

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 31 May 2023 at 10.00 am

Present:-

Cllr D A Flagg – Chairman

Present: Cllr G Farquhar and Cllr S Moore

1. Election of Chair

RESOLVED that Councillor D Flagg be elected Chair of the Sub-Committee for the duration of the meeting.

Voting: Unanimous

2. Apologies

No apologies for absence were received.

3. Declarations of Interests

There were no declarations of interest.

4. Late Night Store, 690-692 Christchurch Road, Bournemouth, BH7 6BY

Present:

From BCP Council:

Tania Jardim – Licensing Officer

Johanne McNamara – 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 to review the premises licence for the premises known as Late night Store, 690 – 692 Christchurch Road, Bournemouth BH7 6BY. The application had been submitted by Dorset Police on the grounds that the premises was repeatedly breaching their licence conditions, despite repeated attempts by Dorset Police to support and encourage compliance. Dorset Police no longer had confidence in the licence holder who was also the designated premises supervisor (DPS).

No other representations had been received from any of the other responsible authorities or any other persons. The Sub Committee was

advised that Mr David Ramsay had been instructed to represent the licence holder and that a new purchaser had been secured for the sale of the premises. At the time of writing the report, no further information was available.

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

- Sergeant Gareth Gosling and Louise Busfield, representing Dorset Police – the applicant
- Mr David Ramsay – Representing the Premises Licence Holder/DPS
- Mr Aras Dawd – Premises Licence Holder/DPS

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 having considered the application to review the premises licence for Late Night Stores, 690 – 692 Christchurch Road, Bournemouth BH7 6BY, Sub Committee has decided to revoke the premises licence on the grounds that the premises are not upholding the prevention of crime and disorder Licensing Objective.

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 evidence provided by Dorset Police in support of the application for review and the verbal submissions made at the hearing by Ms Louise Busfield and Sergeant Gareth Gosling on behalf of Dorset Police Licensing, by Mr David Ramsay, licensing representative for Mr Dawd , the Premises Licence Holder and by Mr Dawd himself and the responses to questions given at the hearing by all parties.

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 that the premises had failed to uphold the licensing objectives, that there had been persistent breaches of the license within a 12 month period one of which had been witnessed by the Police and the first breach being almost immediately after the Licence was granted, and that in light of this and that the premises had failed to act on advice provided and did not fully engage with Dorset Police to address issues that had arisen, the Sub-Committee felt that they had no confidence that the premises could promote the licensing objective of the prevention of crime and disorder.

The Sub-Committee heard from Mr Ramsay regarding a proposed sale of the business, but the Sub-Committee did not have sight of any official documentation nor did it receive any information either in writing or in person from the proposed purchaser. Mr Ramsay did not offer up an

alternative plan for the premises addressing the issues raised in the review should that sale not proceed. Aside from the proposed sale of the business Mr Ramsay made no further reference to the plan of the business or the PLH to the premises would promote the Licensing Objectives.

The Sub Committee shared the view of Dorset Police that none of the other available options would address the reasons for the review and that these options would not be appropriate in upholding the Licensing Objectives, as follows:

Leave the licence in its current state

The Sub Committee did not consider this to be a viable option due to the persistent breaches of the Licence and Mr Dawd's acceptance that he was out of his depth in managing Licence Premises.

Modification/addition of conditions of the premises licence:

No modification or addition of conditions were offered up by Mr Ramsay. It was acknowledgement by Mr Ramsay and Mr Dawd that Mr Dawd was out of his dept in managing Licenced Premises. Whilst reference was made to a possible sale of the business this did not address the issue of modification. It was further noted that Mr Dawd was both the DPS and the PLH and had ignored the current conditions of the Licence almost immediately after the Licence was granted and continued to breach the conditions even though the same had been pointed out to him a number of times. The Sub Committee did not consider that there were any conditions which could address the concerns raised.

Exclusion of a licensable activity from the scope of the licence

The Sub Committee noted that the exclusion of one or more licensable activities was not applicable in this case as it would not address the concerns raised in the review. It was further noted that Mr Dawd had previously breached the current licence conditions on a number occasions and the Sub-Committee had no confidence that any Licensing Activity would be adhered to.

The removal of the Designated Premises Supervisor from the licence:

Mr Ramsay did not suggest a replacement DPS as an alternative. It is also noted that Mr Dawd is both the DPS and the PLH. The premises operated under Mr Dawd has a history of persistent breaches of the current Licence. Removal of the DPS would still leave Mr Dawd as the PLH. The Sub-Committee felt that removal of the DPS would not address the issues raised in the review.

Suspension of the Licence:

The Sub Committee was not satisfied that suspending the licence would address concerns or promote the Licensing Objectives as it did not change those responsible for the management of the premises and the issues of crime and disorder and breaches of the Licence associated at the premises. The Sub-Committee heard from Mr Ramsay regarding a proposed sale of the business but the Sub-Committee did not have sight of any official documentation for this nor did it receive any information either in writing or in person from the proposed purchaser. Mr Ramsay did not offer

up an alternative plan for the premises should that sale not proceed. Aside from the proposed sale of the business Mr Ramsay made no further reference to the plan of the business or the PLH to ensure the premises would promote the Licensing Objectives. Suspended the Licence would not deal with the issues raised in the review.

In making this decision the Sub-Committee have had regard to the Bournemouth, Christchurch and Poole Council Licensing Policy, paragraphs 11.27 and 11.28 of the revised guidance, as set out by the Secretary of State and the licensing objectives, as set out in the Licensing Act 2003 and agreed that revocation of the Licence was a proportionate response to the issues raised in the review.

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 10.55am and reconvened at 11.10am

5. Poole Stadium, Wimborne Road, Poole, BH15 2BP

Present:

From BCP Council:

Tania Jardim – Licensing Officer

Johanne McNamara – 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 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 Poole Stadium, Wimborne Road, Poole BH15 2BP, to enable them to hold a maximum of three outdoor music events per year and drive in film events during weekends and holiday periods as detailed in the report.

The Sub-Committee was advised that in response to the application two representations had been received from other persons objecting on the grounds that granting the application would undermine the prevention of public nuisance licensing objective.

Further to this the Sub-Committee was advised that following mediation with Environmental Health, three conditions had been agreed as set out in paragraph 5 of the report.

The Sub-Committee was informed that one representation from an other person in support of the application had been received, and that BCP Planning department had confirmed that permission to vary a planning condition would be required to enable the variation to the licence to operate, if granted.

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

- Mr David Pheby – the applicant

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 to vary the premises licence for Poole Stadium, Wimborne Road, Poole BH15 2BP, to enable them to hold a maximum of three outdoor music events per year and drive in film events during weekends and holiday periods, be GRANTED, accordingly to permit the following activities which are already permitted indoors to take place outdoors subject to the conditions as set out below:

- 1. Films – Monday to Sunday 11:00 to 02:30 (soundtrack to be broadcast direct to vehicles and to finish at 23:00 – the applicant stated 02:30 on the application to reflect the times they are already permitted indoors)**
- 2. Live Music – Saturday 11:00 to 23:00**
- 3. Recorded Music – Monday to Saturday 11:00 to 23:00, Sunday 11:00 to 22:30**

Conditions agreed with Environmental Health for inclusion in the License:

- There will be a maximum of three music event days per calendar year (either live, recorded or a combination).
- Poole Stadium Ltd will notify the Environmental Health office no later than 56 days prior of the date of any music event.
- They will notify Environmental Health of who the appointed noise consultant is for the event and provide the first draft of the noise management plan no later than 21 days prior to the event being held.

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, including the written representations received from local residents, and the verbal submission and responses to questions given at the hearing by Mr David Pheby.

The Sub Committee noted that the applicant had demonstrated a willingness to negotiate with Environmental Health prior the hearing to agree additional conditions as set out above. It was also noted that Mr

Pheby had taken steps to contact the local residents to explain the proposals in more detail with a view to mediation.

The Sub-Committee also noted that there have been no concerns raised by BCP Council's Licensing Team in relation to the Premises current licence.

The Sub-Committee was satisfied that if the premises operated in accordance with the conditions offered in the operating schedule of the application and the conditions agreed through mediation with Environmental Health, that the premises 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 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 11.45 am

CHAIRMAN