

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 13 September 2023 at 10.00 am

Present: Cllr A Chapmanlaw, Cllr A Keddie and Cllr L Williams

21. Election of Chair

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

Voting: Unanimous

22. Apologies

None were received.

23. Declarations of Interests

There were no declarations made.

24. Protocol for Public Speaking at Virtual meetings

The protocol for public speaking at virtual meetings was noted.

25. Southbourne Post Office, 14 Southbourne Grove, Bournemouth BH6 3RW

Attendance:

From BCP Council:

Sarah Rogers – Senior Licensing Officer

Nananka Randle – Licensing Manager (observing)

Linda Cole – Legal Advisor to the Sub-Committee

Michelle Cutler – Clerk to the Sub-Committee

Sinead O’Callaghan – Democratic and Overview and Scrutiny Support Officer (observing for training purposes)

Ellie Barker – Work Placement (observing)

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 to grant a variation to the premises licence for the premises known as 'Southbourne Post Office', 14 Southbourne Grove, Bournemouth, BH6 3RW, to extend the terminal hour for off sales of alcohol on Monday to Saturday inclusive only.

The Licensing Authority had received a representation from Dorset Police and one other person on the grounds that to grant the application would undermine the prevention of crime and disorder, public safety and the prevention of public nuisance licensing objectives.

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

Mrs Cilem Altun – Applicant's wife and representative
Louise Busfield – Dorset Police Licensing Team (joined at 10:25)

Louise Busfield apologised to the Chair for being late to the meeting citing technical difficulties.

During the hearing, Mrs Altun offered a reduction in the terminal hour from 01:00 to 00:00hrs on Friday and Saturday. The Legal adviser reminded all parties that the premises was already licenced and was applying for a variation to extend the terminal hour for off sales of alcohol on Monday to Saturday inclusive by 1 hour.

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.

Decision

RESOLVED that the application to vary the premises licence for Southbourne Post Office, 14 Southbourne Grove, Bournemouth, BH6 3RW, to extend the terminal hour for off sales of alcohol on Monday to Thursday inclusive from 23:00hrs to 00:00hrs and on Friday and Saturday from 23:00hrs to 01:00hrs be granted, subject to the amendment to the application offered by the Applicant's wife and representative, Mrs Cilem Altun during the hearing that the terminal hour be 00:00hrs Monday to Saturday inclusive. The amended application is granted with the following conditions attached:

- **Images of the 'Beer Cave' recorded by the CCTV system must always be displayed on a monitor visible from the till, whenever the premises is open.**

- **The ‘Beer Cave’ must be locked from 21:00hrs daily.**

Reasons for Decision

The Sub-Committee considered all the information which had been submitted before the Hearing and contained in the report for Agenda Item 5, together with the verbal submissions made at the hearing by Mrs Cilem Altun, representing the Applicant, Mr Ibrahim Altun and Louise Busfield of Dorset Police. The Sub-Committee also considered the written representation of Ms Lucy Hart, objector, who did not attend the Hearing.

At the Hearing Dorset Police explained the areas of concern which led them to making a representation against the application on the grounds of the prevention of crime and disorder and public safety; namely the layout of the premises and specifically the situation of a display unit and that the alcohol was displayed within the ‘Beer Cave’, stopped there being a clear line of sight from the till that led to there being many ‘blind spots’ which would compromise the security of stock which would potentially become attractive to shoplifters and the safety of staff. Sarah Rogers, Senior Licensing Officer had clarified during the Hearing that there had been no change to the layout of the premises and that there was no requirement for the applicant to submit new plans when applying for a variation of licence to extend the terminal hour for off sales.

The Sub-Committee noted that Mrs Altun appeared confident in the running of the premises and were advised that they had 15 years’ experience running similar businesses. She appeared to be aware of the challenges posed by shoplifters and was passionate that the business be managed responsibly and in a way that would prevent crime. She was of the view that placing the wine and beer within the separate ‘Beer Cave’ reduced the opportunity for theft of alcohol, as it gave them more control and confirmed that all areas of the premises were covered by the CCTV system and could be instantly seen by anyone operating the system from the raised till point. The Sub-Committee was content that she understood and would strive to uphold the 4 licensing objectives.

The Sub-Committee noted that there was no evidence of crime, anti-social behaviour or cause for concern raised by the Police since Mr Altun took over the licence in August 2021. Louise Busfield had also commented during the Hearing that Mr and Mrs Altun were responsible operators of the Premises and were open to Police advice.

The Sub-Committee accepted Mrs Altun’s offer of a reduction in the terminal hour requested on Friday and Saturday from 01:00hrs to 12:00hrs and agreed that the amendment to the terminal hour was deemed to be a positive step in promoting the licensing objectives.

Louise Busfield, Dorset Police, had advised during the Hearing that the CCTV provisions at the premises were comprehensive. The Sub-Committee felt that by adding a condition to the licence that CCTV

recordings of the 'Beer Cave' must always be shown on a monitor whenever the premises was open would help to mitigate the concerns raised by Dorset Police. In addition, Mrs Altun had advised that the 'Beer Cave' could be locked at any time it was thought necessary and was always locked from 21:00hrs daily. The Sub-Committee felt that this was also a deterrent to shoplifters and by making this a condition of the licence would promote the licensing objectives.

The Sub-Committee was satisfied that if the premises operated in accordance with these conditions 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.

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

26. 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.

27. Consider the suitability of an applicant to become a licensed driver

This item was restricted by virtue of paragraphs 1 and 2 of Schedule 12A of the Local Government Act 1972.

Exempt information – Categories 1 (information relating to any individual) and 2 (information which is likely to reveal the identity of an individual).

Attendance:

From BCP Council:

Nananka Randle – Licensing Manager

Sally Martin – Licensing Officer
Linda Cole – Legal Advisor to the Sub-Committee
Michelle Cutler – Clerk to the Sub-Committee
Sinead O’Callaghan – Democratic and Overview and Scrutiny Support Officer (observing for training purposes)
Ellie Barker – Work Placement (observing)

The applicant was also in attendance, accompanied by his father.

The Chair made introductions and explained the procedure to be followed in considering this item, which was agreed by all participating parties.

The Licensing Officer presented a report, a copy of which had been circulated to each Member and appears as Appendix 'A' to these Minutes in the Minute Book.

The Sub-Committee was asked to determine whether the applicant was considered a ‘fit and proper’ person to hold a Hackney Carriage and/or Private Hire driver’s licence.

The applicant and his father addressed the Sub-Committee to present his case.

The Sub-Committee asked various questions of all parties present and was grateful for the responses received.

All parties were invited to sum up before the Sub-Committee retired to make its decision. Before concluding the Hearing, the Council’s Legal Advisor advised all parties of the right of appeal.

Decision

RESOLVED that the Sub Committee finds that the applicant is a ‘fit and proper’ person and are satisfied that he can continue with the application process to become a licenced driver.

Reason for Decision:

The Sub-Committee considered all the information which had been submitted before the hearing and contained in the Licensing Officer’s report for Agenda Item 7, the verbal submissions made at the Hearing by the applicant and his father, who attended to support him, and particularly the responses provided by the applicant to questions from the Sub-Committee.

In considering the test of a ‘fit and proper person’, the Sub-Committee also had regard to the BCP Council Hackney Carriage and Private Hire Driver Policy 2021 - 2025, the provisions of the Local Government (Miscellaneous Provisions) Act 1976, the Institute of Licensing (IOL) Guidance on determining the suitability of applicants and licensees in the hackney and

private hire trades (2018) and the guidance within the Department of Transport Statutory Taxi and Private Hire Vehicle Standards (July 2020).

The Sub-Committee noted appendix C of the BCP Council Hackney Carriage and Private Hire Driver Policy 2021 – 2025 which sets out that where an applicant has a conviction for an offence of violence, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

After consideration of all the circumstances of the case, the Sub Committee were satisfied that the applicant is a 'fit and proper person' and should be able to continue with his application to become a licensed Hackney Carriage/Private Hire driver.

The Sub-Committee advised the applicant that being a taxi driver for the BCP area was a huge responsibility and that if his application was successful, he would become an ambassador for the BCP Council area. The Licensing Committee expect all drivers to always display exemplary and professional behaviour.

The meeting ended at 12.16 pm

CHAIRMAN