

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

Minutes of the Meeting held on 28 April 2023 at 10.00 am

Present:-

Cllr J J Butt – Chairman

Present: Cllr T Johnson and Cllr D Kelsey

16. Election of Chair

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

Voting: Unanimous

17. Apologies

No apologies for absence were received.

18. Declarations of Interests

There were no declarations of interest.

19. More the Merrier, 68 Kimberley Road, Bournemouth

Present:

From BCP Council:

Sarah Rogers – Senior Licensing Officer

Mary Almeida – Legal Advisor to the Sub-Committee

Sarah Culwick – 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 made by Dorset Police to review the premises license for More the Merrier, 68 Kimberley Road, Bournemouth, in relation to concerns that the premises was not upholding 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:

- Sergeant Gareth Gosling – representing the Applicant, Dorset Police
- Byron Sims, Laceys Solicitors – acting on behalf of the Premises Licence Holder.
- Esra Oksuz – Premises License Holder and DPS

- Muzaffer Oksuz

The Chair confirmed that the Sub-Committee had received a supplementary document on 26 April 2023 from Dorset Police.

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: -**

- 1. The Licensing Sub-Committee noted the application by Dorset Police for a review of the premises licence on the grounds that they believe the premises management to be involved in criminal activity including the purchase and re-sale of stolen goods;**
- 2. No action be taken at this time in terms of the premises licence; and**
- 3. The designated premises supervisor be reminded of their obligations in terms of meeting the licensing objectives.**

Reasons 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 reports and additional evidence submitted by the applicant, and the verbal submissions made at the hearing by Sarah Rogers, Senior Licensing Officer, the applicant Sergeant Gareth Gosling, Dorset Police, Byron Sims the Legal Representative for the Premises and Esra Oksuz, Premises Licence Holder and DPS.

In determining the review, the Sub Committee considered the options available as set out in the recommendations of the report and the Licensing Act 2003 and acknowledged that it was only able to take into account matters directly relevant to the licensing objectives in respect of the operation of the premises licence.

The Sub-Committee felt there was currently no proof that the premises cannot meet their licensing objectives.

The Sub-Committee was satisfied that the premises is currently operating within 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 issues associated with the premises in the future that undermine the licensing objectives.

It was noted that a further 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 undermined 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.

Right of appeal

An appeal against the review decision may be made to a Magistrates Court within 21 days of the appellant being notified of the Licensing Authority's determination on the review. An appeal may be made by the premises licence holder, the Chief Officer of Police and/or any interested person who made relevant representations.

Voting: Unanimous

Meeting adjourned at 11:40am and reconvened at 11:50am.

20. AFCB, Vitality Stadium, Kings Park, Bournemouth

Present:

From BCP Council:

Sarah Rogers – Senior Licensing Officer

Mary Almeida – Legal Advisor to the Sub-Committee

Sarah Culwick – Clerk to the Sub-Committee

Andrew Hill – Environmental Health Officer (No representation was made but attended to answer any questions)

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 B to these minutes in the Minute Book.

The Sub-Committee was asked to consider an application to vary the premises licence for the premises known as AFCB, Vitality Stadium, Kings Park, Bournemouth.

The Sub-Committee was advised that in response to the application 5 representations had been received from other persons on the grounds that to grant the application would undermine the prevention of public nuisance licensing objective, and that no representations had been received from any of the Responsible Authorities.

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

- Julia Palmer – Solicitor for the Applicant
- Liz Finney – AFCB Operations Director
- Paul Fudge – Head of Catering Operations and DPS
- Ian Reed – AFCB Safety Officer
- Graham Lord – Health and Safety Advisor for Boxxer
- James Lamb – on behalf of the Event Director for promoter Boxxer
- Councillor Lawrence Williams – also representing Sarah Dunning - objecting

The Chair confirmed that the Sub-Committee had received two supplementary documents from Julia Palmer, acting on behalf of the applicant, one on the 26 April 2023 and one on the 27 April 2023.

The Sub-Committee asked various questions of all parties present and were grateful for the responses received. In presenting their case the Solicitor for the Applicant advised that they were now seeking the addition of the licensable activity of boxing and wrestling limited to 1 event per annum (reduced from 4 events as originally requested).

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 to vary the premises licence held to permit the following: -**

- 1. The permanent inclusion in the licensed area of the external areas within the perimeter fence indicated by a red line on the plan accompanying this application. This will be for occasional temporary bars in particular and will include a permanent bar by the South Stand shown edged blue on the plan accompanying the application for the licensable activities of sale of alcohol. Plans are included in Appendix 1.**
- 2. The addition of the licensable activity of boxing and wrestling limited to 1 event per annum (reduced from 4 events as originally requested).**
- 3. The amendment of some conditions when major boxing or wrestling matches are being hosted as offered in Appendix 2 and subsequently updated in Appendix 3.**

#### Reasons 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 6, in particular the written representations made by the objectors, and the verbal submissions made at the hearing by Sarah Rogers, Senior Licensing Officer, Julia Palmer, the Legal Representative for the Applicant and Councillor Lawrence Williams, Ward member for Littledown and Iford.

The Sub-Committee was mindful that no representations had been received from any of the Responsible Authorities. In considering the objector's representation, the Sub Committee acknowledged that it was only able to take into account matters directly relevant to the licensing objectives in respect of the operation of the proposed premises licence.

The Sub-Committee was encouraged by the applicant's desire to engage and work with the local community to minimise any noise nuisance and public nuisance, within its control.

The Sub-Committee was satisfied that if the premises operate in accordance with both the conditions offered in the operating schedule of the application and as described at the hearing, that the varying of the

premises licence should not undermine the licensing objectives and as such the application to vary the premises licence should be allowed. 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 undermine the licensing objectives.

In making this decision the Sub-Committee had regard to the Thwaites case. There was no evidence before the Sub-Committee that use of the premises had resulted in Anti-Social Behaviour or that the requested variation would increase the likelihood of Anti-Social Behaviour. The Sub-Committee was mindful that no representations had been received from any of the Responsible Authorities.

Further 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.

Right of appeal

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.

Voting: Unanimous

The meeting ended at 1.10 pm

CHAIRMAN

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