

**BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL**  
**LICENSING SUB-COMMITTEE**

Minutes of the Meeting held on 14 December 2020 at 10.00 am

Present:-

Cllr J J Butt – Chairman

Present: Cllr R Burton and Cllr N Decent

49. Election of Chairman

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

Voting: Unanimous

50. Apologies

Apologies have been received from Cllr Dove and Cllr Burton is attending as reserve and Cllr Kelsey was present as reserve.

51. Declarations of Interests

There were no declarations of interest received on this occasion.

52. New Licence Application

The Chairman explained the protocol detailing the procedures of the meeting, as attached to the Agenda and asked that it be agreed. All participating parties agreed the procedure.

Attendance:

From BCP Council:

Sarah Rogers – Licensing Officer

Linda Cole – Legal Advisor to the Sub Committee

Nicky Hooley – Democratic Services Officer and Clerk to the Sub Committee

Mr Daniel Murrell – the Applicant

Persons who have made representations and wished to address the Committee:

Ms M Alarcon

Mr A Jarmolkiewicz

Mr N Voysey

Mr N Solloway

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

The Sub-Committee were advised that the Licensing Authority has received representations from 7 other persons on the grounds that to grant this application it would undermine the prevention of crime and disorder and prevention of public nuisance licensing objectives. The Licensing Authority may only consider aspects relevant to the application that have been raised in the representation. Several letters refer to planning issues and members are reminded that planning concerns must be dealt with under planning legislation and is not a matter for the Sub-Committee to consider at this time. Where representations have been received in relation to an application 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.

Innpacked, representing Daniel Murrell, have made an application for a new premises licence for a new café/restaurant wishing to provide seasonal menus using locally sourced organic ingredients. The application was for the supply of alcohol, both on and off the premises, between the hours of 12:00 and 22:00 daily.

The applicant addressed the Sub-Committee.

The interested parties addressed the Sub-Committee.

The Sub-Committee asked various questions of all parties present at the Hearing. All parties were given the opportunity to ask questions of one another. All parties were then able to sum up before the Sub-Committee retired to make its decision.

#### Right of Appeal

The Legal Advisor reported that all parties to the application have the right to Appeal to the Magistrates Court within the period of 21 days beginning with the day on which the Applicant is notified by the Licensing Authority of this decision in writing.

**It was RESOLVED that the new premises licence application dated 6 November 2020, in respect of 'The Ducking Stool', Ducking Stool Lane, Christchurch, BH23 1DS, be GRANTED, for supply of alcohol on the premises between 1200 and 2200 and off the premises between the hours of 1200 and 1900 hours, seven days a week with all of the conditions offered in Part M to be included in the licence.**

**In addition, the sub – committee added the following condition to those offered in section M (b) of the operating schedule regarding CCTV:**

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

**The sub – committee also imposed the following conditions onto the premises licence:**

- a) Staff member to ensure that only a maximum of 8 customers/patrons who wish to temporarily leave and then re-enter the premises for the purposes of going outside to smoke on the public highway, do so at any one time;**
- b) No drinks in unsealed containers to be taken outside of the premises; and**
- c) No supply of alcohol be permitted after 1700 hours on any day of the week, until a variation of planning condition be determined to allow the premises planning permission to open after 1700 hours.**

**In addition, the Sub-Committee acknowledged that the applicant would not play live music and therefore conditioned that:**

- a) No live music shall be played in the premises.**

**Reasons for decision:**

The Sub Committee gave detailed consideration to all of the information that had been submitted before the meeting and contained in Agenda Item 5, in particular the 10 written representations made by 'other persons', who are local residents living close to the premises, along with the verbal submissions made by Mrs Rogers the Licensing Officer, Mr Murrell, the Applicant and the verbal submissions made by some of the 'other persons' who had made representations, namely Ms M Alarcon, Mr A Jarmolkiewicz, Mr N Voysey and Mr N Solloway. They also considered the responses given to questions they asked at the meeting.

The Sub Committee acknowledge the concerns raised in the written and verbal representations submitted but were satisfied that the application did not undermine the licensing objectives and if run in accordance with the operating schedule and the conditions imposed would not cause noise nuisance or anti-social behaviour to local residents who had raised concerns.

In particular the Sub Committee noted that the applicant had no plan to apply to put tables and chairs on the highway and that the installation of CCTV, was currently underway. It was felt that installation of CCTV may deter some of the anti-social behaviour that the neighbours had advised, is currently occurring in the lane.

They also welcomed that the applicant had included in the operating schedule, that patrons smoking outside the premises shall be monitored regularly to ensure the potential for noise nuisance is controlled. Mr Murrell through his verbal submissions appeared very aware of the neighbouring environment and by limiting the number of customers able to leave and return to the premises for the purpose of smoking on the public highway to 8 persons, should prevent the accumulation of large numbers congregating outside the premises at any one time.

The licensing of the supply of alcohol for off-sales only to 1900 and the condition that no drinks can be taken outside the premises in unsealed containers, should prevent the operation of the business at this premises adding to the anti-social behaviour, the Sub Committee were advised was already occurring in the locality and allay the fears some of the neighbours outlined in their representation.

The Sub Committee noted that the premises is currently curtailed from opening after 1700 by a planning condition and the applicant would need to successfully apply to Planning for a variation to this planning condition before the applicant can make full use of the premises licence as applied for. This application is subject to different considerations which will be determined by Planning Officers and the Planning committee if necessary.

The meeting ended at 11.30 am

CHAIRMAN