

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

Minutes of the Meeting held on 11 October 2023 at 10.00 am

Present: Cllr E Harman, Cllr P Hilliard and Cllr S Moore

32. Election of Chair

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

Voting: Unanimous

33. Apologies

None were received.

34. Declarations of Interests

There were no declarations made.

35. Application to Vary the Premises Licence at Abracadabra, 3 High Street, Christchurch, BH23 1AB

Attendance:

From BCP Council:

Ellie King- Licensing Officer (attended remotely)

Linda Cole - Legal Adviser to the Sub-Committee

Michelle Cutler - Clerk to the Sub-Committee

Cllr Dower – member of the Licensing Committee (observing for training purposes)

Cllr Richardson – member of the Licensing Committee (observing for training purposes)

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

Rebekah Rhodes - Democratic and Overview and Scrutiny Support Officer (observing for training purposes)

The Chair made introductions and explained the procedure for the hearing which was agreed by all parties. The Chair confirmed with all parties present that they had received the supplementary evidence submitted by

Dorset Police. Dorset Police confirmed that its supplementary evidence was a public document.

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 vary the premises licence for the premises known as 'Abracadabra', 3 High Street, Christchurch, BH23 1AB.

The application sought to increase licensable hours for the supply of alcohol (off sales). It was proposed that the terminal hour for the supply of alcohol be extended from 23:00 to 02:00 on every day of the week. The application also sought to remove the following conditions:

2.1 All staff shall be trained to a competent level including licensing law, drug awareness and shall be trained to Level 2 Award in Conflict Management.

2.3 The premises shall actively participate in any local Town Watch initiative.

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

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

Mrs June Clarke – Licensing Consultant, representing the Applicant  
(attended in place of Mr Tony Clarke)

Yunis Mohammad - Applicant

Vanessa Rosales - Dorset Police

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 the premises known as 'Abracadabra', 3 High Street, Christchurch, BH23 1AB, to extend the terminal hour for off sales of alcohol daily from 23:00hrs to 02:00hrs be REFUSED and that conditions 2.1 and 2.3 be amended to read as follows:**

**2.1 All staff working at the premises concerned with the sale of alcohol shall be trained with regard to the law on restricted sales (to persons under the age of 18 and/or who are intoxicated), conflict management and with regard to the terms**

**and conditions of the premises licence. A written record of all staff training shall be maintained and kept on the premises and made available on request to an authorised officer of the Council or the Police.**

**2.3 The premises shall actively participate in any local Town Watch initiative, which is operational.**

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 June Clarke, JMC Licensing Consultant, representing the Applicant, Mr Yunis Mohammad, and Louise Busfield, of Dorset Police, objecting.

The Sub-Committee is of the view that Mr Mohammad, exercised little due diligence, when he took over the premises, they were advised by Mrs Clark, that the business was bought quickly and cheaply in a fire sale, that he left an untrained friend, Mr Merchant, in charge of the premises whilst he went to the cash and carry on the 8 August 2023 and that he bought vapes which were later identified as illegal stock from a man from Birmingham driving by in a car outside the premises.

The Sub-Committee currently have no confidence in Mr Mohammad's ability to uphold the licensing objective of the prevention of crime and disorder evidenced by his lack of understanding regarding his purchase of illegal vapes and his lack of awareness and confusion when asked questions regarding alcohol strength and off-sales.

The Sub-Committee were advised and accept that Mr Mohammad had recently undergone some training, including the level 2 award in conflict management and it was always open to him to approach JMC Licensing for further support. They acknowledged that licensing law can be complex, but they were not confident he was aware and would seek that necessary support required to promote the licensing objectives.

The Sub-Committee noted the representation of Dorset Police supported by trading standards and were very concerned that both were still receiving intelligence about under-age sales.

The Sub-Committee noted the submissions made by Mrs Clark regarding the joint visit and the alleged breaches of licensing conditions identified by Dorset Police on the 8 August 2023. They listened to the response made by Dorset Police and were satisfied that Dorset Police were aware of the conditions that were attached to the licence at that time. It appears that Mr Merchant, who Mr Mohammad had left in charge at the time of the visit may not have accurately reported back to Mr Mohammad details of the visit. The Sub-Committee were satisfied that Dorset Police had tried to explore the breaches identified with Mr Merchant, but he was unable to assist, probably as he told the Police at the time of the visit, because he was not trained.

They were disappointed that Mr Mohammad had not responded to Dorset Police during or after the visit made to the premises on the 8 August 2023 or on receipt of the letter from Sgt Gosling dated 21 August as Dorset Police offer support and engage with businesses and try to work in partnership with them to promote the licensing objectives, particularly the prevention of crime and disorder.

The Sub-Committee accepted Mr Mohammad may have good intentions and want to run the business responsibly but currently the sub-committee are not convinced he has enough experience and understanding of licensing law to do this. The premises are already licensed and open until 23:00 hrs daily. Operations later at night can be more challenging as customers leave other licensed premises and the sub-committee were of the view that it was not appropriate at this time to extend the opening hours as this could further risk undermining the licensing objectives. They felt the application was poor and noted nothing was set out in section M about any additional steps that Mr Mohammad intended to take to promote the licensing objectives for example there appeared to be no proper plan of how the shop will be staffed during the additional hours.

The sub-committee were encouraged to hear that Mr Mohammad was happy to work with Dorset Police and strongly advise that he do engage and work with Dorset Police to ensure compliance with the conditions on his licence and run his premises responsibly and to a high standard.

The Sub-Committee considered it proportionate to amend condition 2.1 and remove the need for staff to undertake a formal level 2 qualification in conflict management to reduce costs for this small premises, but considered it was necessary for all staff to be trained in restricted sales, conflict management and about the terms and conditions of the premises licence so the licensing objectives are not undermined. Regarding condition 2.3 the Sub-Committee felt that Town Watch offered excellent support to any new local business so if such an initiative was operational in the area, then to assist Mr Mohammad, he should engage.

In making this decision the Sub-Committee have had regard to the Bournemouth, Christchurch and Poole Council Statement of Licensing Policy, the revised Statutory guidance issued under s182 of the 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.

Voting: Unanimous

The meeting ended at 11.37 am

CHAIRMAN

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