

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL

LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 13 October 2020 at 10.00 am

Present: Cllr R Burton, Cllr J Butt and Cllr D Farr

37. Election of Chairman

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

Voting: Unanimous

38. Apologies

There were no apologies for absence.

39. Declarations of Interests

There were no declarations of interest.

40. Application for a New Premises Licence The Reefside Kiosks, Boscombe Pier, BH5 1BN

Attendance:

From BCP Council:

Nananka Randle – Licensing Manager
Tania Jardim – Licensing Technician
Linda Cole – Legal Advisor to the Sub-Committee
Michelle Cutler – Clerk to the Sub-Committee

Mr Philip Day – Lacey’s Solicitor’s, representing the Applicant
Mr Van Hubball – Proposed Designated Supervisor of The Reefside Kiosks

BCP Councillor Jane Kelly – representing two objectors
BCP Councillor Anne Filer – objecting in her own right
Noel Oliver – Head of Operations, Bournemouth Beach Office, BCP Council, objecting

The Chairman opened the Hearing and introductions were made. The Chairman explained the proposed procedure for the Hearing, to which all parties agreed.

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 made by Mr Philip Day of Lacey's Solicitors, on behalf of Reefside Catering Limited, for a new premises licence at The Reefside Kiosks, Boscombe Pier. The application was for the supply of alcohol on and off the premises Monday to Sunday 10:00 to 19:00.

The application had resulted in six representations being received from other persons based on all the licensing objectives, namely, the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

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

Mr Philip Day – Lacey's Solicitor's, representing the Applicant

Mr Van Hubball – Proposed Designated Supervisor of The Reefside Kiosks

BCP Councillor Jane Kelly – representing two objectors

BCP Councillor Anne Filer – objecting in her own right

Noel Oliver – Head of Operations, Bournemouth Beach Office, BCP Council, objecting

Mr Day asked for clarification that a document dated 12 October 2020 relating to the application had been sent to all parties. The Clerk confirmed that the document had been received via email and distributed electronically to all parties.

During his representation, Mr Day advised that the application was to be amended to reflect that the supply of alcohol both on and off the premises would only emanate from Kiosk 2 and that there would be no sale of alcohol from Kiosk 1. In addition, the conditions offered in section M (a) of the Operating Schedule were amended and explained by Mr Day and submitted by Mr Day by email to the Sub-Committee at the conclusion of the Hearing as follows:-

1. No beer, lager or cider of a strength greater than 5.5% ABV shall be stocked, sold or supplied to customers
2. No sprits shall be sold unless as an ingredient in a cocktail or other mixed drink.
3. All alcoholic drinks, whether they be sold for consumption on or off the premises shall be decanted into a biodegradable container and no glass nor plastic bottles, tins or cans shall be sold or supplied to customers.
4. No single customer shall be allowed to purchase more than the equivalent of 8 units of alcohol at any one time and for this purpose, a half pint of beer or cider, a single measure of spirits (within a cocktail or other mixture) or a measure of wine not exceeding 175 ml shall be regarded as one unit.

The Sub Committee asked various questions of all parties present. All parties were given the opportunity to ask questions of each other. All parties were given the opportunity to sum up before the Sub Committee retired to make its decision. Before concluding the Legal Advisor advised all parties of the right of appeal.

It was RESOLVED to grant the application for a premises licence for the Reefside Kiosks, Boscombe Pier, Bournemouth BH5 1BN, dated 29 July 2020 for supply of alcohol both on and off the premises between the hours of 10:00 and 19:00 hours, seven days a week. This premises licence is granted subject to the amendment made to the application during the hearing by Mr Day of Lacey's Solicitors, who represents the applicant, Reefside Catering Ltd that the supply of all alcohol both on and off the premises would only emanate from Kiosk 2. There would be no sale of alcohol from Kiosk 1.

In addition, the conditions offered in section M (a) of the operating schedule, were amended and explained by Mr Day during the hearing, and submitted by Mr Day by email to the Sub-Committee at the conclusion of the hearing as follows

- 1.No beer, lager or cider of a strength greater than 5.5% ABV shall be stocked, sold or supplied to customers**
- 2.No sprits shall be sold unless as an ingredient in a cocktail or other mixed drink.**
- 3.All alcoholic drinks, whether they be sold for consumption on or off the premises shall be decanted into a biodegradable container and no glass nor plastic bottles, tins or cans shall be sold or supplied to customers.**
- 4.No single customer shall be allowed to purchase more than the equivalent of 8 units of alcohol at any one time and for this purpose, a half pint of beer or cider, a single measure of spirits (within a cocktail or other mixture) or a measure of wine not exceeding 175 ml shall be regarded as one unit.**

In addition, the Sub-Committee added the following condition to those offered in section M (b) of the operating schedule regarding CCTV

- 1. Supply of alcohol both on and off the premises is not to commence unless and until an appropriate CCTV system has been in consultation with Dorset Police at the premises which complies with the conditions offered in section M(b)**

The Sub-Committee also amended the condition offered in Section M(d) regarding prominent signage

1. **Prominent signage must be displayed around the premises to direct customers to the nearest public toilets and to request customers not to leave litter on the beach and to use the bins provided for any litter not taken home.**

Reasons for the decision:

The Sub-Committee gave detailed consideration to all the written evidence that had been submitted before the meeting and contained in Agenda Item 5, in particular to the written representations contained in appendix 3 of the report, along with the verbal submissions made by Ms Jardim the Licensing Officer and the verbal and written submissions made by Mr Day representing the applicant Reefside Catering Ltd. They also heard verbal submissions made by Mr Oliver, Contacts and Commercial Manager, Tourism, BCP Council; Councillor Kelly, ward Councillor for Boscombe West who spoke on behalf of herself and on behalf of 'Other persons' who had made written representations; and from Councillor Filer, ward Councillor for East Cliff and Springbourne. It also considered the responses given to questions asked at the meeting by all parties.

The Sub-Committee acknowledge the concerns raised in the written and verbal representations submitted and whilst it acknowledges there have been incidents in this general location in the past, that may undermine the licensing objectives of crime and disorder and public nuisance, it noted that these incidents are not connected to this premises and generally occur late in the evening and the early hours of the morning when this premises is closed and will not be licensed. It also noted that the Police had been involved in an informal consultation process with the applicant and they had not made any representation to the application.

The Sub-Committee feel that some of the concerns raised by local residents and Ward Councillors may be resolved with provision of CCTV installed in consultation with Dorset Police, to cover the whole of the licensable area, as this should assist staff in keeping control and effectively managing the area where customers may be queueing to purchase alcohol and sitting to consume the alcohol. It should also deter members of the public from behaving antisocially in this area. They were also of the view that the installation of a comprehensive CCTV system and the Challenge 25 condition will deter underage sales and the condition offered at the hearing to decant all alcohol into a biodegradable container will make it more straight forward to identify where alcohol has been purchased from, if there are issues with litter and underage sales.

In making its decision, the Sub-Committee have had regard to the section 182 Home Office guidance had regard to the spirit of the Licensing Act 2003 and that there is a presumption to grant an application as applied for, and of the case of Thwaites PLC v Wirral Borough Magistrates' Court 2008. There was very limited evidence

before the Sub-Committee of actual anti-social behaviour and crime that had occurred in the location of the premises, particularly between the licensable hours applied for in the application that would show that granting the licence will give rise to negative impact on the licensing objectives. The representations and submissions were mainly concerns speculating what may happen in the future should the application be granted, and the Sub-committee is unable to base its decision on such concerns. The Sub-Committee did not find any evidence to justify a refusal of the application.

The Sub-Committee welcomed the amendments made to the application during the meeting and is satisfied that if the premises is run responsibly and as set out in the operating schedule, together with the conditions imposed and those amended as offered by the applicant, that the premises should not undermine the licensing objectives.

Should there be a specific concern relating to the undermining of one or more of the licensing objectives caused by the premises in the future, the Licensing Act 2003 provides that a responsible authority or any other person may subsequently ask for a review of the premises licence

Voting - unanimous

41. 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.

42. Consideration of Suitability of Renewal of Public Carriage Driver Licence in the Bournemouth Zone

It was **RESOLVED** that in the absence of the applicant, this item be deferred to 11th November 2020, in order to give the applicant a second opportunity to attend the hearing. The Chairman requested that a letter be sent to the applicant to advise of the new hearing date and that it be made clear that if he did not attend for a second time the hearing would take place in his absence.

Voting – unanimous

LICENSING SUB-COMMITTEE
13 October 2020

CHAIRMAN