

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 12 October 2022 at 10.00 am

Present: Cllr J Bagwell, Cllr R Burton and Cllr D Kelsey

75. Election of Chair

RESOLVED that Councillor David Kelsey be elected Chairman of the Sub-Committee for the duration of the meeting.

Voting: Unanimous

76. Apologies

Apologies for absence were received from Cllrs Judes Butt and Norman Decent.

77. Declarations of Interests

There were no declarations of interest.

78. Application for Premises Licence at Seaside Mini Market, 18 Westover Road, Bournemouth, BH1 1PE

Present:

From BCP Council:

Tania Jardim – Licensing Officer
Linda Cole – 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 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 Licensing Officer advised that the premises had changed its name from 'Seaside Mini Market' to 'Seafront Mini Market'.

The Sub Committee was asked to consider an application for a new premises licence for the premises known as 'Seafront Mini Market', 18 Westover Road, Bournemouth, BH1 1PE.

The Licensing Authority received 11 representations from other persons in objection to the application on the grounds that to grant the application would undermine the prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm licensing objectives. Representation in objection to the application was also received from Dorset Police on the grounds of Prevention of Crime and Disorder and Public Safety.

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

Tom Hollington – Agent on behalf of the Applicant
Elina Kadir - Applicant
Louise Busfield – Dorset Police Licensing Team, Objector
Catherine Gosney - (Roberta Boutique), Objector

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.

RESOLVED that the application for a premises licence at the premises known as ‘Seaside Mini Market’, now known as ‘Seafront Mini Market’ 18 Westover Road, Bournemouth to permit the off sale of alcohol between the hours of 08:00 to 03:00 Monday to Sunday, dated 17 August 2022, be REFUSED.

Reason for Decision

The Sub-Committee considered 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 11 other persons in objection to the application and the witness statement made by Sgt Scott Janes. They also considered the verbal submissions made at the hearing by the Licensing Officer, Tania Jardim, Mr Tom Hollington, the agent on behalf of the Applicant, Ms Elina Kadir, the applicant, Louise Busfield on behalf of Dorset Police and Ms Catherine Gosney on behalf of Roberta Boutique, both objecting.

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

The Sub-Committee considered the concerns raised by Dorset Police regarding the location of the premises in Bournemouth Town Centre, in an area that already experienced a disproportionate number of street drinkers and suffered anti-social behaviour and crime and disorder, which already negatively impacted the local community and the business community along Westover Road. The Sub-Committee noted that Westover Road was opposite the Lower Gardens, which already necessitated a seasonal dedicated policing presence due to the high levels of anti-social behaviour beside and in the gardens, fuelled by alcohol and other substance misuse.

The Sub-Committee considered the letter of representation from the Board of the Bournemouth Town Centre BID, that had objected to the application due to existing levels of anti-social behaviour in the town centre described as retail crime, aggressive begging, perceived & real threatening behaviour and substance abuse. In particular, the Sub-Committee noted that in the past 6 months, the Town Ranger team had logged 30 ASB issues between the hours of 09:00 & 17:15 (their

hours of work), making it clear the problems are not just being experienced in the evening but in the daytime too. It appears clear that Police and BCP resources are already challenged trying to manage anti-social behaviour in this area.

The Sub-Committee took the view that granting a license to these premises would increase the propensity for ASB in this area of the town and agreed that to grant the licence would only exacerbate the existing issues. Although the applicant appears to be an experienced licensee who holds other premises licences, the very location of this premises selling alcohol off the premises would attract more individuals to Westover Road, who could be drawn into the anti-social behaviour, however responsibly the premises was managed. The Sub-Committee noted the offer to reduce the hours for sale of alcohol to 08:00 to 01:00 and to supply an SIA doorman from 23:00 to close on Fridays, Saturdays and Sundays before bank holidays, but as already determined, what is being experienced is not just a night-time problem. Therefore, the Sub-Committee unanimously agreed to refuse the application, as to grant it would undermine the licensing objectives of public nuisance and crime and disorder.

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.

79. Protocol for Public Speaking at Meetings

The Protocol for Public Speaking at Meetings was noted.

80. FYEO, 134 -136 Old Christchurch Road, Bournemouth

Present:

From BCP Council:

Sarah Rogers, Senior Licensing Officer

Michelle Cutler, Clerk to the Sub-Committee

Joe Cannon – Barrister, Legal Advisor to the Sub-Committee

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

The 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 Hampshire Restaurants Limited for the renewal of the licence to use the premises as a sexual entertainment venue, providing relevant entertainment, for a further twelve-month period.

The Licensing Authority received 2 valid objections.

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

For the Applicant:

Julia Palmer - Solicitor, JCP Law, representing the Applicant
Mrs Alex Ivins - the Applicant
Mr Glen Nice – Consultant for the Applicant

The 2 persons objecting were not in attendance.

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.

Decision

The Sub-Committee heard from the Licensing Officer, Sarah Rogers, and from Julia Palmer on behalf of the Applicant, who spoke to her written submissions. It was noted that she addressed a number of the points raised by those objecting in her written submissions, and orally, including a number of ways in which the matters raised by those objecting had been acknowledged and addressed. In particular she confirmed that it would be a condition of the licence, if renewed, that CCTV images would be made available to the police upon request. She also confirmed that the work to refurbish the facade of the premises had been done.

Objector 1 was not present, having sent apologies in advance. The Sub-Committee took account of her written objection and put a number of the points raised in it to the Applicant via Ms Palmer. Objector 2 was not present either, having sent apologies shortly before the start of the hearing and again, the Sub-Committee took full account of the contents of her objection.

The Sub-Committee agreed that section 10 of the SEV Policy applied to these premises, as an 'existing licence' named in the Policy. Because objections had been received, the application was considered in light of the relevant legislation, and in particular paragraph 12(3)(d) of the 1976 Act. No objection raised any matter going to any of the other potentially relevant sections.

In respect of the character of the locality, the Sub-Committee accepted that it had not changed materially since the previous renewal, or indeed for some years, and agreed that it was one of the principal locations within the area for the night-time economy. There had been no substantial changes to the uses to which buildings in the vicinity were put, and in terms of the premises itself, the Sub-Committee was pleased to hear of the works that the Applicant had either done or was proposing to do and saw no basis on which to refuse the application on this basis.

Overall, noting the exemplary record of these premises, the annual renewals without complaint or issue, and the constructive response to the points raised by those who objected to this application, the Sub-Committee was of the view that the licence should be renewed for another year.

They thus voted to grant the application and renew the licence.

The meeting ended at 11.40 am

CHAIRMAN

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