

LICENSING SUB-COMMITTEE



Report subject	Application for Premises Licence Fresher Stores, 58 & 58a Stanfield Road Bournemouth BH9 2NP
Meeting date	14 December 2021
Status	Public Report
Executive summary	Mr Tom Hollington of Set Square Studio Limited has made an application on behalf of Mr Roy Francis for a new premises licence at Fresher Stores 58 & 58a Stanfield Road, Bournemouth. The application is for the supply of alcohol on and off the premises Monday to Sunday 07:00 to 23:00.
Recommendations	<p>It is RECOMMENDED that:</p> <p>Members are asked to decide whether to:-</p> <ul style="list-style-type: none">a) Grant the application for a premises licence as made;b) Refuse the application for a premises licence;c) Grant the premises licence subject to additional 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 representation from Environmental Health, in respect of this application under the prevention of public nuisance licensing objective.</p> <p>The Licensing Authority may only consider aspects relevant to the application that have been raised in the representation.</p> <p>Where representations have been received from 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 Bobbie Dove – Community Safety and Regulatory Services
Corporate Director	Kelly Ansell – Interim Chief Operations Officer
Report Authors	Tania Jardim – Licensing Officer
Wards	Wallisdown & Winton West
Classification	For Decision

Background

1. An application for a premises licence under Section 17 of the Licensing Act 2003 was accepted on the 5th October 2021. A copy of the application, including the plan of the premises is attached at Appendix 1.

Consultation

2. The application was served on all responsible authorities and the applicant's agent confirmed that the statutory notices were displayed on site and published in the local newspaper.
3. Mediation took place with Dorset Police (see Appendix 2) and it was agreed that the terminal hour for sale of alcohol be amended to 22:30 to facilitate effective close of premises at 23:00. The following conditions were also agreed: -
 - *All staff working at the premises concerned with the sale of alcohol shall be trained in accordance with an accredited training scheme on the law relating to prohibited sales, the age verification policy adopted by the premises and the conditions attaching to the premises licence. Refresher training shall be provided at least once every 6 months. A record shall be maintained of all staff training and that record shall be signed by the person receiving the training and the trainer. The records shall be kept for a minimum of 12 months and made available for inspection by police, licensing or other authorised officers.*
 - *An incident log shall be kept at the premises. The log shall include the date and time of the incident and the name of the member of staff who has been involved. and made available on request to an authorised officer of the Council or the Police, which shall record the following:*
 - (a) any complaints received*
 - (b) any incidents of disorder*
 - (c) any faults in the CCTV system /or searching equipment /or scanning equipment*
 - (d) any refusal of the sale of alcohol*
 - (e) any visit by a relevant authority or emergency service*
 - (f) all crimes reported to the venue*
 - (g) all ejections of patrons*

(h) all seizures of drugs or offensive weapons

- *This log to be checked on a weekly basis by the DPS of 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.*
 - *A CCTV system, shall be installed to cover all entry and exit points 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 immediately upon the request of Police or an authorised officer of the council throughout the preceding 31 day period. The CCTV system shall be updated and maintained according to police recommendations.*
 - *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. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.*
 - *CCTV shall be downloaded on request of the Police or authorised officer of the council. Appropriate signage advising customers of CCTV being in operation, shall be prominently displayed in the premises.*
 - *A documented check of the CCTV shall be completed weekly to ensure all cameras remain operational and the 31 days storage for recordings is being maintained.*
 - *Posters will be visible from the window to deter customers from congregating by the main door and to remind them to be considerate of neighbours and residents*
 - *Outside seating not to be used after 22:00*
 - *Alcohol will be ancillary to food prepared and served on the premises.*
4. The application prompted a representation from Environmental Health on the grounds of public nuisance. The following conditions were suggested by Mr Taylor however the agent Mr Hollington could not agree to this. A copy of the correspondence is attached at Appendix 3: -
- All tables and chairs shall be removed from the outside front area by 20:00 hours each day.
 - After 20:00, Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
5. In addition, the following conditions have been agreed with Environmental Health: -

- *The premises licence holder shall ensure that any patrons smoking outside do so in an orderly manner and ensure that there is no public nuisance.*
- *No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.*
- *Loudspeakers shall not be placed outside the premises building.*
- *Disposal of waste bottles into external receptacles where the noise shall be audible to neighbouring properties shall not occur between 23:00 hours and 08:00 hours on the following day.*
- *Arrangements shall be put in place to ensure that waste collection contractors do not collect refuse between 23:00 and 08:00.*
- *The premises shall have suitable lockable containers for waste generated by their operation and be of adequate capacity for the size and nature of the premises.*
- *Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.*

As part of the mediation process, Mr Hollington has provided an updated plan, this is attached at Appendix 4. At time of writing this report, the plan had not been agreed by Mr Taylor.

6. No other representations were received.

Options Appraisal

7. Before making a decision, Members are asked to consider the following matters: -
- The representation made by Environmental Health.
 - The relevant licensing objectives, namely the prevention of public nuisance.
 - The Licensing Act 2003, appropriate Regulations, Statutory Revised Guidance issued under Section 182 of the Licensing Act 2003 (April 2018) and the Council's Statement of Licensing Policy.

Summary of financial implications

8. N/A

Summary of legal implications

9. If Members decide to refuse the application or attach condition to the licence, which the applicant does not agree to, the applicant may appeal to the Magistrate's Court within a period of 21 days beginning with the day that the applicant is notified in writing, of the decision.

Summary of human resources implications

10. N/A

Summary of sustainability impact

11. N/A

Summary of public health implications

12. N/A

Summary of equality implications

13. N/A

Summary of risk assessment

14. N/A

Background papers

BCP Council – Statement of Licensing Policy

<https://democracy.bcpCouncil.gov.uk/documents/s21122/Statement%20of%20Licensing%20Policy.pdf>

Hearing Regulations

<https://www.legislation.gov.uk/ukSI/2005/44/made>

Revised Guidance issued under Section 182 of the Licensing Act 2003 (April 2018)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf

Appendices

- 1 – Copy of application form and plan
- 2 – Email with conditions agreed with Dorset Police
- 3 – Representation and correspondence with Environmental Health
- 4 – Proposed Updated plan