

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 27 April 2022 at 10.00 am

Present: Cllr J J Butt, Cllr G Farquhar and Cllr A Hadley

35. Election of Chair

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

Voting: Unanimous

36. Apologies

Apologies for absence were received from Councillors Duane Farr, Toby Johnson and David Kelsey. George Farquhar, as a reserve member, assumed the role as a Licensing Sub-Committee member.

37. Declarations of Interests

There were no declarations of interest.

38. High Tide Festival, Bournemouth Beach

Present:

From BCP Council:

Nananka Randle – Licensing Manager
Sarah Rogers, Senior Licensing Officer
Tanya Coulter, Legal Advisor to the Sub-Committee
Michelle Cutler, Clerk to the Sub-Committee

Mr Philip Day, Lacey's Solicitors, representing the Applicant, High Tide Festival Company Ltd
Mr Simon Smith, High Tide Festival Limited – Promoter of the Event
Peter Tisdale – Promoter
Benjamin Davids – Sun Dogs Production
James Dutton – Method Events

Objectors:

Jon Weaver - Head of Destination and Events, BCP Council
Tom Powell – Event Manager, BCP Council
Sgt Gosling - Dorset Police
Louise Busfield – Licensing Officer, Dorset Police (observing)
Andy Downton - Dorset & Wiltshire Fire and Rescue Service

Ian Carter, Dorset Council – Chair for most recent SAG Meeting, present to answer any questions.

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

The Chair advised that the Sub-Committee had received a very late submission from Dorset Police in the form of a 380 page document. The Chair proposed that this item be adjourned until 11th May 2022 to allow the Sub-Committee time to digest the information provided. The Chair sought the views of all parties on how to proceed.

Philip Day, Solicitor, representing the Applicant, advised that he did not support an adjournment and that he would like the hearing to proceed due to the proposed application being a major event in terms of financial planning. Mr Day proposed that the Sub-Committee adjourn for an hour to specifically consider the following documents: Event Management Plan, Minutes of the Safety Advisory Group meeting (SAG) and the response to the SAG. Mr Jon Weaver, Head of Destination and Events, BCP Council, agreed that the hearing should not be adjourned as a decision on the application was required immediately due to the large amount of work that would need to be undertaken and a concern that the event organisers would continue to promote the event and sell tickets in the interim.

Sergeant Gosling apologised for the lateness in submitting the evidence bundle and cited that he was busy dealing with other police business. He did not support an adjournment until a later date and neither did Mr Andy Downton, Dorset Fire and Rescue Service.

After taking the views of all parties into consideration the Sub-Committee agreed to adjourn to 11:45am to consider the documents highlighted by Mr Philip Day, that had been submitted by Dorset Police the previous day.

The meeting adjourned at 10:30am and reconvened at 11:45am.

The Chair welcomed everyone back and confirmed that the Sub-Committee had read the necessary documents.

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 made by Lacey's Solicitors on behalf of High Tide Festival Company Ltd for a time limited premises licence, to permit regulated entertainment and the supply of alcohol, for a 2-day music festival on the beach on 1st and 2nd July 2022. The provision of film, live music, recorded music, performance of dance and on sales of alcohol was requested between the hours of 15:00 and 23:00 each day. The Licensing Authority had received 3 representations from responsible authorities (Dorset Police, Dorset & Wiltshire Fire and Rescue Service and BCP Council) on the grounds that to grant the application would undermine the licensing objectives.

When putting forward his representation on behalf of the Applicant, Mr Philip Day advised that he had been instructed that the Applicant had proposed to reduce the total number of tickets for sale each day from 9500 to 5000 and that the maximum occupancy of the site at any one time would be 6000 (to include events staff, performers, caterers etc).

The Sub Committee asked various questions of all parties present and were grateful for the responses received. All parties had the opportunity to ask questions. 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.

The Legal Adviser explained 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.

Voting: Unanimous

RESOLVED that the application for a new Premises Licence dated 28 February 2022, for a time limited premises licence for 'High Tides Festival, Bournemouth Beach' to permit regulated entertainment and the supply of alcohol, for a 2-day music festival on the beach on 1st and 2nd July 2022 be REFUSED.

Reasons for Decision

In reaching its decision the Sub-Committee gave detailed consideration to all of the information submitted before the Hearing - that contained in the report for Agenda Item 5 and that provided up to the date of the Hearing by the Applicant and those making representations. It also heard and took into account the submissions made at the Hearing made by the Senior Licensing Officer, Sarah Rogers; Mr Philip Day, Lacey's Solicitors, representing the Applicant 'High Tide Festival Company Ltd'; Mr Simon Smith and Mr Peter Tisdale, Promoters of the Event; Benjamin Davids, Event Manager; James Dutton, Method Events (Production Consultant); Jon Weaver - Head of Destination and Events, BCP Council; Sergeant Gareth Gosling, Dorset Police; Andy Downton, Dorset Fire and Rescue Service and Ian Carter, Chair of the Safety Advisory Group (SAG), who had attended to answer any questions relating to the SAG meetings that had taken place.

The Sub-Committee also considered the responses given by the attendees to the questions asked at the Hearing.

Section 18 of the Licensing Act 2003 provides that:

(3) Where relevant representations are made, the authority must—

(a) hold a hearing to consider them, unless the authority, the Applicant and each person who has made such representations agree that a hearing is unnecessary, and

(b) having regard to the representations, take such of the steps mentioned in subsection (4) (if any) as it considers appropriate for the promotion of the licensing objectives.

(4) The steps are—

(a) to grant the licence subject to—

(i) the conditions mentioned in subsection (2)(a) modified to such extent as the authority considers appropriate for the promotion of the licensing objectives, and

(ii) any condition which must under section 19, 20 or 21 be included in the licence;

(b) to exclude from the scope of the licence any of the licensable activities to which the application relates;

(c) to refuse to specify a person in the licence as the premises supervisor;

(d) to reject the application.

Representations were made that the likely effect of granting the proposed Licence would be that there would be a clear risk to public safety and potential for crime and disorder and that to grant the Licence would not therefore promote the Licensing Objectives of the prevention of crime and disorder and public safety.

The Sub-Committee, having heard the concerns expressed by the Responsible Authorities, were not convinced by the responses provided in the documentation and at the Hearing by the Applicant and their team. The Sub-Committee had no confidence that the proposed event would ensure the safety of the public. The Sub-Committee noted that the application had been made on 28th February 2022 and despite a number of meetings with BCP Council's Safety Advisory Group (SAG) regarding the running of the event, the event organisers had consistently failed to provide the necessary detailed plans, risk assessments and other key assurances to the SAG members to provide confidence that the event would be delivered safely. The Event Management Plan (EMP) had not been completed to a satisfactory level and despite guidance, within the limits of the SAG, being given regarding what was required this information had still not been completed. The EMP submitted was inadequate and the Sub-Committee was not prepared to grant a licence for the event based on the EMP being completed satisfactorily by 1st June 2022 based on lack of progress to date.

The Sub-Committee was concerned that the Application relies heavily upon the contents of an incomplete EMP and a variety of other documents which are yet to be received from the Applicant or were generic documents. The Sub-Committee considered whether it would be appropriate to attach a condition to the Licence (as proposed by the Applicant) that the Licence be granted subject to the submission of the EMP by 1st June 2022. The Sub-Committee considered that this would not be appropriate in the circumstances. The Plan was substantially incomplete, and some key aspects had not been included or completed to the satisfaction of the Responsible Authorities. There would be no way for the Licensing Authority to be assured that a completed Plan was acceptable and dealt appropriately with the risks highlighted and that it would ensure the promotion of the Licensing Objectives. The lack of progress to date and the short time left before the planned event meant that the risks, should this condition be relied on, were higher than they potentially would have been with progress better to date.

The documentation so far received has provided little detail on how the organiser plans to deliver the event or the key management responsibilities for delivering the event and responding to adverse incidents. Therefore, there is an increased risk to public safety which would be unacceptable.

The Sub-Committee accepted that the Applicant had offered to reduce ticket numbers to a maximum of 5000 and that the new maximum capacity on site at any one time (including staff, entertainers, catering etc) would be 6000, however, the Event organisers were unable to advise how long a full site evacuation would take at this reduced number. Mr Andy Downton, Dorset Fire and Rescue Service had expressed serious concerns over how a full scale evacuation of such a large scale event would take place. In addition, and by way of example, the event plans highlighted use of pyrotechnics, flares and to store Liquid, Petroleum Gas (LPG) on site but there was no mention of this in the risk assessment provided by the Applicant.

Gareth Gosling, Dorset Police, had raised specific concerns around the lack of information provided in relation to the movement and, deployment of security staff, in addition, there was inadequate information about what security staff would be tasked to do, what training they would have or how they would access support if needed. Again, this provides an example of the key risk assessments and planning which has failed to take place to date and is yet to be included in the draft EMP.

The Sub-Committee noted the comments made by Jon Weaver, Head of Destination and Events that BCP Council would very much like to support this event, subject to it meeting all statutory requirements and SAG approval, however, ongoing concerns over the management of the event had been raised despite the event having its own dedicated SAG meeting. He highlighted that the organisers had allowed inadequate planning time, and that an event of this scale at this location would more realistically take a year or more to plan adequately.

For all of the above reasons the Sub-Committee found that the Application if granted would not support the licensing objectives of the prevention of crime and disorder and the protection of public from harm and that there were no conditions that would appropriately manage the risks and ensure the licensing objectives would be promoted. It therefore decided that the appropriate decision in this case was to refuse the application.

Voting: Unanimous

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.

39. Branksome Beach Restaurant Kiosk

Present:

From BCP Council:

Nananka Randle, Licensing Manager
Tanya Coulter, Legal Advisor to the Sub-Committee
Michelle Cutler, Clerk to the Sub-Committee

Mr Niall McCann, Solicitor, Keystone Law, representing the Applicant,
Rockwater Sandbanks and Branksome Ltd
Mr Lee Wilson, Operations Director of Rockwater
Miss Kate Cross, proposed Designated Premises Supervisor

Objectors:

Mr McCarthy, presenting his own objection and also representing:

Mr and Mrs Wilkinson
Mr and Mrs Lawrence
Ms Glynn-Baker
Tea Colaianni

1 Anonymous

Cllr May Haines, presenting her own objection and representing 3 Anonymous objectors.

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

The Chair confirmed that the supplementary evidence bundle submitted by Mr McCann, Solicitor on behalf of the Applicant, in advance of the hearing, had been received by the Sub-Committee.

The Licensing Manager 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 Keystone Law, on behalf of Rockwater Sandbanks & Branksome Limited, for a premises licence for off sales to enable customers to consume food and drink on a decking structure proposed on the beach or elsewhere. The Licensing Authority had received 56 representations on the grounds that to grant the application it would undermine the licensing objectives of the prevention of crime and disorder, prevention of public nuisance, public safety and the protection of children from harm.

The Sub-Committee was advised that a number of conditions had been agreed between the Applicant and Dorset Police via mediation in advance of the hearing.

The Applicant had agreed to the proposal to amend the provision of off sales of alcohol to between 11:00hrs and 21:00hrs seven days a week, as opposed to between 10:00hrs to 23:00hrs. As a result, Dorset Police had withdrawn its representation. A further 2 representations had been withdrawn following the successful mediation between the Applicant and Dorset Police.

During the course of the Hearing, Mr McCann offered a condition on the licence that when the kiosk was open, off sales from the restaurant would not be promoted.

The Clerk read out a written statement from Mr Bob Lister, objecting, as he could not attend the hearing due to other commitments.

During Councillor May Haines submissions, the Sub-Committee was informed that she had originally been asked to represent 5 residents, however, 1 resident had now withdrawn their representation following the conditions agreed between the Applicant and Dorset Police.

The Sub Committee asked various questions of all parties present and were grateful for the responses received. All parties had the opportunity to ask questions. All parties were invited to sum up before the Sub-Committee retired to make its decision.

The Legal Adviser explained 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, and that the decision would not come into effect until the expiry of said 21 days.

Voting: Unanimous

RESOLVED that the application for a new Premises Licence dated 11 March 2022, for the premises known as 'Branksome Beach Restaurant

Kiosk' be **GRANTED** for the provision of off sales of alcohol between 11:00hrs and 21:00hrs seven days a week.

This premises licence is granted subject to all of the conditions offered in the operating schedule in part M of the application and the conditions listed below, which have been agreed between the Applicant and Dorset Police in advance of the hearing through mediation.

- Food and non-intoxicating beverages, including drinking water, shall be available at all times where alcohol is sold or supplied from the premises.
- A maximum of four alcoholic drinks may be purchased at any one time per customer.
- Wine to be sold by the glass.
- Spirits shall only be sold with a mixer.
- When the premises remains open until 18:00hrs or later, staff on site at the time shall remain in and around the premises for one hour to assist with dispersal and any litter collection.
- Challenge 25 shall be operated at the premises to all persons purchasing and consuming alcoholic drinks from 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 First Aider to be available at all times the premises is open for licensable activity.
- The holder of the licence shall undertake a risk assessment with regard to the deployment of SIA Door Supervisors and Marshals at different times of the day and on different days of the week to determine whether it is appropriate to deploy door staff/marshals on those days and/or at any other time(s) and to then implement the outcome of the risk assessment.
- Such risk assessments will also be conducted at the request of the police in respect of any other event scheduled to take place at the premises or in the vicinity on BCP land.
- Copies of all risk assessments shall be retained on the premises for a minimum period of 6 months and shall be made available for inspection by police and other authorised officers on request
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In addition to the above the Applicant offered the following condition, which was accepted by the Sub-Committee:

- That when the kiosk is open, off sales from the restaurant will not be promoted.

Reasons for Decision

The Sub-Committee gave detailed consideration to all of the information which has been submitted before the Hearing and contained in the report for Agenda Item 6 and the additional information provided before the hearing, in particular the written representations made by 53 other persons, and the verbal submissions made at the Hearing by the Licensing Manager, Nananka Randle, Niall McCann, Solicitor representing the Applicant, Rockwater Sandbanks and Branksome Ltd, Lee Wilson, Operations Director of Rockwater, Kate Cross, Proposed Designated Premises Supervisor (DPS), Mr Martyn McCarthy, objecting and representing himself and the following residents who had submitted representations objecting (Sally McCarthy, Mr and Mrs Wilkinson, Mr and Mrs Lawrence, Ms Glynn-Baker, Tea Colaianni and one anonymous resident) and Cllr May Haines presenting her own objection and representing 1 anonymous resident. The Sub-Committee also considered the written statement of Bob Lister, objecting, which was read out by the Clerk in his absence.

The Sub-Committee also considered the responses given to all of the questions asked at the Hearing.

The Sub-Committee noted that the representation submitted by Dorset Police had been withdrawn following successful mediation with the Applicant and that as a result of the conditions agreed between Dorset Police and the Applicant a further 6 representations had been withdrawn.

The Sub-Committee commended the willingness of the Applicant to co-operate and assist the Police and it welcomed the Applicant's agreement to reduce the provision of off sales of alcohol from 23:00hrs to 21:00 hrs. Whilst the Sub-Committee acknowledged the concerns expressed by residents it was noted that the provision of music had not been applied for on the new licence and it was hoped that this along with the reduction in hours, alongside the conditions agreed with Dorset Police would help to address some of the issues raised by residents.

The Sub-Committee noted the comments made by Mr McCarthy highlighting concerns around customers queueing at the premises, however, assurances were given of the successful queueing system currently in operation at in the Hove premises. Space is tight at the new kiosk location, but with the introduction of SIA Door Supervisors and Marshals, the Applicant acknowledged the need to keep clear the adjacent main pedestrian and emergency access to the beach, and adjacent toilets.

The Sub-Committee was satisfied that if the premises operated in the responsible way they appeared to and in accordance with the conditions on the premises licence, then 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 a Responsible Authority or any other person should there be any issues associated with the premises in the future that undermine the licensing objectives.

Voting: Unanimous

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 5.10 pm

CHAIRMAN