

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 28 April 2022 at 10.00 am

Present:-

– Chairman

– Vice-Chairman

Present: Cllr J J Butt, Cllr G Farquhar and Cllr D Kelsey

1. Election of Chair

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

Voting: Unanimous

2. Apologies

The Chair explained that the first reserve, Cllr J Bagwell, was unwell and would not be able to attend as reserve member. Therefore, Cllr B Dion was present for the beginning of the meeting as the stand-in reserve.

3. Declarations of Interests

There were none.

4. Sandbanks Beach Kiosks

Present:

From BCP Council:

Sarah Rogers, Senior Licensing Officer
Alan Parr, Legal Advisor
Joseph Tyler, Democratic Services Officer

The Chair 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 a premises licence application at the location known as Sandbanks Beach Café Kiosks Banks Road, to permit off sales of alcohol between the hours of 10:00 and 23:00 each day of the week from three kiosks within the remit of Sandbanks Beach Café's property.

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

- Niall McCann - Solicitor, Keystone Law, representing the applicant
- Lee Wilson - Operations Director of Rockwater, Sandbanks & Branksome Ltd

NB:

- Ward Councillor May Haines submitted a written statement that was read aloud by the Clerk.
- Dorset Police and two other persons withdrew their initial objections to the application following mediation with the applicant.

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

Voting: Unanimous

RESOLVED:- that having considered the application, submitted by Rockwater Sandbanks & Branksome Limited to apply for a premises licence at the location known as Sandbanks Beach Café Kiosks Banks Road, to permit off sales of alcohol between the hours of 10:00 and 23:00 each day of the week from three kiosks within the remit of Sandbanks Beach Café's property, including the following conditions:

Dorset Police agreed conditions:

- That 'Kiosk 3' (as outlined in red on the plan) no longer forms part of this application and is not to be licensed.
- The sale of alcohol to be between 11.00 a.m. and 9 p.m. seven days a week.
- 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 only to be sold by the glass*.
- Spirits shall only be sold with a mixer.
- When the premises remains open until 21:00 hrs all staff on site at the time shall remain in and around the premises until 22:00 hrs 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.

Additional conditions agreed:

- That the Kiosks will not sell alcohol while there is a temporary bar in place on the patio of the restaurant licence.
- For there to be no glassware used or provided by the Kiosks.

The Sub-Committee were content that the mediation agreement with Dorset Police and the subsequent conditions that were agreed to by the applicant would result in the premises upholding the licensing objectives. The Sub-Committee were also reassured by the condition not to serve glass ware in any form and that the premises would ensure that staff clean/litter pick the premises for an hour after closure every day.

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

5. The Railway Hotel, 2 Stour Road, Christchurch, BH23 1PS

Present:

From BCP Council:

Tania Jardim, Licensing Officer

Nananka Randle, Licensing Manager

Mary Almeida, Legal Advisor

Joseph Tyler, Democratic Services Officer

The Chair 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 B to these minutes in the Minute Book.

The Sub-Committee was asked to consider an application to vary the Premises Licence at The Railway Hotel, 2 Stour Road, Christchurch, BH23 1PS in order to vary the layout and design of the premises and to update the approved plan to include the use of a bar servery within the external area.

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

- Ewen Macgregor - Solicitor, TLT Solicitors, representing the applicant.
- Austyn Greenfield – DPS for the Railway Hotel premises.
- Augustine Cook – local resident, representing Mr Columba Cook.
- David O'Sullivan – local resident.

NB:

- Dorset Police and Environmental Health withdrew their initial objections to the application following mediation with the applicant.

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

Voting: Unanimous

RESOLVED:- that having considered the application, submitted by Punch Taverns Ltd, to vary the Premises Licence at The Railway Hotel, 2 Stour Road, Christchurch, BH23 1PS in order to vary the layout and design of the premises and to update the approved plan to include the use of a bar servery within the external area.

The Sub-Committee agrees that the variation of the Premises Licence be granted upon the following conditions:

- **For the applicant to provide a revised plan to clearly show the correct layout and scaling of the external bar.**
- **For the external bar to be limited in size and scale to the extent of the existing WC block only.**

And

Dorset Police agreed conditions:

- CCTV to cover the garden, to include all entry and exit points enabling frontal identification of every person entering in any light condition.
- The garden gate will be viewed by two cameras during licensing hours and will be regularly checked by staff and management.
- The CCTV system shall continually record and cover areas where alcohol is kept for selection, purchase and consumption 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.
- Whenever there are customers in the external area, a sufficient number of staff members, which will be determined on a risk assessed basis, to operate, monitor and supervise the area for customer behaviour and to monitor noise levels. 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. 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.

Environmental Health agreed conditions:

- There shall be no amplified live or recorded music outside in garden area after 2300.
- The outside bar will be closed at 22:30h. The garden will be empty of customers at 23:00h. Patrons are permitted to temporarily use the garden after 23:00h e.g. to smoke or to make a telephone call, shall not be permitted to take drinks or glass containers with them. This shall be limited to a maximum of 8 persons at any one time.
- 28 days before any event involving live or recorded amplified music in the garden area, a written Noise Management Plan shall be submitted and agreed in writing with the licensing authority.
- A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
- No noise generated on the premises, or by its associated plant or equipment, shall give rise to a nuisance.

Sub-Committee members agreed that the above conditions would give the premises a greater ability to uphold the licensing objectives insofar as there will be greater staff supervision and presence in the external areas of the premises as well as more CCTV, with the number of cameras increasing from 2 to 5. Sub-Committee members also felt assured that the variation of the premises licence would enable stronger enforcement of the licensing objectives.

The Sub-Committee were content that any incidents which undermine the licensing objectives will result in a Review of the Premises Licence being called, therefore allaying the concerns of the local residents.

In making its decision, the Sub-Committee have also had regard to the case of *Thwaites PLC v Wirral Borough Magistrates' Court* 2008. There was limited evidence before the Sub Committee of actual anti-social behaviour and crime that had occurred in the location of the premises that would show that granting the variation to the licence will give rise to negative impact on the licensing objectives. The representations and submissions were mainly concerns speculating what may happen in the future should the application be granted, and the Sub-committee is unable to base its decision on such concerns. The Sub-Committee did not find any evidence to justify a refusal of the application.

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

The meeting ended at 1.10 pm

CHAIRMAN