

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 28 September 2021 at 10.00 am

Present: Cllr J Butt, Cllr D Farr and Cllr T Johnson

22. Election of Chairman

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

Voting: Unanimous

23. Apologies

Following the publication of the agenda, Councillor Lawrence Williams submitted apologies for this meeting and Councillor Toby Johnson, as first reserve, assumed the role as a Licensing Sub-Committee member.

There were no other apologies for absence.

24. Declarations of Interests

No declarations of interest were received.

25. London Market, 188 Old Christchurch Road

The Licensing Sub-Committee adjourned for a period of 5 minutes between 10:05am and 10:10am due to technical issues

Attendance:

From BCP Council:

Linda Cole, Legal Advisor to the Sub-Committee
Sarah Rogers, Senior Licensing Officer
Michelle Cutler, Clerk to the Sub-Committee

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

The Senior Licensing Officer presented the report at Agenda Item 5, a copy of which had been circulated to all parties prior to the meeting 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 variation of the premises licence for the premise known as 'London Market', 188 Old Christchurch Road, Bournemouth. The application for a variation was made to extend the permitted hours and allow the business to operate 24 hours, 7 days a week, for the supply of off sales of alcohol and to add late night refreshment between the hours of 23:00 and 05:00 each day. Current conditions 2.5 and 2.6 were requested to be amended and a number of additional conditions had been offered within the application to be imposed on the licence if granted. The premises also requested approval of a new proposed layout plan to replace the current newspaper shelving with a new chiller unit within the licensed area.

The Sub-Committee was advised that a representation had been received from one Responsible Authority, Dorset Police, on the grounds that to grant the application would undermine the prevention of crime and disorder and public safety licensing objectives.

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

Steve Wright, Licensing Consultant, representing the Applicant
Anamaria Popa, representing the Applicant, Popa Distribution Ltd
Louise Busfield, Licensing Officer, Dorset Police
Gareth Gosling, Drug and Alcohol Harm Reduction Team, Dorset Police

The Sub-Committee asked various questions of all parties present and were grateful for the responses received. 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.

It was RESOLVED that the application to vary the premises licence of the premises known as 'London Market', 188 Old Christchurch Road, Bournemouth, BH1 1NU' be GRANTED in part, as follows

- **The supply of, off sales of alcohol within the premises to be permitted 7 days a week between 08:00hrs and 23:00hrs**
- **The supply of, off sales of alcohol for home delivery with food be permitted from the premises 7 days a week between 00:01hrs and 00:00hrs**
- **The provision of late-night refreshment to be permitted 7 days a week between 23:00hrs and 05:00hrs**
- **Condition 2.5 be amended to read "All spirits and high value alcohol products such as champagne shall only be stored behind the sales counter and shall not be directly accessible to customers"**
- **Condition 2.6 be amended to read "Notices shall be displayed behind the sales counter and on any unit used to store alcohol**

clearly stating that "We are only licensed to sell alcohol between 08:00 hrs and 23:00 hrs daily".

- The new proposed layout plan of the premises, which replaces the current newspaper shelving with a chiller unit for alcohol, within the licensed area be approved.

The licence will also be subject to the inclusion of all the conditions offered in Part M (b) and (e) of the application apart from the one set out at the first bullet point in Part M (b) which would not be applicable to this decision.

Reasons for the Decision

The Sub-Committee considered all the information that had been submitted before the meeting and contained in Agenda Item 5. The Sub-Committee also considered the verbal representations of Sarah Rogers, Senior Licensing Officer of BCP Council; Steve Wright, Licensing Consultant, representing the applicant company Popa Distribution Ltd and Anamaria Popa on behalf of the applicant.

They noted the written representation made by Dorset Police as a Responsible Authority objecting to the application and heard from both Sgt Gosling and Louise Busfield, of Dorset Police.

All parties present at the meeting were able to ask questions of each other and the Sub-Committee asked questions and considered the answers of all parties.

The Sub-Committee acknowledged the concerns raised both in the written representation and verbal submissions of Dorset Police on the grounds that to grant the application would undermine the prevention of crime and disorder and public safety licensing objectives. They understood the concerns of Dorset Police, that if this premises were licensed for the sale of alcohol to passing trade at a late hour, and as such to people leaving late night premises, it would have a detrimental impact on the ability to manage a safe and effective dispersal of people from Bournemouth Town Centre, as this premises is situated on a main dispersal route. In addition, the Police had concerns about the safety of those working in this premises selling alcohol late at night because of the unpredictable behaviour of passing trade.

Regrettably this is an area, where the Sub-Committee were advised already suffers from a high level of crime and disorder from 11pm in the evening through to the early hours of the morning and there had been 3 significant violent incidents reported since 4 August 2021. Ms Popa advised the Sub-Committee that they had to lock people in the premises to protect them on 22 September 2021.

Ms Busfield confirmed that Dorset Police had no concerns with how the premises were currently managed or concerns about any breach of licence or that the licensing objectives were currently being undermined. She advised the Sub-Committee, that Dorset Police had an excellent working relationship with the management of the premises, who were considered

robust operators, which they hoped would continue. The issue was not the way the premises were managed, but the area of Old Christchurch Road, in which the premises was situated.

Dorset Police were not confident that the premises would be able to manage customers, the passing trade of those leaving late night establishments and staff beyond the existing licensed hours of the premises. No conditions were offered to mitigate the impact these extended hours could have on the crime and disorder which was already frequently experienced in this part of Old Christchurch Road.

There appeared to be a reluctance from Ms Popa to understand and accept Dorset Police' view that SIA door staff are integral in the late hours to manage the safety and give protection to staff and customers. Sgt Gosling advised that SIA door staff on doors of shops could now be considered normal practice and in his view the premises performs well because currently it is only licenced until 8 PM and it may well be different if a 24 hour licence was granted.

A Licensing Committee will look to the Police 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 were persuaded that despite how well the premises were currently managed, the licensing objectives of prevention of crime and disorder and public safety would be undermined if the premises could sell alcohol from the premises 24 hours a day.

The Sub-Committee agreed that based on the information considered from both the Applicant and Dorset Police, it was proportionate to grant part of the variation applied for, so determined that the licence for supply of, off sales of alcohol from the premises would be extended from 08:00hrs to 23:00hrs and that the supply of, off sales of alcohol for home delivery with food would be permitted from the premises 7 days a week between 00:01hrs and 00:00hrs as applied for.

The Sub-Committee was satisfied that if the premises continued to be managed as they currently were and operated in accordance with the conditions offered in the application and already on their licence, then the premises should not undermine the licensing objectives.

In reaching its decision the Sub-Committee although sympathetic to the financial hardship that they were advised of during the hearing, were unable to take this into consideration as they took their decision.

Right of Appeal

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.

26. Splinters, 11-12 Church Street

Attendance:

From BCP Council:

Linda Cole, Legal Advisor to the Sub-Committee
Sarah Rogers, Senior Licensing Officer
Michelle Cutler, Clerk to the Sub-Committee

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

The Senior Licensing Officer presented the report at Agenda Item 6, a copy of which had been circulated to all parties prior to the meeting 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 variation of the premises licence for the premise known as 'Splinters', 11 – 12 Church Street. The application for a variation was made to extend the permitted hours and opening hours of the premises and include Bank Holidays, Christmas Eve, Boxing Day and New Year's Eve extensions and add live and recorded music for the following hours:-

Late Night Refreshment – Friday and Saturday from 23:00 to 01:30.

Bank Holidays, Christmas Eve and Boxing Day from 23:00 to 01:30 and New Year's Eve from 23:00 to 05:00

Sale of Alcohol – Sunday to Thursday from 10:00 to 00:30 and 10:00 to 01:30 on Friday and Saturday.

Bank Holidays, Christmas Eve and Boxing Day from 12:00 to 01:30 and New Year's Eve from 10:00 to commencement of business on 1 January.

Live and Recorded Music – Sunday to Thursday from 12:00 to 00:30 and 12:00 to 01:30 on Friday and Saturday.

Bank Holidays, Christmas Eve and Boxing Day from 12:00 to 01:30 and New Year's Eve from 10:00 to commencement of business on 1 January.

Opening Hours – Sunday to Thursday from 12:00 to 01:00 and 12:00 to 02:00 on Friday and Saturday.

Bank Holidays, Christmas Eve and Boxing Day from 12:00 to 02:00 and New Year's Eve from 10:00 to commencement of business on 1 January.

Current conditions 11,12,15 and 16 were requested to be removed and a number of additional conditions were offered within the application to be imposed on the licence if granted.

The Sub-Committee was advised that a representation had been received from Environmental Health and two other persons on the grounds that to grant the application would undermine the prevention of public nuisance licensing objective. However, Environmental Health had withdrawn its representation following mediation with the Applicant in advance of the

Hearing, whereby 7 Conditions had been agreed between the Applicant and Environmental Health, should the application to vary the licence be granted.

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

Nathan Muirhead, Applicant and Director of Tiki Bar Ltd
Chantelle Strong, Designated Premises Supervisor at 'Splinters' and Director of Tiki Bar Ltd
Mr Penny, Local resident, objecting to the Application

The Sub-Committee asked various questions of all parties present and were grateful for the responses received. 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.

It was RESOLVED that the application to vary the premises licence of the premises known as 'Splinters' 11-12 Church Street, Christchurch, BH23 1BW, be granted in its entirety, subject to the inclusion of the conditions detailed below, submitted by Environmental Health and agreed with the Applicant in advance of the Hearing:

- 1. All audio from the music system will be played at background level only.**
- 2. Live music must be unamplified and at background level only**
- 3. All windows and external doors shall be kept closed after 21:00 hours or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.**
- 4. There shall be no admittance or re-admittance to the premises after 00:30hours except for patrons permitted to temporarily leave the premises to smoke.**
- 5. Patrons permitted to temporarily leave and then re-enter the premises to smoke. After 21:00hours this shall be limited to 4 persons at any one time.**

6. Patrons permitted to temporarily leave and then re-enter the premises shall not be permitted to take drinks or glass containers with them after 21:00hours.
7. The Premises Licence Holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway

And in addition, the conditions set out below agreed between Dorset Police and the Applicant through mediation in advance of the Hearing:

8. The premises shall primarily operate as a restaurant.
9. CCTV will be in position inside the premises and front facing in both directions of Church Street.
- 10.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.
- 11.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.

- 12. 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.**
- 13. 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.**
- 14. The premises shall maintain membership of the Townwatch scheme (or any successor scheme); a senior member of staff shall attend all Townwatch meetings unless an emergency arises preventing such attendance and the premises will support Townwatch initiatives.**
- 15. 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 attached 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.**
- 16. 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.**

- 17. 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 or holographically marked pass scheme identification cards. Appropriate signage advising customers of the policy shall prominently displayed in the premises.**
- 18. Two SIA door supervisors shall be provided from 21:00 hours on Friday and Saturday until the last customers have dispersed from the immediate vicinity of the premises.**
- 19. At all other times the DPS shall risk assess the need for door supervision. Door supervisors shall be provided in such numbers, between such times and on such dates as required by the risk assessment which shall be made available for inspection by a responsible authority.**
- 20. We shall impose a 100% ID policy on Friday and Saturday nights from 21:00 hours.**
- 21. Dispersal policy shall be a working document which will be subject to regular review and consultation with responsible authorities.**
- 22. Routine checks of customers on arrival and throughout the evening to deter and minimise the risk of drugs and weapons being brought into the premises.**
- 23. Hourly checks of the toilet area shall take place, including drug swabs of flat surfaces, these checks to be documented.**

- 24. We shall actively promote 'Ask Angela', and have leaflets available to customers for Turning Point and Drink Aware.**
- 25. We will operate in line with the noise management plan as approved by the local Authority. This plan sets out what steps we will take to reduce the risk of public Nuisance inside and outside the premises. This plan will be subject to regular Review by the premises and the local authority, specifically environmental health. Any alcohol sold from the premises for use off the premises, will be marked in such a way that it can be identified as being sold by Tiki Bar Ltd.**
- 26. No person under the age of 16 shall be permitted in the premises at any time unless accompanied by an adult. No person under the age of 18 shall be permitted on the premises after 21:00 hours even if accompanied by an adult. All staff shall be trained and confident in the Ask Angela campaign and challenge 25. If there is any concern about the safeguarding of children, we shall immediately notify the police.**
- 27. All staff and contractors shall undertake a DBS.**

Reasons for the Decision

The Sub-Committee gave detailed consideration to all the information that had been submitted before the meeting and contained in Agenda Item 6, in particular the written and verbal representations made by Sarah Rogers, Senior Licensing Officer of BCP Council; Mr Nathan Muirhead, Applicant and Director of Tiki Bar Ltd, Miss Chantelle Strong, Designated Premises Supervisor at 'Splinters' and Director of Tiki Bar Ltd and Mr I Penny, objecting to the application. The Sub-Committee also considered the written representations of Mrs R Mackie, and R B Hirsbrunner both also objecting to the application

The Sub-Committee noted that following mediation with the Applicant, Environmental Health had withdrawn its representation, which was based on concerns around the prevention of public nuisance and that 7 conditions had been agreed between the Applicant and Environmental Health. Dorset

Police had also mediated with the applicant and had agreed a further 20 additional conditions to be imposed on the licence if granted, to uphold and promote the prevention of crime and disorder and public safety licensing objectives.

The Sub-Committee was sympathetic to the points raised by Mr Penny with regard to noise from Taxi's / customers parking on double yellow lines opposite and in the vicinity of the premises, however, addressing concerns around illegal parking was not something that the Sub-Committee could take into account as they considered this application. The Sub-Committee noted that Mr Penny had advised during the Hearing that most of his concerns had been addressed by the conditions agreed with Environmental Health, with the exception of that regarding the quiet dispersal of patrons from the premises. The Sub-Committee was satisfied that Mr Muirhead's offer to encourage patrons to leave the premises quietly and use the nearby taxi rank would help to alleviate Mr Penny's concerns. The Sub-Committee also asked that Mr Penny be advised of where he could report complaints of particular drivers parking illegally, if it continued to be a problem.

The Sub-Committee felt confident after hearing from Mr Muirhead and considering the extensive conditions, he had been willing to agree, that the premises would be managed responsibly and felt assured that Mr Muirhead would be respectful of his neighbours and do his utmost to reduce any noise nuisance that was in his control. They were satisfied that if the premises operated in accordance with the conditions agreed with both Environmental Health and the Police, that the premises should not undermine the licensing objectives.

Right of Appeal

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.

The meeting ended at 12.22 pm

CHAIRMAN