

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 08 July 2026 at 10.15 am

Present: Cllr D A Flagg, Cllr P Sidaway and Cllr L Williams

1. Election of Chair

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

Voting: Unanimous

2. Apologies

There were no apologies received.

3. Declarations of Interests

There were no declarations of interest.

4. Protocol for Public Speaking at Licensing Hearings

The protocol for public speaking was noted.

5. Easy Tiger, 27 The Triangle, Bournemouth

The sub-committee agreed to defer this application following licensing officer's recommendation.

6. Nikita Bar & Restaurant, 182-184 Alma Road, Bournemouth, BH9 1AJ

Present:

From BCP Council:

Ellie King – Licensing Officer

Linda Cole – Legal Advisor to the Sub-Committee

Christiane Tan – Clerk to the Sub-Committee

Michelle Cutler – Democratic Services Support

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 the premises known as Nikita Bar & Restaurant, 182-184 Alma Road, to permit the varying of the premise licence to extend the hours for the Sale of Alcohol

11:00 to 00:00 and Opening Hours 09:00 to 00:00 Monday to Sunday and to add Non-Standard timings on Bank Holiday Weekends, Christmas Eve and New Year's eve to terminate activities at 01:00. Additionally, the applicant seeks to remove condition 2.1 requiring alcohol to be ancillary to food. In response to the application representation(s) had been received from three Other Persons on the grounds of the prevention of crime and disorder, prevention of public nuisance, public safety, and protection of children from harm licensing objectives.

The following persons attended the hearing and addressed the sub-committee to expand on the points made in written submissions:

Ellie King – Licensing Officer

Linda Cole – Legal Advisor to the sub-committee

Ricardo Barradas – Applicant

No objectors were present to make representations.

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 to vary the premises licence for Nikita Bar and Restaurant, 182-184 Alma Road, Bournemouth, BH9 1AJ be **GRANTED** subject to the amendments proposed and conditions offered by the applicant following consultation.

The following amendments were made:

- Opening hours: Monday to Saturday 08:00 to 23:00 and Sunday 08:00 to 22:00.
- Supply of Alcohol (On Sales only) Monday to Saturday 11:00 to 23:00 and Sunday 11:00 to 22:00.
- Non-standard timings to 1am on Christmas Eve and New Year's Eve and 1 hour extension to 11 pm on Bank Holiday Sundays and one extra hour on New Year's Day

The following conditions proposed by applicant shall be attached to the premises licence applied:

- No live music, DJs or karaoke to be performed on the premises.
- No external speakers or amplified music to be operated outside the premises.
- Clear notices requesting customers to respect neighbouring residents and leave the area quietly shall be posted near the exit.
- Doors and windows to remain closed after 21:00 except for access and egress.
- The premises should continue to comply with Environmental Health requirements restricting deliveries and waste collections

during late evening and early morning hours. This is outlined as no collection of waste or recycling materials (including bottles) shall take place between 21:00 and 07:00 the following day. No deliveries to the premises shall take place between 21:00 and 07:00 the following day.

- **Maintenance of CCTV and incident recording procedures in accordance with licence requirements.**

Reasons for Decision

The sub-committee considered all of the information which had been submitted before the hearing and contained in the report for Agenda Item 6 and the verbal submissions made at the hearing by the licensing officer and applicant.

The licensing officer presented the application to vary the licence, which sought to change the supply of alcohol for consumption on the premises. The applicant sought to extend these hours from 11.00 to midnight and to remove condition 2.1 which required alcohol to be served ancillary to food. The application attracted three representations from Other Persons. In response to the representations and acknowledgement that the current planning permission restricts the operating hours of the premise, the applicant amended his application for the supply of alcohol to 23:00 Monday to Saturday and 22:00 hours on Sunday and offered the conditions set out above. The three Other Persons did not withdraw their representations.

The applicant advised the sub-committee the reason for his application was so he could accomplish his aspiration in sharing food and the culture from Madeira in his local community. He reassured the committee that he took into consideration the objections made by the representations and understood them. He advised he lived a 3-minute walk from the restaurant and did not want to cause noise and nuisance for his neighbours. He advised he wanted to operate a responsible restaurant and uphold the licensing objectives. He said he is willing to listen to his neighbours, compromise, build a long-term relationship and gain the trust of his community.

The sub-committee were advised about the character of the restaurant, how it is intended to provide a relaxed dining experience where drinks and tapas can be consumed. He was going to open for breakfast, lunch and dinner to take account of customer choices and see when it will be best to trade. The sub-committee were advised that there was a plan to close one day a week, but that day is yet to be decided it will be dependent on trade.

The sub-committee was satisfied that if the premises operated in accordance with the conditions offered in the operating schedule of the application and the conditions and further amendments made by the applicant, that the premises should not undermine the licensing objectives and as such the application should be granted.

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.

It was noted however that a review of the premises licence may be sought at any time by a Responsible Authority or any other person should future issues arise that may undermine the licensing objectives.

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.

7. 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.

8. Consideration of the suitability of an individual to become a Hackney Carriage and/or Private Hire Driver

This item was restricted by virtue of paragraphs 1 and 2 of Schedule 12A of the Local Government Act 1972.

Exempt information – Categories 1 (information relating to any individual) and 2 (information which is likely to reveal the identity of an individual).

Attendance:

From BCP Council:

Caroline Wateridge - Licensing Officer

Wesley Freeman - Licensing Officer

Linda Cole - Legal Advisor

Christiane Tan - Clerk to the Sub Committee

Michelle Cutler – Democratic Services Support

The applicant was also in attendance and brought a friend with him.

The Chair made introductions and explained the procedure to be followed in considering this item, which was agreed by all parties present.

The Licensing Officer presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'B' to these Minutes in the Minute Book.

The Taxi Licensing Authority received a New Driver Application on the 24/03/2026 via the online facility.

The applicant's Enhanced DBS Certificate disclosed three serious convictions all of which occurred whilst the applicant was licensed as a driver with Christchurch Borough Council. As a consequence of these matters Christchurch Borough Council revoked the applicant's driver's licence. The driver exercised the right of appeal; however, the Magistrates' Court dismissed the appeal and upheld the Council's decision.

These convictions occurred over 10 years ago. However, as the offences are of a serious nature, the application needed to be brought before the sub-committee to consider whether the applicant was deemed to be a 'fit and proper' person to allow them to continue with the application process for a hackney carriage/private hire drivers licence.

The applicant addressed the sub-committee to present their case.

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

All parties were invited to sum up before the sub-committee retired to make its decision. Before concluding the Hearing, the Council's Legal Advisor advised all parties of the right of appeal.

RESOLVED that the applicant IS NOT considered to be a 'fit and proper' person to continue with the application process to become a licenced hackney carriage/private hire driver.

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 licensing officer's report for Agenda Item 8 and the verbal submissions made at the hearing by all parties, including the responses provided by the applicant and the licensing officer to questions from the sub-committee.

In considering the test of a 'fit and proper' person, the sub-committee had regard to the BCP Council Hackney Carriage and Private Hire Driver Policy 2021 - 2025, the provisions of the Local Government (Miscellaneous Provisions) Act 1976, the Institute of Licensing (IOL) Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades (2018) and the guidance within the Department of Transport Statutory Taxi and Private Hire Vehicle Standards (updated November 2022).

The sub-committee had regard to the following points:

- The sub-committee looked at a copy of the applicant's DBS certificate and noted the applicant had one conviction in 2016 for three serious offences that occurred over an 8-week period in 2016.
- The applicant was convicted whilst licenced by Christchurch Borough Council but did not tell the Licensing Authority of the conviction. In 2019 it was subsequently determined that the driver was no longer a 'fit and proper' person and the driver's licence was revoked.

In considering the circumstances of the case the sub-committee reminded themselves that the primary and overriding objective of the taxi licensing system is public safety and to protect the public and any bar set when making any determination should be at the highest level.

The sub-committee also considered the guidance contained in the Department for Transport's Statutory Taxi and Private Hire Vehicle Standards, updated in November 2022. Paragraphs 5.4 -5.6 of this document advises

licensing authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle driver's licence is a 'fit and proper' person. It may be helpful to consider whether you would allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night. If on the balance of probabilities, the answer to the question is no, the individual should not hold a licence.

It goes on Licensing Authorities must make difficult decisions, but the safeguarding of the public is paramount.... The applicant should not be given the benefit of the doubt. If the committee is only 50/50 as to whether the applicant is fit and proper, they should not hold a licence.

Having considered the serious offences that led to the conviction, and the responses to their questions, the sub-committee were concerned that the applicant could pose a risk to the public, as once licensed would work in a very challenging environment.

They questioned the applicant's reasoning for not informing Christchurch Council of the conviction and were not satisfied that if licensed the applicant would operate in accordance with the conditions attached to a driver's licence.

The sub-committee felt the applicant fell short of the 'fit and proper' standard and was a risk to public safety, as such was deemed not to be a 'fit and proper' person to hold a Hackney Carriage or Private Hire driver's licence or continue with the application to become a taxi driver.

The applicant if aggrieved by this decision has the right of appeal to the Magistrates' Court within a period of 21 days beginning with the day that the applicant is notified, in writing, of the decision.

The meeting ended at 12.35 pm

CHAIRMAN