

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 08 June 2022 at 10.00 am

Present:-

– Chairman

– Vice-Chairman

Present: Cllr J Bagwell and Cllr J J Butt

Also in
attendance:

21. Election of Chair

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

Voting: Unanimous

22. Apologies

The Chair gave an apology for absence for Councillor Sarah Anderson and Councillor David Brown, as a reserve member, assumed the role as a Licensing Sub-Committee member, in her absence.

23. Declarations of Interests

There were no declarations of interest.

24. Cherries Cafe, 65a Curzon Road, Bournemouth, BH1 4PW

Present:

From BCP Council:

Sarah Rogers, Senior Licensing Officer

Mary Almeida, Legal Advisor to the Sub-Committee

Michelle Cutler, Clerk to the Sub-Committee

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 an application for a new Premises Licence to permit the sale of alcohol between the hours of 11:00 and 21:30, each day of the week, for on sales only at the premises known

as 'Cherries Café', 65a Curzon Road, Bournemouth, BH1 4PW, submitted on 5 April 2022.

The Licensing Authority had received 3 residential representations against this application on the grounds that it would undermine the prevention of crime and disorder and prevention of public nuisance licensing objectives. No representations were received from any of the other responsible authorities.

During the consultation period Dorset Police mediated and agreed a number of conditions with the applicant. Should the application be granted these conditions would be imposed on the premises licence when issued.

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

Ms Amanda S C'erri, Applicant
Mr Nigel Dunn, Objecting

The following condition was put forward by the applicant during the hearing 'No alcohol is to be consumed on the outside decking area after 19:00hrs'.

The Sub-Committee asked various questions of all parties present and was 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 had the right to Appeal to the Magistrates Court within the period of 21 days beginning with the day on which the Applicant was 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.

RESOLVED that the application to permit the sale of alcohol between 11:00hrs and 21:30hrs each day of the week, for "on sales" only, for the premises known as 'Cherries Café' 65a Curzon Road, Bournemouth BH1 4PW dated 5th April 2022, be **GRANTED**.

This Premises Licence is granted subject to the conditions listed below, which have been agreed between the Applicant and Dorset Police in advance of the hearing through mediation.

1. 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 the police, licensing and other authorised officers.

2. An incident log shall be kept at the premises. The log shall include the date and time of the incident, 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. The incident log 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.

3. 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 be prominently displayed in the premises.
4. 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 the 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.
5. 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 the police or authorised Council officer recent data or footage with the absolute minimum of delay when requested.

6. CCTV shall be downloaded on request of the police or authorised Council officer. Appropriate signage advising customers of CCTV being in operation shall be prominently displayed in the Premises.
7. 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.
8. 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.
9. Plastic or toughened polycarbonate (or similar) glasses/bottles will be used on home AFCB match days from 2 hours before kick-off and at other times when requested by Dorset Police.
10. Alcohol will be ancillary to food prepared and served on the premises
11. A minimum of 1 SIA registered door staff to be employed on the premises on AFCB home match days starting 2 hours before time of kick off.
12. The DPS will risk assess the need for door supervision at all other times. 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

In addition, the following conditions, offered by the applicant during the hearing and imposed by the sub-committee on deliberation, shall be attached to the Licence:

13. No alcohol is to be consumed on the outside decking area after 19:00hrs and regular checks of the decking area are to be carried out by a staff member during the times that alcohol is being sold.
14. There shall be no disposal of glass bottles before 08:00hrs and after 20:00hrs each day.

Reason for Decision

The sub-committee gave detailed consideration to all of the information which had been submitted before the Hearing and contained in the report for Agenda Item 5, in particular the written representations made by 3 other persons, and the verbal submissions made at the hearing by the Senior Licensing Officer, Sarah Rogers, Amanda Sc'erri, the applicant and Nigel Dunn, a resident, objecting to the application.

The sub-committee also considered the responses given to all of the questions asked at the hearing.

The sub-committee was mindful that no representations had been received from any of the Responsible Authorities.

The sub-committee commended the willingness of the applicant to co-operate with residents and Dorset Police in order to minimise disruption to residents. Whilst the sub-committee acknowledged the concerns expressed by residents the sub-committee believed that the conditions put forward by the applicant and agreed with Dorset Police, would address the relevant concerns raised.

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.

In making its decision, the sub-committee has had regard to the case of 'Thwaites PLC v Wirral Borough Magistrates' Court 2008. There was no evidence before the sub-committee of actual anti-social behaviour or noise nuisance having occurred in the location of the premises that would show that granting the licence would give rise to negative impact on the licensing objectives.

The sub-committee was satisfied that if the premises operated in the responsible way that the applicant had promised to and in accordance with the conditions on the premises licence, then the premises licence holder 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 issue/s associated with the premises in the future that may undermine the licensing objectives.

In making this decision the sub-committee have had regard to the Bournemouth, Christchurch and Poole Council Licensing Policy, the revised guidance, as set out by the Secretary of State and the licensing objectives, as set out in the Licensing Act 2003.

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 10.45 am

CHAIRMAN