

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 21 January 2021 at 10.00 am

Present:-

Cllr J J Butt – Chairman

Present: Cllr R Burton and Cllr D A Flagg

53. Election of Chairman

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

Voting: Unanimous

54. Apologies

Apologies for absence were received from Councillor Bagwell. The first reserve member, Councillor Flagg, stepped up to become a member of the Sub Committee.

55. Declarations of Interests

There were none.

56. Costcutters, 6 Dunyeats Road, Poole, BH18 8AG

Attendance:

From BCP Council:

Sarah Rogers, Senior Licensing Officer

Linda Cole, Legal Advisor to the Sub Committee

Jill Holyoake, Clerk to the Sub Committee

Jon Wallsgrove – Applicant's representative

Cllr Vikki Slade – Other Person

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

The Senior 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 for a new premises licence for a new convenience store, Costcutters, at 6 Dunyeats Road, Poole, to permit the off sale of alcohol between the hours of 07:00 and 23:00 daily. The application had resulted in eleven

representations being received from ‘Other Persons’ under all four licensing objectives.

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

Mr Jon Wallsgrove – Applicant’s representative

Cllr Vikki Slade – Other Person, presenting her own objection and representing the objections of four other persons (Mrs Girling, Mrs Jones, Mr Kandasamy, and Mrs and Mrs Williams).

The Sub Committee asked various questions of all parties present and were grateful for responses received. There were no questions from other parties. 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 dated 23 November 2020 for a new convenience store, Costcutters, 6 Dunyeats Road, Poole, for the off sale of alcohol between the hours of 07:00 and 23:00 daily, be GRANTED subject to the following conditions offered in Section 18 of the application as amended by the Sub Committee as appropriate to be consistent with the model conditions in the Council’s Statement of Licensing Policy:

- A CCTV system, shall be installed and thereafter maintained in good working order to cover all public parts of the premises (excluding lavatories). Cameras covering entry and exit points shall be capable of enabling frontal identification of every person entering in any light condition. 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 for viewing (subject to Data Protection Act 2018 or any replacement legislation) immediately upon the request of Police or an authorised officer and copies provided in a playable format as soon as is reasonably practicable, provided in each case that requests for viewing and/or copies are compliant with data protection regulations. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public.
- No beer, lagers or ciders of 6.5% ABV (alcohol by volume) or above shall be sold at the premises.
- Challenge 25 shall be operated at the premises where the only acceptable forms of identification are recognised photographic

identification cards, such as a driving licence or passport /holographically marked PASS scheme identification cards.

Appropriate signage advising customers of the policy shall prominently displayed in the premises.

- All staff working at the premises concerned with the sale of alcohol shall be trained with reference to Challenge 25 and the law on restricted sales to persons under the age of 18 and/or who are intoxicated and also with regard to the terms and conditions of the premises licence. A written record of all staff training shall be maintained and kept on the premises and made available on request to an authorised officer of the Licensing Authority or the Police.
- A Refusals Register shall be maintained at the premises and used to record any and all occasions upon which any person is refused the sale of alcohol with a note of the reason for the refusal, the date and time and a brief description of the person(s) concerned. The register shall be kept at the premises for a minimum period of 12 months and made available for inspection by Police, Licensing Authority and other authorised officers on request.

In addition the following condition was added by the Sub Committee to promote the prevention of public nuisance licensing objective:

- No deliveries to the premises other than milk and newspapers shall take place between the hours of 19:00 and 08:00 on the following day.

Reasons for Decision:

The Sub Committee gave detailed consideration to all of the information which had been submitted before the meeting and contained in the report for Agenda Item 5, in particular the 11 written representations made by 'other persons' who were local residents, along with the verbal submissions made at the hearing by Mrs Rogers the Senior Licensing Officer, Mr Wallsgrove, the Applicant's representative, and the verbal submissions made by Ward Councillor, Councillor Slade in respect of her own representation and four of the 'other persons' who had nominated her to speak on their behalf, namely Mrs Girling, Mrs Jones, Mr Kandasamy, and Mr and Mrs Williams. The Sub Committee also considered the responses given to questions asked at the meeting.

The Sub Committee acknowledged the concerns raised in the written and verbal representations, but it was noted that many of these issues, such as parking, highway safety, and opening hours, related to planning and other considerations as opposed to the four licensing objectives on which the Sub-Committee must base their decision. The issue of demand and/or need for another premises selling alcohol in the area, was also raised in the

representations, but again is not a relevant consideration for the Sub-Committee.

While the Sub Committee acknowledged the concerns expressed in each of the representations, in regards to the potential increase in noise, disturbance and anti-social behaviour, these concerns appeared to be based on a fear of what may happen in the future should the licence be granted, and although understandable, did not provide any substantial evidence of public nuisance or crime and disorder that could be taken into account when determining the application. The Sub Committee was mindful of the spirit of the Licensing Act 2003 and the case of Thwaites PLC v Wirral Borough Magistrates' Court 2008.

The Sub-Committee noted that there were no representations made by any of the Responsible Authorities and in particular Dorset Police, who the Licensing Committee look to as their main source of information regarding issues of crime and disorder in an area. Paragraph 9.11 of the section 182 Statutory Guidance sets out, that it is the responsibility of the Responsible Authority to determine if they have the appropriate grounds to make a representation.

The Sub Committee heard from the applicant's representative that the applicant was an experienced shopkeeper and operated two such convenience stores with similar operating hours in heavily residential areas of Portsmouth; and these premises are currently operating without complaint or issue. The Sub-Committee were advised that it was expected that alcohol sales in the convenience store would amount to 8-9% of sales but if no premises licence was granted there could be a 35% drop in total sales as customers liked the convenience of the one stop shop. It was pointed out that the financial viability of the premises should the licence not be granted was not a relevant consideration for the Sub-Committee.

In granting the licence the Sub Committee agreed that it was proportionate to attach a condition to restrict the time of deliveries to the premises to between 08:00 and 19:00 hours to prevent undue disturbance and public nuisance to residents in the immediate vicinity of the premises, in particular those living above the premises in Waterman House.

The Sub Committee was satisfied that if operated in accordance with the conditions both offered in the application and imposed, that the premises should not undermine the licensing objectives. It was noted that a review of the premises licence could be applied for at any time by the Responsible Authorities or any other person should any problems associated with the licensing objectives in relation to the premises occur once the licence was granted.

57. The Eatery, 104 Ringwood Road, Christchurch, BH23 5RF

The Chairman reported that this agenda item did not require determination as the application had been withdrawn by the applicant.

The meeting ended at 12.00 pm

CHAIRMAN

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