

**BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL  
LICENSING SUB-COMMITTEE**

Minutes of the Meeting held on 18 January 2023 at 10.00 am

Present: Cllr R Burton, Cllr J J Butt and Cllr T Johnson

100. Election of Chair

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

Voting: Unanimous

101. Apologies

No apologies for absence were received.

102. Declarations of Interests

There were no declarations of interest.

103. Christchurch Road Stores, Bournemouth

The Chair advised that the applicant had requested that this matter be adjourned due to personal reasons. All parties to the application were in agreement and it was proposed that this item be adjourned until the Licensing Sub-Committee, taking place on 9<sup>th</sup> February 2023.

**RESOLVED that the application for a new premises licence for the premises known as ‘Christchurch Road Stores’, Bournemouth, BH1 1LL, be adjourned until 9<sup>th</sup> February 2023.**

104. Sunset Beach at Aruba, Pier Approach, Bournemouth

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 Sub-Committee was asked to consider an application for a new premise licence for the premises known as 'Sunset Beach at Aruba', Pier Approach, Bournemouth, BH2 5AA.

The Licensing Authority received one representation from Dorset Police on the prevention of crime and disorder licensing objective.

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

Julia Palmer, JCP Law – Acting on behalf of the Applicant  
Mr Matthew Piovan – Designated Premises Supervisor (DPS)  
Sargant Gareth Gosling – Dorset Police  
Vanessa Rosales – Dorset Police, Drug and Alcohol Harm Reduction Team

During the hearing, Julia Palmer advised that the applicant had voluntarily removed the request for late night refreshments and had put forward the following additional conditions: -

- Substantial food be offered up to 30 minutes before the terminal licensing hour.
- At least 1 (SIA) licensed supervisor be present when the premises is open on Bank Holidays, School Holidays, including Half Terms and Weekends. A SIA licensed supervisor will be on duty when 75 or more customers are on the premises.
- Sales of alcohol for consumption off the premises shall be limited to one alcoholic drink per customer. No beer, lager or cider sold shall have an ABV (alcohol by volume) exceeding 5.5%. (To replace 2.16 set out in supplementary document 1).

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.

**RESOLVED that the application dated 1 December 2022, for a premises licence for the period 1 April 2023 to 30 September 2028, to operate between 1 April and 30 September of each year for the premises known as 'Sunset Beach at Aruba' be GRANTED; to allow the sale of alcohol on the premises, provision of regulated entertainment; plays, films, live music, recorded music and performances of dance, to a terminal hour of 10:00pm Sundays to**

**Wednesdays and to 10:30pm Thursdays to Saturdays, Bank Holiday Sundays and during the Air Festival.**

**The application to allow the sale of alcohol off the premises is granted for a limited period of 1 April 2023 to 30 September 2023.**

This Premises Licence is granted subject to the conditions set out in Supplementary Document 1, which was submitted on 13 January 2023 by the applicant in response to the Supplementary Information submitted by Dorset Police on the 10 January 2023. These are set out below and will become the Annex 2 conditions of the licence.

In addition, the following conditions, offered by the applicant at the hearing and imposed by the Sub-Committee on deliberation, shall be attached to the Licence:

- Substantial food be offered up to 30 minutes before the terminal licensing hour.
- At least 1 (SIA) licensed supervisor be present when the premises is open on Bank Holidays, School Holidays, including Half Terms and Weekends. At all other times ... (insert at the beginning of condition 2.7 below)
- Sales of alcohol for consumption off the premises shall be limited to one alcoholic drink per customer. No beer, lager or cider sold shall have an ABV (alcohol by volume) exceeding 5.5%. (To replace 2.16 set out in supplementary document 1).

### **Annex 2 conditions**

Definition: in these conditions, 'Authorised Officer' means an authorised officer of the Licensing Authority and/or Dorset Police.

#### General Objectives

2.1 The operation shall be covered by a full Event Management Plan agreed at Safety Advisory Group meetings. The Event Management Plan will be sent to all agencies for consultation.

2.2 The representative of the Premises Licence Holder shall liaise with the responsible authorities and attend Safety Advisory Group meetings if and as requested.

2.3 The Premises Licence Holder shall provide both public and employers liability insurance to the Council prior to the commencement of this Licence.

2.4 There shall be no Festival style entertainment provided for customers outside the curtilage of the site unless specifically authorised by the Licensing Authority and Police in advance.

2.5. The Licence shall only operate during the period 1 April to 30 September.

#### Prevention of Crime and Disorder

2.6 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 and holographically marked PASS scheme identification cards. Appropriate signage advising customers of the policy shall be prominently displayed in the premises.

2.7 A SIA licensed supervisor will be on duty when 75 or more customers are on the premises. The Premises Licence Holder shall undertake a Risk Assessment with regard to the deployment of additional SIA licensed door supervisors at different times of the day and on different days of the week to determine whether it is appropriate to deploy additional door supervisors on those days (and if so at what times and what ratio of door supervisors to anticipated customers) and will implement the outcome of that Risk Assessment. A copy of the Risk Assessment shall be made available to an Authorised Officer upon request.

2.7.1 SIA supervisors will have and maintain an adequate radio link with staff on site to assist with prevention of crime and disorder.

2.8 No drinks shall be served in glass containers at any time.

2.9 The premises shall operate and maintain a text/radio/pager link system (whichever is used by Townwatch) to be activated made available to and monitored by the DPS or their authorised agent.

2.9.1 The premises shall maintain membership of the Townwatch scheme (or any successor scheme); a senior member of staff shall attend all Townwatch meetings for the month preceding the event until September in each year unless an emergency arises preventing such attendance. The premises will support and participate in all Townwatch initiatives.

2.10 All staff working at the premises concerned with the sale of alcohol shall be trained in the Local Authority Trading Standards package of training No Proof of Age No Sale (NPOANS) 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 an Authorised Officer.

2.11 The Event Management Plan referred to at 2.1 will include, amongst other things, the following:

2.11.1 A stepped process for escalation of resources if and as necessary, to include the provision of SIA supervisors.

2.11.2 An Emergency Evacuation procedure.

2.11.3 A drugs policy.

2.11.4 Customer Capacity levels.

2.11.5 A procedure for supporting and dealing with unwell members of the public.

2.11.6 A lost child policy.

2.11.7 A dispersal policy.

2.11.8 A health and safety policy and procedures.

2.11.9 A Noise Management policy.

2.11.10 First Aid procedures.

2.12 A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale, a description of the person refused, why they were refused (e.g.no ID, fake ID) and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by an Authorised Officer.

2.13 The premises shall install and maintain a comprehensive CCTV system. All entry and exit points to the alcohol service areas will be covered enabling evidential frontal identification of every person (i.e. head and shoulders) entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period. The CCTV system should be updated and maintained according to police recommendations.

2.13.1.1 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 is open to the public. This staff member must be able to show an Authorised Officer recent data or footage with the absolute minimum of delay when requested.

2.14 An incident log shall be kept at the premises. The log should include the date and time of the incident and the name of the member of staff involved. The log to be made available on request to an Authorised Officer will record the following:

- (a) all crimes reported to the venue.
- (b) all ejections of patrons.
- (c) any complaints received.
- (d) any incidents of disorder.
- (e) all seizures of drugs or offensive weapons.
- (f) any faults in the CCTV system or searching equipment or scanning equipment.
- (g) any visit by a relevant authority or emergency service.

2.15 Outside of the hours authorised for the sale of alcohol, all alcohol within the trading area is to be secured behind locked grills, locked screens or locked cabinet doors to prevent access to the alcohol by customers and/or staff.

2.17 There shall always be a personal licence holder on duty on the premises when the premises are authorised to sell alcohol.

2.18 With the exception of signage relating to the venue on the structures (in a format and wording agreed prior to commencement of activities with the Police) and surrounding fencing, no advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment its premises or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.

#### Public Safety

2.19 Access for emergency vehicles shall be kept clear in respect of those areas under the control of the operators of the premises.

2.20 Any temporary staging and large marquees shall be checked by a qualified person for safety purposes.

#### Prevention of Public Nuisance

2.21 Where music provision is planned to be more than background music a Noise Management Plan (NMP) must be submitted at least 28 days before the event and this NMP must be agreed by the Licensing Authority. The NMP must include schedule, breaks, details on any amplification, sound levels and the process in place to minimise disruption to residents including contact telephone numbers of the responsible person on-site during the event with whom noise complaints can be addressed if they arise. If a noise officer from BCP regulatory team receives adequate complaints to justify visitation and their visit determines the noise levels to be a statutory nuisance, the event may be closed down without prior warning.

2.22 Music noise levels shall not exceed 65dB(A) over a 15 minute period when measured at the boundary of any noise sensitive premises.

2.23 Low frequency noise shall be adequately controlled particularly 63Hz and 125Hz which shall not exceed 70dB(A) at any time when measured at the boundary of any noise sensitive premises.

#### Reasons for Decision

The Sub-Committee considered all the information which had been submitted before the hearing and contained in Agenda Item 6; in particular the detailed supplementary representation by Sgt Gosling of Dorset Police and the supplementary documents submitted by Mrs Julia Palmer, Solicitor, on behalf of the applicant Aruba Ltd in response. The Sub-Committee was grateful for this additional information.

The Sub-Committee also considered the verbal submissions made at the hearing by Tania Jardim, Licensing Officer, Mrs Palmer representing the Applicant, Mr Matthew Piovan of Aruba Ltd and Sgt Gareth Gosling representing Dorset Police.

The Sub-Committee asked questions of the parties, allowed parties to ask questions of each other and noted the responses given to all questions asked at the hearing.

It was noted that prior to the meeting, to mediate the concerns of Dorset Police, that Aruba Ltd had amended their application by removing their application for late night refreshment and reducing the terminal hour for sale of alcohol to 10:00pm Sundays to Wednesdays and to 10:30pm Thursdays to Saturdays, Bank Holiday Sundays and during the Air Festival.

The Sub-Committee acknowledged the concerns expressed by Dorset Police in regard to SIA supervisor provision, removal of restaurant conditions and off sales, but believed that the conditions offered by the applicant would address the concerns raised to ensure the licensing objectives were not undermined.

The Sub-Committee noted that Aruba Ltd had operated the same premises under the BCP Premises Licence for the last two summers. Sergeant Gosling was very complimentary about the running of the premises and Mr Matthew Piovan, the proposed DPS showed a willingness to work with the Police. He was an experienced operator in this location and no evidence had been presented to show that there had been any issues connected to these premises in previous summers or at the other beach premises that he is involved with.

The Sub-Committee understood that what was being offered in this premises was a very casual dining experience and there may be some friction in this environment for the necessity to always buy a substantial meal with a drink. However, they welcomed the applicant's confirmation that there was no intention of providing a festival type site or a vertical drinking establishment. They were advised they still planned for drinks to be served and consumed at tables and offered a condition that a substantial food offering would be available until 30 minutes before the terminal licensing hour. The Sub-Committee were reassured that removal of the restaurant condition, should not add to crime and disorder in this area.

The decision re off sales was more challenging, as the sub-committee accepted that the premises were situated in a sensitive area, which became particularly busy in peak summer months when the weather is warm and sunny. The Sub-Committee considered the heat map, submitted by Dorset Police, which covered a 12-month period up to the 1/12/22. Sgt Gosling was questioned about the number of incidents in the area surrounding where the premises were marked. He advised it would be in the 10s but confirmed none of the incidents could be connected directly to the premises itself. The Sub-Committee noted Dorset Police' concern re off-sales from this premises at any time of the day because of the large volume and mix of people who could potentially be in the area. They were of the view that the offer to restrict the off-sale of alcohol to 1 drink per customer and for off-sales to be sold at the same price as on-sales will negate any addition to the crime and disorder already experienced in the area, particularly as unlimited amounts of alcohol can be bought close by and brought down to the beach area. In addition, the operation will mean that the area is better lit

after dark, which should deter crime and disorder and there is already a Public Spaces Protection Order (PSPO) in place to deal with alcohol related anti-social behaviour

The Sub-Committee however noted Dorset Police' concern that the provision of alcohol for consumption off the premises is likely to increase the demand on Dorset Police at peak periods, they noted the heat map submitted by Dorset Police highlighting incidents of crime and disorder occurring in this area and are aware that there have been issues of anti-social behaviour. However, there are no incidents of crime and disorder that can be attributed directly to the premises and there is no Community Impact policy in place. The Sub-Committee felt it proportionate to both the applicant and Dorset Police to restrict the licence for supply of alcohol off the premises to one year, to give the Licensing Authority and Dorset Police confidence that such an operation does not undermine the licensing objective of crime and disorder in this particularly sensitive site.

The Sub-Committee had confidence in the DPS, Mr Piovan and were satisfied that if the premises was managed in the responsible way the other beach-front premises were managed and operated in accordance with the licence conditions, then the licensing objectives should not be undermined by the operation of this premises.

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 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 issued under section 182 Licensing Act 2003 and the licensing objectives, as set out in the Licensing Act 2003.

All parties to the application have the right to appeal to the Magistrate's Court within the period of twenty-one days beginning with the day on which the applicant is notified by the Licensing Authority of this decision in writing.

The meeting ended at 11.50 am

CHAIRMAN