submitted no evidence to support his claim.

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 of actual crime and disorder or public nuisance/public safety issues occurring in the location of the premises that would show that granting the application would give rise to negative impact on the licensing objectives. No other representations had been received from any other responsible authorities or residents. The Sub-Committee did not find any evidence to justify a refusal of the application.

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.

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.

117. Update on Review of Premises Licence - Nala Tapas and Cocktail Lounge, 135 - 137 West Hill Road, Bournemouth BH2 5EG

This item was omitted and has been scheduled for the next meeting of the Licensing Sub-Committee, taking place on 27 March 2024.

The meeting ended at 10.38 am

CHAIRMAN