

Licensing Sub-Committee

Report subject	Notice for a Temporary Event Saxon Square, Christchurch, BH23 1QA
Meeting date	27 th November 2020
Status	Public Report
Executive summary	<p>Mr Paul Kennedy has given two Temporary Event Notices (TENs) :</p> <ul style="list-style-type: none"> • Thursday 3rd December 2020 to Sunday 6th December 2020 • Tuesday 8th December 2020 to Sunday 13th December 2020 <p>Both TENs request 09:00 to 18:00 for the sale of alcohol (on and off the premises) and regulated entertainment.</p>
Recommendations	<p>Members are asked to decide whether to: -</p> <ul style="list-style-type: none"> a) Grant the Temporary Event Notice as made; b) Refuse the Temporary Event Notice as made; c) Grant the Temporary Event Notice subject to conditions. <p>Members of the Licensing Sub-Committee are asked to make a decision at the end of the hearing after all relevant parties have been given the opportunity to speak. Members must give full reasons for their decision.</p>
Reason for recommendations	<p>The Licensing Authority has received objection notices from Dorset Police under the prevention of crime and disorder and public safety licensing objectives.</p> <p>The Licensing Authority may only consider aspects relevant to the notice that has been raised in the objection.</p> <p>Where an objection has been received in relation to a notice by a responsible authority or any other person, and the concerns have not been resolved through mediation between all parties, the Scheme of Delegation set out in the Council's Constitution states that these applications should be dealt with by the Licensing Sub-Committee.</p>

Portfolio Holder(s):	Councillor May Haines – Community Safety
Corporate Director	Kate Ryan – Corporate Director for Environment & Community
Contributors	Mrs Sarah Rogers – Senior Licensing Officer ✉ sarah.rogers@bcpcouncil.gov.uk
Wards	Christchurch Town Centre
Classification	For Decision

Background

1. Two notices for a temporary event were made on the 16th November 2020 for Christchurch's Christmas Market. The notices have applied for the sale of alcohol, on and off the premises, and regulated entertainment on Thursday 3rd December 2020 to Sunday 6th December 2020 and Tuesday 8th December 2020 to Sunday 13th December 2020. See Appendix A

Consultation

2. The notices were served on Dorset Police and Environmental Health on the 16th November 2020.
3. Objection notices were received from Dorset Police on 18th November 2020 in relation to the prevention of crime and disorder and public safety licensing objectives. See Appendix B.
4. The proposals and plans for the event were brought before BCP Council's Event Safety Advisory Group on Thursday 19th November 2020 where a number of concerns and issues were raised by the Licensing Authority, Dorset Police and Environmental Health. A copy of the Minutes from that meeting are attached at Appendix C which reflects the conversations had with the event organiser and a representative of the Saxon Square Board.

Options

5. Before making a decision, Members are asked to consider the following matters:
 - The objection made by Dorset Police.
 - The submissions made by or made on behalf of the applicant.
 - The relevant licensing objectives, namely the prevention of crime and disorder and public safety.
 - The Licensing Act 2003, Regulations, Guidance and the Council's Statement of Licensing Policy.

Summary of financial implications

6. N/A

Summary of legal implications

7. If Members decide to refuse the application, by way of a counter notice, or attach conditions to the notices in a statement of conditions which the applicant does not agree to, the applicant may appeal to the Magistrates' Court within a period of 21 days beginning with the day that the applicant is notified by the Licensing Authority of the decision appealed against.
8. No appeal may be brought later than five working days before the day on which the event periods specified in the TENs begin.

Summary of human resources implications

9. N/A

Summary of environmental impact

10.N/A

Summary of public health implications

11.N/A

Summary of equality implications

12.N/A

Summary of risk assessment

13.N/A

Background papers

Bournemouth Borough Council's Statement of Licensing Policy:

<http://www.bournemouth.gov.uk/Business/Documents/StatementofLicensingPolicyLA2003.pdf>

Appendices

A – Copy of Temporary Event Notices

B – Objection Notices

C – Minutes of SAG meeting

APPENDIX A

A new temporary event notice has been received.

Reference: TEN-001409

Are you an agent acting on behalf of the person being licensed? No

Person Being Licensed

Title: Mr

First name: Paul

Family name: Kennedy

Email: admin@marketsquaregroup.com

Phone: 01832281274

Address: Redacted

Can we contact the applicant by phone: Yes

I'm applying as: Applying as a business or organisation, including as a sole trader

Agent

First name:

Family name:

Email:

Phone:

Are you :

Application Details

Have you had any previous names: No

Previous names details:

Date of birth: Redacted

NI Number: Redacted

Place of birth: Redacted

Correspondence address: Redacted

Premises

Does the premises have an address: Yes

Premises address: SAXON SQUARE, CHRISTCHURCH, BH23 1QA

Ordnance Survey may ref:

Further location details: Saxon Square, Christchurch, BH23 1QA

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises): Neither

Do you intend to only use part of the premises: No

Part address details:

Nature of the business: Christchurch Christmas Market

The premises will be restricted to 2 stalls, as indicated on the site plan, each being a 3m x 3m marquee.

Drinks sold for consumption on site will be mulled wine, spiced cider, Christmas ales/beers and Hot Chocolate with Baileys.

There will be a selection of gin, rum and other drinks in sealed containers sold for consumption off site.

Nature of the event: Community orientated and family friendly event with stalls selling foods, street food, crafts, clothing, craft beer, wine and ciders.

Activities

The sale by retail of alcohol: Yes
The supply of alcohol by or on behalf of a club: No
Provision of regulated entertainment: Yes
Provision of late night refreshment: No
Giving of a late temp events notice: No

Events start date: 03/12/2020

Events end date: 06/12/2020

State the times you intend to carry out licensable activities: 09:00 to 18:00 each day

Max number of people: 499

Consumption of alcohol will be: Both

Relevant entertainment details: N/A

Licence Holders

Do you currently hold a valid personal licence: Yes

Issuing authority: East Northamptonshire

Licence number: 08PK-34UD-219

Date of issue: 26/02/2008

Other relevant details: N/A

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice: Yes

State the number of temporary event notices: 17

Have you already given a temporary event notice for the same premises in which the event period: No

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice: No

State the total number of temporary event notices your associate(s) have given for events in the same calendar year:

Has any associate of yours already given a temporary event notice for the same premises in which the event period: No

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice: No

State the total number of temporary event notices your business colleague(s) have given for events in the same calendar year:

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: No

Declaration

I confirm I have read and understood the declaration: Yes

Payment

Amount paid: £21.00

Payment Date & Time: 15/11/2020 11:01

Documents

Please note: documents have only been uploaded if the upload status is uploaded.

Upload Status: Not required

Sharepoint docs

URL: https://bcpcouncil.sharepoint.com/sites/crmdocsproduction/bbc_temporaryeventnotice/TEN-001409_44d6cb49-b608-4e9f-9dcd-32fc25037120/

A new temporary event notice has been received.

Reference: TEN-001410

Are you an agent acting on behalf of the person being licensed? No

Person Being Licensed

Title: Mr

First name: Paul

Family name: Kennedy

Email: admin@marketsquaregroup.com

Phone: 01832281274

Address: Redacted

Can we contact the applicant by phone: Yes

I'm applying as: Applying as a business or organisation, including as a sole trader

Agent

First name:

Family name:

Email:

Phone:

Are you :

Application Details

Have you had any previous names: No

Previous names details:

Date of birth: Redacted

NI Number: Redacted

Place of birth: Redacted

Correspondence address: Redacted

Premises

Does the premises have an address: Yes

Premises address: SAXONS SQUARE, CHRISTCHURCH, BH23 1QA

Ordnance Survey may ref:

Further location details: Saxon Square, Christchurch BH23 1QA

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises): Neither

Do you intend to only use part of the premises: No

Part address details:

Nature of the business: Christchurch Christmas Market

The premises will be restricted to 2 stalls, as indicated on the site plan, each being a 3m x 3m marquee.

Drinks sold for consumption on site will be mulled wine, spiced cider, Christmas ales/beers and Hot Chocolate with Baileys.

There will be a selection of gin, rum and other drinks in sealed containers sold for consumption off site.

Nature of the event: Community orientated and family friendly event with stalls selling foods, street food, crafts, clothing, craft beer, wine and ciders.

Activities

The sale by retail of alcohol: Yes
The supply of alcohol by or on behalf of a club: No
Provision of regulated entertainment: Yes
Provision of late night refreshment: No
Giving of a late temp events notice: No

Events start date: 08/12/2020

Events end date: 13/12/2020

State the times you intend to carry out licensable activities: 09:00 to 18:00 each day

Max number of people: 499

Consumption of alcohol will be: Both

Relevant entertainment details: N/A

Licence Holders

Do you currently hold a valid personal licence: Yes

Issuing authority: East Northamptonshire

Licence number: 08PK-34UD-219

Date of issue: 26/02/2008

Other relevant details: N/A

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice: Yes

State the number of temporary event notices: 18

Have you already given a temporary event notice for the same premises in which the event period: No

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice: No

State the total number of temporary event notices your associate(s) have given for events in the same calendar year:

Has any associate of yours already given a temporary event notice for the same premises in which the event period: No

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice: No

State the total number of temporary event notices your business colleague(s) have given for events in the same calendar year:

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: No

Declaration

I confirm I have read and understood the declaration: Yes

Payment

Amount paid: £21.00

Payment Date & Time: 15/11/2020 11:17

Documents

Please note: documents have only been uploaded if the upload status is uploaded.

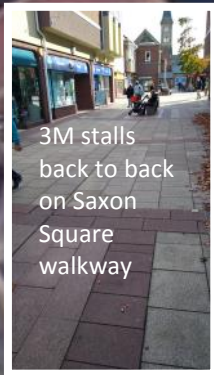
Upload Status: Not required

Sharepoint docs

URL: https://bcpcouncil.sharepoint.com/sites/crmdocsproduction/bbc_temporaryeventnotice/TEN-001410_ea6d4757-5fc6-4e3d-8b10-c2d78305d8a5/



Site Plan—rvsd_2
Christchurch Christmas Market
Saxon Square



3M stalls
back to back
on Saxon
Square
walkway



4 stalls around Saxon Cross



stalls around Saxon Square
back to back and facing shops



Two stalls beneath old
town hall

Licensed area—within
red lines

Seating Area for hot food

Trader vehicle entrance

APPENDIX B

Objection Notice dated 18th November 2020 in respect of both TEN applications

Good Morning BCP Licensing,

On behalf of the Chief Officer of Police I wish to object to the Temporary Event Notice below. I make this objection based on concerns that I have that the event will undermine the Licensing objectives of prevention of crime & disorder and public safety.

This event would ordinarily have been part of a wider Christchurch Christmas Market, however, that event has now been cancelled due to concerns that the event will impact on the safety and health of the general public during the Covid-19 pandemic and encourage the general public to breach Covid-19 Legislation.

I am concerned that this event will attract large numbers of people with insufficient measures in place to ensure that the Covid-19 legislation will be promoted and enforced. There is a significant concern that the event will require Police intervention in the event of large groups requiring dispersal and that public safety will be undermined through transmission of the virus between guests in the event that sufficient measures are not in place to ensure social distancing and controls regarding numbers of individuals in each group.

In the event that the organisers could demonstrate that they have sufficient measures in place to reassure Dorset Police and other key stakeholders and partners that the event will be compliant with current legislation then the objection may be withdrawn. There is a Safety Advisory Group planned for Thursday 19th November 2020 and I would encourage the organiser to seek permission to put forward their EMP during that meeting.

If you require any further information, please do not hesitate to contact me.

Regards,

Gareth Gosling 2551
Sergeant

Drug and Alcohol Harm Reduction Team
Territorial Policing Prevention Department | Bournemouth Police Station, Dorset Police
E: gareth.gosling@dorset.pnn.police.uk | T: 752 2824 (01202 222824) |



Connect with Dorset Police: [Online](#) | [Facebook](#) | [Twitter](#) | [LinkedIn](#) | [Youtube](#)



APPENDIX C

November Safety Advisory Group 19th November 2020 - 09:30 via Microsoft Teams

Present

Tom Powell (TP) - BCP Event Manager (Chair)
Christina Duncan (CD) - BCP Events Officer (Minutes)
Caroline Lindsay (CL) - BCP Emergency Planning
Darren Naraine (DN) - BCP Environmental Health
Kate Hillman (KH) - Dorset Police
Kevin Rodda (KR) - BCP Traffic Management
Matthew Taylor (MT) - BCP Environmental Health
Diana Stark (DS) - Dorset Police
Sarah Rogers (SR) - BCP Licensing
Margareta Flicos (MF) – BCP Health and Safety
Alan Jones (AJ) - Dorset & Wiltshire Fire and Rescue Service
Eddie Waring (EW) – BCP Fire Safety

Apologies

Helen Wildman - BCP Event Manager
Alison Perrins - BCP Event Officer
Jan Hill - BCP Recreation Development
Nananka Randle - BCP Licensing
Trudi Barlow – BCP Licencing
Nick Maguire - BCP Seafront
Tom Harris - BCP Seafront
Edward Alexander - BCP Parks
Robert Potter – BCP Parks
Chris Wynne – BCP Parks
Rebecca Lawry - BCP Health & Safety
Nina Leadbeater - BCP Environmental Health
Terri Brown - BCP Traffic Management
Gareth Gosling - Dorset Police
Terry Crawford - Dorset & Wiltshire Fire and Rescue Service
Tim Gray - Dorset & Wiltshire Fire and Rescue Service
Seb Pinkard - RNLI
Kester Sheppard - RNLI
Rachel Partridge - Public Health Dorset

Event Organisers

Christchurch Christmas Market

Paul Kennedy (PK) – Event Manager

Mark Shooter (MS) – Saxon Square Landlord

<p><u>4. Christchurch Christmas Market</u></p> <p>PK gave an overview of the event:</p> <ul style="list-style-type: none">• Market rather than a Christmas festival• Up to 25 stalls• Bar will serve mulled wine and cider• 3 caterers who may sell alcohol• Stalls selling alcohol as gifts for Christmas• Company is Market Square Group which attracts traders• Zoom Events is the sister company which promotes the events• Event small scale and focused on the community• 2/3 takeaway food options• Not trying to replace the Christchurch Christmas Market or Bournemouth Market. Want to add a shopping offer.• Promoting the event as a retail offer and not wide scale• Market closes at 5/6pm each day <p>TP questioned if the bar is 10x10m as stated in TEN, whether it is essential to the operation and where would it be located.</p> <p>PK stated it is 3x3m marque selling mulled wine and spiced cider, possibly Christmas Ale. It is not on the plan but might have 3/4 tables for people to sit at whilst eating their food. Would have track and trace.</p> <p>TP advised that there is no other Christmas Markets locally and questioned what the organiser would they do if mass numbers turned up.</p> <p>PK stated they couldn't guarantee numbers or close off the shopping centre. Not advertising on large scale. Would take it up with Saxon Square Centre Manager and it is not something they have directly talked about and will come back to the SAG.</p> <p>Action 4.1 PK to update plans with how they would manage mass numbers.</p> <p>PK said potentially if the numbers were unsafe, they would put up some barriers, one in one out. Wasn't sure on what the maximum capacity would be and would work with Saxon Square Centre Manager and perhaps look at numbers last year.</p> <p>TP stated that the Monday market would still be taking place.</p>	<p>PK</p>
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KH said more clarification is needed on the bar and the paperwork. The Covid paperwork refers to table service and not purely a bar.

PK stated the paperwork was rushed and not site specific and what they received is more appropriate for the events they did in the summer. They are working on revised Covid paperwork and Temporary Events Notice (TENS).

SR raised concerns that the application they put in is different to the organisers overview at the start of the meeting and asked if any of the traders are selling alcohol as gifts.

PK stated they had one application selling alcohol in sealed containers.

SR stated if the trader is not applying for their own TEN and relying on the Market's, PK will need to apply for a TEN to cover the whole market area. The TEN will only authorise the Market for 499 people including the stall holders and any staff.

SR questioned that they have no control over the numbers and relying on the figures from the Saxon Square trading couldn't be done. The area would need to be fenced in numbers controlled. The operator should decide where should be licenced and how they are going to monitor the numbers.

Action 4.2 PK to resubmit TEN's to SR and give details on the area to be licensed, fenced and how numbers will be controlled.

PK

SR also raised concerns about the timing of the event that it is straight after lockdown. Bournemouth Christmas Market is not on and they will be more popular than they think. TENS stated 8pm but in the SAG stated 6pm.

Action 4.3 PK to reconsider the start date of the event and ensure the timings on the TEN's match the timings in the Event Management Plan (EMP).

PK

SR said in the TEN application they must describe the area and mark on a plan where the TEN is going to apply and only 499 people can go into this area, possibly less depending on COVID regulations.

Action 4.4 PK to mark on a plan the area to be licenced in the TEN application.

PK

MS suggested there will be no more than 100 people in Saxon Square at peak times. Demographics of Christchurch are older age group and don't tend to come out in hoards for long periods of time and they wouldn't get anywhere near 500.

SR raised concerns again that the market is opening just after lockdown and currently with the proposed controls they are not following the licensing act.

SR suggested a solution would be to not licence the whole area but have the stall supplying the alcohol and the bar in the same area and licence that.

TP advised the number of 499 is irrelevant with Covid and whether 100 or 500 turn up we would expect an event organiser to have plans in place of what capacity is acceptable and how these numbers would be controlled.

Action 4.5 PK to add details to the EMP on how they will control numbers in line with Covid regulations.

PK

MT stated the event wouldn't be possible if the current situation continued except for selling essential items. MT gave a list of items/considerations to include in the updated EMP:

- What would happen if we went into the tiers and how would they manage this.
- Pinch points and how they would manage them.
- Consider the space and not just people coming to the market but people just passing through the Square at the same time.
- Consider number of stalls in the space. From the plan it looks like there is too many. Possibly huge pinch points by the cafes with external seating and benches, possibility Covid will spread.
- Consider numbers turning up and how this will be controlled and needs to be written down.

Action 4.6 PK to add details to the EMP on the different tiers, pinch points, spacing of stalls, flow of people and how all of this will be managed.

PK

PK questioned if he should remove the passage area and put them on the square with less stalls.

MT explained removing some stalls in the square would allow people not going to the Market to move more freely.

Action 4.7 PK to relook at stall layout in the Square so people not attending the market can move freely if passing through.

PK

MT also mentioned the below should be included in the updated EMP:

- Plan needs to show sizes of stalls
- Consideration of one-way system
- Hand sanitizer stations

KH questioned the Covid risk assessment is not relevant to the event so couldn't comment on it and will wait for the updated version to comment.

<p>Action 4.8 PK to update Covid risk assessment so it's relevant to the event.</p> <p>KH queried there is no mention of terrorism in the emergency plan and the information they would provide stewards with. There is information they can get online.</p>	<p>PK</p>
<p>Action 4.9 PK to add details of terrorism to EMP and information given to stewards.</p> <p>KH questioned the missing child procedure that they should have a code word for missing or found child and there are no times frames to when the police should be called.</p>	<p>PK</p>
<p>Action 4.10 PK to update lost child procedure with code word and time frames for calling the police.</p> <p>KH suggested updating all the paperwork and resubmitting it and the Police, Police Licencing and BCP Council Licencing and Environmental Health to have another meeting to discuss the updated paperwork. KH to arrange meeting following resubmission of information.</p>	<p>PK</p>
<p>Action 4.12 KH to set up a meeting to go through the updated paperwork.</p> <p>AJ hadn't read the paperwork but advised them to include the below in the plans:</p> <ul style="list-style-type: none"> • If stalls have LPG ensure they have LPG certification and firefighting equipment. • Spacing of the stalls. • Access for emergency vehicles – ok to have stalls in the way if they can be easily moved. • Food stalls that aren't easy to move don't place them in access routes. • Look at stalls that radiate heat and ensure they don't go into any of the shops. <p>CL questioned that they based their risk on the ease of lockdown in the summer and should reconsider this as a number of people at the time sought out beach locations whereas in December a Christmas Market would be an attractive proposition. Starting the Market on the 8th rather than the 3rd might mitigate some of these risks.</p>	<p>KH</p>