

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

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

Present:-

– Chairman

– Vice-Chairman

Present: Cllr B Castle, Cllr A Filer and Cllr D A Flagg

Officers in attendance: Ellie King- Licensing Officer
Mary Almeida- Legal Adviser to the Sub-Committee
Claire Johnston- Clerk to the Sub-Committee
Sinead O’Callaghan – Democratic and Overview and Scrutiny
Support Officer (observing for training purposes)

28. Election of Chair

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

Voting: Unanimous

29. Apologies

None were received

30. Declarations of Interests

There were no declarations made.

31. Application to Vary Premises Licence at 4 The Triangle, Bournemouth, BH2 5RY

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 has 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 license for the premises known as ‘The Vibe’, 4 The Triangle, Bournemouth, BH2 5RY, to bring forward the opening hours to 18.00 hours and to increase the licensable hours for both live and

recorded music, the performance of dance and the sale of alcohol between 18.00 and 21.00 hours. The application also seeks to replace condition 3.3 imposed by the Licensing Authority to amend the number and timings of when SIA door staff are required.

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

Mr David Crank- Solicitor, DWF Law, representing the Applicant.
Mr Mouhana- Applicant's and DPS
John Bean- Dorset Police

Exclusion of Press and Public

Under Section 14 (2) of the Licensing Act 2003 (Hearings) Regulations 2005 and 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, 2 and 7 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.

The Licensing Authority had received a representation from Dorset Police that to grant the application would undermine the Prevention of Crime and Disorder and Public Safety Licensing objectives.

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 to permit the following be allowed subject to one condition imposed by the Sub-Committee:-

- 1. To open earlier at 18.00 hours and to increase the licensable hours for both live and recorded music, the performance of dance and the supply of alcohol (on sales) between 18.00 hours and 21.00 hours.**
- 2. To replace condition 3.3 imposed by the Licensing Authority to amend the number and timings of when SIA door staff are required as follows:-**
 - From 22:00 hrs a minimum of 3 SIA registered door staff shall be deployed on Friday, Saturday and Bank Holiday Sundays and a minimum of 2 SIA registered door staff shall be deployed on Monday, Tuesday, Wednesday, Thursday, and non-Bank Holiday Sundays until 30 minutes after all customers have left the premises. The DPS and holder of the premises licence shall continually risk assess to determine whether additional measures are necessary in relation to the number of SIA door supervisors at the premises especially at weekends or during special events in the town. This will be done in**

consultation with officers of Dorset Police. A risk assessment document covering these matters will be kept on the premises.

The condition imposed by the Sub-Committee is that from 18:00 hrs to 22:00 hrs a minimum of 1 SIA registered door staff shall be deployed at the premises on all days of the week. The DPS and holder of the premises licence shall continually risk assess to determine whether additional measures are necessary in relation to the number of SIA door supervisors at the premises during this time, especially at weekends or during special events in the town. This will be done in consultation with officers of Dorset Police. A risk assessment document covering these matters will be kept on the premises.

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, including the additional information from both the applicant and police contained within the supplementary papers.

The Sub-Committee also considered the verbal submissions made by Ellie King, Licensing Officer, David Crank, Solicitor for the applicant, Mr Mouhana, for the applicant and John Bean of Dorset Police.

At the Hearing Dorset Police explained that they were opposing the application on the grounds of the prevention of crime and disorder and public safety. They were particularly concerned that the premises had only been opened for a short time before the application to vary had been made. Further they explained that the number of SIA required on the original licence had been offered by the applicants when applying for the licence. The police were of the opinion that the premises had not been opened for a sufficient period of time to determine what problems may occur.

The Sub-Committee noted that the premises had only been operating for a short amount of time, but that the applicant had engaged with Pub Watch and Dorset Police and appeared to be operating the premises in accordance with the licence conditions and under strict management. Further, it was noted that the applicant had advised that the CCTV operating at the premises had not shown any problems.

Although Mr Mouhana had not held a similar premises licence before it did not appear that the previous issues experienced at the premises had reoccurred in the time in which it had been open. The Sub-Committee observed that there was no evidence of crime or anti-social behaviour raised by the Police since the premises had reopened in July 2023.

Notwithstanding the fact that the previous requirements for door staff were offered by the applicant at the time of application, the Sub-Committee considered that the numbers did appear to be excessive for the occupation size of the premises regardless of whether it was particularly busy at present. Whilst it was mentioned that the proposed condition would allow for similar numbers of door staff as at other premises operating in the immediate vicinity the Sub-Committee looked at the application on its own merits and did not compare this application with other premises

However, as the premises had only been operating for a very short amount of time the Sub-Committee were aware that demand at the premises may increase as students returned to the area and particularly as the party season got underway. The premises had also not yet operated at all at the earlier time proposed by the applicant. Therefore, the Sub-Committee proposed the condition that at least one SIA registered door staff should be present during the earlier opening period.

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 undermined the licensing objectives. Further the applicant could also seek to vary the licence should they feel it necessary.

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 Sub-Committee also took into account the Police knowledge of the local area and conditions surrounding the premises in reaching its decision.

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 11.02 am

CHAIRMAN