

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 25 June 2024 at 10.00 am

Present: Cllr A Chapmanlaw, Cllr D A Flagg and Cllr L Williams

14. Election of Chair

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

Voting: Unanimous

15. Apologies

There were no apologies for absence.

16. Declarations of Interests

There were no declarations of interest.

17. Protocol for Public Speaking at Licensing Hearings

The protocol for public speaking was noted.

18. Exclusion of Press and Public

RESOLVED that under Section 100 (A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1 and 2 in Part I of Schedule 12A of the Act and that the public interest in withholding the information outweighs such interest in disclosing the information.

19. Westover Express, 45 Westover Road, Bournemouth

Attendance:

BCP Council:

Sarah Rogers – Licensing Officer

Johanne McNamara - Legal Advisor to the Sub-Committee

Sinead O'Callaghan - Clerk to the Sub-Committee

Jill Holyoake – Democratic Service Support

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

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 'Westover Express' 45 Westover Road, Bournemouth to permit off sales of alcohol from the premises between the hours of 08:00 and 23:00 each day of the week.

The Licensing Authority received 2 representations on the grounds that to grant the application would undermine the prevention of crime and disorder, public safety and protection of children from harm licensing objectives.

Following the publication of the report, additional information was received on behalf of applicant and Dorset Police, copies of which were circulated and appear as Appendix B, C and D to these minutes in the Minute Book.

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

Mr Philip Day – Solicitor for applicant
Mrs Elina Kadir - Applicant
Mr Gareth Gosling - Dorset Police
Ms Katie Attridge - Trading Standards
Ms Hayley Browning- Trading Standards

The Sub-Committee asked various questions of all parties present and was grateful for the responses received.

During the hearing the Sub Committee passed the following resolution to enable the exempt information provided by Trading Standards in their representation to be presented, with all parties having the ability to ask questions and note responses provided:

RESOLVED that under Section 14 (2) of the Licensing Act 2003 (Hearings) Regulations 2005, and with regard to Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that the public interest in withholding the information outweighs such interest in disclosing the information and that it involves the likely disclosure of exempt information as defined in Paragraphs 1, 2 and 7 in Part I of Schedule 12A of the Act.

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 at Westover Express, 45 Westover Road, Bournemouth, BH1 2BZ, GRANTED subject to the addition of the following conditions:

The Conditions offered by the Applicant during mediation with Dorset Police prior to the hearing on 25th June 2024. It was noted that Dorset Police's representation was that if a Licence were granted the Sub Committee should impose those conditions offered by the Applicant as set out below.

- Westover Express will meet all 4 Licensing Objectives as shown below, in particular through ensuring comprehensive staff training, good neighbour practices, Challenge 25.
- All staff working at the premises concerned with the sale of alcohol shall be trained in accordance with the SWERCOTS scheme or such other scheme as may be approved by Trading Standards or the Licensing Authority from time to time and shall receive refresher training at least every 6 months.
- A record of all staff training shall be maintained and kept on the premises and made available on request to an authorised officer of the Council or the Police.
- A further notice reading "We do not sell single cans or bottles of beers, ciders or lagers that are stronger than 5.3%" will be displayed at or near the beer display area.
- All spirits shall be displayed only behind the counter area.
- Alcohol shall only be displayed in areas visible from the sales counter or covered by CCTV.
- No sale of alcohol shall knowingly be permitted to anyone under the influence of illegal drugs. Appropriate signage advising customers of the Policy shall be prominently displayed throughout the premises.
- Whole service area is visible to Management and staff who will be trained and supervised by a DPS and their authorised staff
- CCTV is installed to cover all trading and immediate access and exit routes.
- Posters will be visible from the window to deter customers from congregating by the main door and to remind them to be considerate of neighbours and residents.
- 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 made available on request to an authorised officer of the Council or the Police, which 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

This log to be checked on a weekly basis by the DPS of the premises.

- A CCTV system shall be installed to cover all entry and exit points enabling frontal identification of every person entering in any light condition. There must be a member of staff on duty at all times that the premises are trading under this licence who is able to access the CCTV and produce images to the Police on request.
- 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. All recordings shall be stored for a minimum period of 31 days with correct date and time stamping. Recordings shall be made available immediately upon the request of Police or an authorised officer of the council throughout the preceding 31 day period.
- The CCTV system shall be updated and maintained according to police recommendations. Challenge 25 Age Verification policy to be adopted and advertised with posters.
- Adequate rubbish bins provided close to the building.
- A copy of any such risk assessment shall be kept up the premises and made available for inspection by police or other authorised officers.

The Sub Committee further noted the additional conditions offered by the Applicant in their written representation dated 24th June 2024 and the Sub Committee imposes the following

- The holder of the licence shall undertake a risk assessment regard to the deployment of SIA door supervisors on any occasion when the premises are open beyond 20:00 hours.

Due to concerns raised by Dorset Police about crime and disorder in the local area the Sub Committee felt an earlier time for this would further support the Licensing Objectives.

- The premises shall not stock, sell or supply bottles of any cider, beer or lager that has a strength of over a size greater than 1 litre. Further, the premises shall not sell single bottles or cans of any beer, cider or lager that has a strength of over 5.3%

The Sub Committee noted the Applicant requested the percentage strength of the cider, beer or lager be capped at 6.3% but the Licensing Sub Committee felt the original offer of 5.3% would better support the Licensing Objectives of crime and disorder. It was noted that the area has had a history of alcohol related crime and disorder and the Sub Committee felt that the capping the strength to 5.3% would assist in ensuring this does not increase.

- No alcohol shall be sold by way of delivery from the premises but shall only be sold or supplied to customers attending the

premises in person. Any staff employed under the age of 18 will be constantly supervised.

Reasons 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, together with the verbal submissions made at the hearing by Mr Philip Day, the applicant's solicitor, by Dorset Police, and by Trading Standards who had submitted written objections.

The Sub-Committee raised concerns regarding other premises that have come to the attention of Trading Standards on multiple occasions and their connection to the Premises Licence Holder and DPS at the premises comprising this Application. but took the view that such concerns were not specifically directed at the premises connected to this Application. The Sub-Committee also noted in the matrix provided by Trading Standards that recent visits to the premises were satisfactory. Any concerns regarding the DPS at these premises were not something for the Sub Committee to consider at this hearing and noted that it was only Dorset Police who could challenge the suitability of a DPS. The Sub-Committee noted that Dorset Police had set out in their representation that they had no concerns regarding the DPS proposed.

With regard to the representation from Dorset Police, the Sub-Committee was mindful that the Licensing Authority should look to Dorset Police as its main source of advice on crime and disorder. The sub-committee acknowledged the concerns raised by the police in their representation against the application on the grounds of preventing crime and disorder. The areas of concern highlighted in the representation were that the addition of this alcohol provision in this sensitive area will undermine the efforts of the Police and introduce additional challenges which will affect the progress that has been achieved in tackling the known issues within this area of Bournemouth.

The Sub-Committee noted the concerns raised by the Police. The Sub Committee welcomed Dorset Police's comments that the area is improving. On this occasion the Sub-Committee did not feel the concerns raised justified the refusal of the Application.

In conclusion, the Sub-Committee was satisfied that if the premises operated in accordance with the additional conditions the premises should not undermine the licensing objectives.

The Sub-Committee would encourage the Premises to work with Trading Standards and the Police to ensure that all four licensing objectives are continuously met.

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.

The meeting ended at 11.11 am

CHAIRMAN