

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 16 March 2022 at 10.00 am

Present: Cllr J J Butt, Cllr D Brown and Cllr L Williams

26. Election of Chair

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

Voting: Unanimous

27. Apologies

There were no apologies for absence.

28. Declarations of Interests

There were no declarations of interest.

29. Exclusion of Press and Public

RESOLVED that under Section 100 (A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1 and 2 in Part I of Schedule 12A of the Act and that the public interest in withholding the information outweighs such interest in disclosing the information.

30. Europa Mini Supermarket, 16 St Michael's Road, Bournemouth, BH2 5DX

Present:

From BCP Council:

Sarah Rogers, Senior Licensing Officer

Alan Parr, 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 Review of the Premises Licence under Section 51 of the Licensing Act 2003, submitted by Dorset Police on 26th January 2022, relating to the prevention of crime and disorder licensing objective.

No other representations had been received from any of the other responsible authorities or any other persons.

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

Sergeant Gareth Gosling, representing the applicant, Dorset Police
Vanessa Rosales, Alcohol Licensing Officer, Dorset Police
Mr Philip Day, representing the Premise Licence Holder
The Premises Licence Holder and his partner

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 Dorset Police to Review the Premises Licence for the Premises known as 'Europa Mini Supermarket', 16 St Michael's Road, Bournemouth, BH2 5DX, the Sub-Committee agrees that the Premises Licence be suspended for a three month period, that the sale of alcohol be amended to 09:00 hrs to 22:00hrs daily and that the existing licencing conditions be amended as follows:

Deletion of the existing CCTV condition and its replacement with the following:

- The premises shall install and thereafter maintain in good working order a digital CCTV system. The system shall be in operation at all times the premises are open for business.
- Images shall be stored for a minimum period of 31 days and shall record the time and date. Facilities will be made available to allow

police and other authorised officers (as defined by the Licensing Act 2003) to view recordings on request and to be provided with copies of recordings in playable format on request, provided in each case that the request is compliant with Data Protection legislation.

- Whenever the premises are open, there will be at least one member of staff on duty or otherwise available at short notice capable of and authorised to access the CCTV system and trained to view playbacks and make recordings.
- If the CCTV system suffers any malfunction, the same shall be notified to the Licensing Authority as soon as reasonably practicable and rectified as soon as reasonably practicable.

In addition, the following additional conditions shall be attached to the Premises Licence:

- No beer, lager, or cider with an ABV of over 5.5% shall be stocked or made available for sale, other than the Polish beers known as ZUBR and ZYWIEC.
- Cider shall not be sold in bottles of any type that are larger than 2.5 litres in volume.
- Sales of canned beers, lagers and ciders shall be in a minimum quantity of 4 cans at a time.
- All bottles and cans sold shall bear a label or other mark identifying the premises as having been the source of the product, provided that when cans of beer, lager or cider are sold in packs of four or more, only one can need be so marked.
- 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.
- 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 9am and 10pm daily"
- No notice of any description (other than signage required by law or by the licence conditions) shall be displayed on the frontage (including the entrance to the premises) advertising that alcohol products are for sale in the premises other than a single sign either stating or including the words "Off Licence", except during the 3 month period of suspension when the "Off Licence" signage must be covered up.

- Replacement of the existing Refusals Register condition with the following:

A Refusals Register shall be maintained at the premises and used to record all occasions where a person is challenged to provide proof of age and either fails to do so or the proof shows that he/she is underage.

A note shall be made of the date and time of the incident, a brief description of the person concerned (and his or her name if given), the goods the person was attempting to purchase and the name of the person dealing with the incident.

The Register shall be checked and signed at least weekly by the DPS or his/her deputy and shall be made available for inspection by any authorised officer (as defined by the Licensing Act 2003) at any time the premises are open to the public.

- Replacement of the existing conditions relating to Challenge 21 with the following:

The premises shall operate the 'Challenge 25' policy. All customers who appear to be under the age of 25 shall be asked to provide photo ID to prove that they are of legal age before being served alcohol. Appropriate signage advising customers of the policy shall be prominently displayed at the entrance to the premises and behind the sales counter.

- Inclusion of an additional condition regarding staff training to read as follows:

All staff shall receive training with regard to prohibited sales (age and to persons who are drunk), the conditions attached to the licence and on spotting and preventing proxy sales. Refresher training will be provided at least once annually.

A record shall be made of all such training, signed by the person receiving the training and the record shall be made available for inspection by authorised persons (as defined by the Licensing Act 2003).

Reasons for Decision:

The Sub-Committee gave detailed consideration to all of the written information which had been submitted before the hearing, including that contained in the report for Agenda Item 6, including the representations made by Sergeant Gareth Gosling, representing the applicant Dorset Police, Vanessa Rosales, Dorset Police Licensing Officer and Mr Philip Day of Lacey's Solicitors on behalf of the Premises Licence Holder. The Sub-

Committee considered the verbal submissions made at the hearing by all parties attending and the responses given by all parties to questions asked at the hearing.

The Sub-Committee agreed that a 3 month suspension of the Premises Licence will enable the following:

1. Staff training and on-the-job monitoring of staff to ensure competency.
2. Changes to shop front to reflect the new conditions.
3. Engagement between Dorset Police and the operator to ensure that they are suitably prepared to deliver a lawful provision.
4. A cessation in the provision of cheap smuggled alcohol and to enable legitimate alcohol to be offered as a 'new' provision, hopefully discouraging street drinkers and those intent on committing ASB to loiter in the area.

The Sub-Committee heard directly from the Premises Licence Holder that he does not open the premises until 09:00hrs each day and agreed that the sale of alcohol at the premises should be amended to 09:00hrs to 22:00hrs daily. The Sub-Committee felt that 22:00hrs is more acceptable than the 23:00hrs put forward by Mr Day on behalf of the Premises Licence Holder, due to the reports of alcohol related anti-social behaviour associated with the premises.

It cannot be stressed enough that the storage and sale of smuggled alcohol is a very serious matter and although the Sub-Committee accepts the apology offered by the Premises Licence Holder, it wishes to remind him that his conduct was unacceptable and will not be tolerated. The Sub-Committee wishes to severely remind the Premises Licence Holder of his duty to promote and uphold the four licensing objectives.

The Sub-Committee accepts Sargent Gosling's statement that the premises adds value to the community and that Dorset Police have confidence in the Premise Licence Holder's ability to support and promote the 4 licensing objectives. In addition, the Sub-Committee note that communications between Dorset Police and the Premise Licence Holder have been very positive.

The Sub-Committee is content that Dorset Police and their partners in HMRC and Trading Standards will continue to monitor the performance and compliance of the premises once the Premises Licence is reinstated after 3 months, and that any further incidents which undermine the licensing objectives will result in a Review of the Premises Licence being called by Dorset Police.

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 11.03 am

CHAIRMAN