

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

Minutes of the Meeting held on 31 January 2024 at 10.15 am

Present: Cllr B Castle, Cllr S Moore and Cllr L Williams

95. Election of Chair

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

Voting: Unanimous

96. Apologies

No apologies for absence were received.

97. Declarations of Interests

There were no declarations of interest.

98. Protocol for Public Speaking at Licensing Hearings

The protocol for public speaking was noted.

99. Review of Abracadabra, 3 High Street, Christchurch, BH23 1AB

Attendance:

BCP Council:

Cllr Chapmanlaw – Observing for training purposes (attending remotely)

Tania Jardim – Licensing Officer

Johanne McNamara – Legal Advisor to the Sub-Committee

Michelle Cutler – 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 the 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 for a review of the premises licence for the premises known as 'Abracadabra', 3 High Street, Christchurch, BH23 1AB. The application for

review had been submitted by Dorset Police as a result of the premises breaching their licence conditions, despite repeated attempts by Dorset Police and other Responsible Authorities to support and encourage compliance. The application related to the prevention of crime and disorder, public safety, and the protection of children from harm licensing objectives.

A supplementary pack of information had been submitted on behalf of the applicant after the report was published, a copy of which had been circulated and which appears as Appendix B to these minutes in the Minute Book.

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

Sargeant Gareth Gosling, Dorset Police, the applicant  
Ms Louise Busfield – Dorset Police, observing  
June Clarke - JMC Licensing Consultants, representing the premises  
Mr Yunis Mohammad – Premises Licence Holder  
Ms Holly Gooding – Mr Mohammad’s witness and partner

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.

During the hearing the Sub-Committee went into an exempt session. The Sub-Committee passed the following resolution:

**Resolved that 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 item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Part I of Schedule 12A of the Act and the public interest in withholding the information outweighs such interest in disclosing the information.**

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).

The Sub-Committee went back into public session. 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 the premises known as ‘Abracadabra’, 3 High Street, Christchurch. BH23 1AB, the Sub-Committee has decided to revoke the premises licence on the grounds that the premises are not upholding the prevention of crime and disorder, public safety, and the protection of children from harm 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 evidence provided by Dorset Police in support of the application for review and the verbal submissions made at the hearing by Sergeant Gareth Gosling on behalf of Dorset Police Licensing, by Mrs June Clarke, licensing representative for Mr Yunis Mohammad , the Premises Licence Holder, by Mr Yunis Mohammad himself and Ms Holly Gooding, witness, 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 licence since May 2023 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 objectives of the prevention of crime and disorder, public safety and the prevention of children from harm.

The Sub-Committee heard from Mrs Clarke that Ms Holly Gooding, Mr Mohammad's partner, had offered to take over as the Designated Premises Supervisor. Ms Gooding confirmed she would be happy to do this as Mr Mohammad struggled with the legal side of licensing due to a language barrier. The Sub-Committee did not think this would address the issues raised in the review as removing Mr Mohammad as the DPS would still leave him as the Premises Licence Holder and Ms Gooding had not received the training required to be a DPS.

The Sub-Committee was particularly concerned that Mr Mohammad was unable to list the four licensing objectives when requested to do so.

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.**

In considering the evidence, representations and verbal submissions made during the hearing by all parties, the Licensing Sub-Committee agreed that taking no action would not be a sufficient response to ensure that the licensing objectives are upheld due to the persistent breaches of the

Licence and Mr Mohammad's acceptance that he struggled with the legalities of licensing due to a language barrier.

The Sub-Committee share the view of Dorset Police that the premises continues to undermine the licensing objectives. The concerns identified by Dorset Police and those highlighted by partner agencies and the public demonstrate that taking no action is not an appropriate determination following this hearing.

**Modification/addition of conditions of the premises licence:**

No modification or addition of conditions were offered up by Mrs Clarke and the Sub-Committee did not consider that there were any conditions which could address the concerns raised. The Licensing Sub-Committee agreed that there have been persistent breaches of the current licence and noted it had been stated that Mr Mohammad struggled with the legal side of licensing.

**Exclusion of a licensable activity from the scope of the licence**

The Sub-Committee noted that the exclusion of the licensable activity from the premises licence was unlikely to reduce the likelihood of the licensing objectives being undermined. If no licensable activities were taking place the premises could remain operational as a convenience store but many of the concerns highlighted by Dorset Police would remain.

**The removal of the Designated Premises Supervisor from the licence:**

The Sub-Committee acknowledged Mrs Clarke's offer to replace Mr Mohammad as the DPS with Ms Holly Gooding, however, Ms Gooding had not received the appropriate training. The Sub-Committee noted that Mr Mohammad is both the DPS and the PLH. The premises operated under Mr Mohammad has a history of persistent breaches of the current Licence. Removal of the DPS would still leave Mr Mohammad 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 considered the suspension of the premises licence to allow a new DPS to be trained but agreed that the issues and concerns raised by Dorset Police and the responses given by Mr Mohammad during the hearing did not provide them with confidence that the licensing objectives would be met under any circumstances. The Licensing 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. Once again, the Licensing Sub-Committee noted concerns that it was stated that Mr Mohammad struggled with the legal side of licensing.

The Sub-Committee agreed that the only suitable outcome was to revoke the premises licence due to Mr Mohammad's lack of understanding of the 4 licensing objectives and his failure to engage with Dorset Police to promote the licensing objectives. In addition, the Sub-Committee had concerns

about the persistent breaches noted during the visits in August and October 2023.

The Sub-Committee accepts that Dorset Police have identified and continue to receive reports of concerns associated with this premises and that no further engagement tools are available to Dorset Police that will support the management of this premises to improve their operating practices to enable compliance.

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.

100. Highcliffe Sports and Social Club, 387 Lymington Road, Christchurch BH23 5EG.

Attendance:

BCP Council:

Cllr Chapmanlaw – Observing for training purposes (attending remotely)

Sarah Rogers – Senior Licensing Officer

Tania Jardim – Licensing Officer

Johanne McNamara – Legal Advisor to the Sub-Committee

Michelle Cutler – Clerk to the Sub-Committee

The Chair made introductions and explained the procedure for the hearing, which was agreed by all parties.

The Senior Licensing Officer presented the 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 for a review of the club premises certificate for the premises known as 'Highcliffe Sports and Social Club', 387 Lymington Road, Christchurch, BH23 5EG. The application had been submitted by Dorset Police on the grounds that they believed the premises were not adhering to the requirements of the Licensing Act 2003 and not promoting the prevention of crime and disorder and public safety licensing objectives.

A supplementary pack of information had been submitted on behalf of the applicant after the report was published, a copy of which had been circulated and which appears as Appendix B to these minutes in the Minute Book.

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

Sargeant Gareth Gosling, Dorset Police, the applicant  
Ms Louise Busfield – Dorset Police, the applicant  
Mr Donne - Licensing Consultant, representing the premises  
Jenny Share – Club Secretary  
Mary White – Club Manager

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.

During the hearing the Sub-Committee went into an exempt session. The Sub-Committee passed the following resolution:

**Resolved that 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 item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Part I of Schedule 12A of the Act and the public interest in withholding the information outweighs such interest in disclosing the information.**

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).

The Sub-Committee went back into public session. 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 Club Premises Certificate for the premises known as 'Highcliffe Sports and Social Club', 387 Lymington Road, Christchurch, BH23 5EG, the Sub-Committee has decided to modify the conditions of the licence as proposed by the premises, following mediation with Dorset Police, as follows:**

**1. LICENSING OBJECTIVES**

1.1 All members of staff working in the bar and restaurant area will be trained in how to promote the four licensing objectives.

## 2. CCTV

- 2.1 The premises shall install and maintain a digital CCTV.
- 2.2 All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
- 2.3 The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises.
- 2.4 All recordings shall be stored for a minimum period of 31 days with date and time stamping.
- 2.5 A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open.
- 2.6 Viewing of recordings shall be made available immediately upon the request of Police or authorised Council officer throughout the entire 31 day period.
- 2.7 This staff member must be able to provide a Police or authorised Council officer copies of recent CCTV images or data within seventy-two hours of a request in writing.

## 3. INCIDENT REPORTS

- 3.1 An incident log shall be kept at the premises and made available on request to an authorised officer of the Council or the Police.
- 3.2 Incident reports must be completed prior to a member of staff or responsible person completing their duty on that day and will record the following:
  - (a) all crimes reported to the venue.
  - (b) all ejections of patrons.
  - (c) any complaints received concerning crime and disorder.
  - (d) any incidents of disorder.
  - (e) all seizures of drugs or offensive weapons.
  - (f) any faults in the CCTV system, searching equipment or scanning equipment.
  - (g) any refusal of the sale of alcohol.
  - (h) any visit by a relevant authority or emergency service.

## 4. STAFF TRAINING

- 4.1 Staff shall receive accredited training from BCP Council's Trading Standards

Department through South West Trading Standards on:

- (a) The premises age verification policy.
- (b) The law relating to underage sales.
- (c) The procedure for validating documents produced as proof of age.
- (d) Proxy purchasing.
- (e) The Standard Operating Procedures for the seizures of drugs and weapons.
- (f) Staff shall be trained in conflict management and refusals of sale.
- (g) Their training will be recorded and kept on record for a period of twelve months and will be available for inspection on request from a police officer constable or a proper officer from the Council. Training records must

also be available for authorised persons, including Police Licensing Officers.

(h) Refresher training for front of house staff will be provided every six months.

(i) The Challenge 25 scheme must be promoted at the venue.

## 5. RISK ASSESSMENTS

5.1 There shall be risk assessments for Health and Safety in place and reviewed annually or sooner if required.

5.2 There should be a First Aid nominated person present for any function outside the usual operating schedule.

5.3 A written risk assessment must be conducted as to the necessity for SIA Door Supervision for functions outside the usual operating schedule or for specific events, such as festivals, televised sporting events or similar such events that are likely to attract a large attendance.

5.4 All risk assessments must be available for a period of at least 6 months.

## 6. NOISE PREVENTION

6.1 No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

6.2 Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses, and to leave the area quietly.

6.3 Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.

## 7. CHALLENGE 25

7.1 A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised holographic photograph identification cards:

(a) driving licence

(b) passport

(c) proof of age card with the PASS Hologram

(d) Staff shall be trained in the five point and FLARE checklist to identify fraudulent cards.

(e) Staff training on checking proof of age procedures will be recorded and kept on file.

## 8. REFUSALS LOG

8.1 A record shall be kept detailing all refused sales of alcohol and shall include the date and time of the refused sale and the name of the staff member who refused the sale.

8.2 The record shall be available for inspection at the premises by the police or an authorised officer of the Council at all times whilst the premises is open.

In addition, the following conditions proposed by Dorset Police and accepted by the premises:



9. There must be one dedicated member of staff for each room that is being used for licensable activities.
10. Maintenance of a secure and auditable signing method for members and bona fide guests to enter the premises.
11. There must be CCTV coverage for all areas that are licensed within the outline of the plan.
12. There must be a documented log to ensure that there is CCTV recorded for a continuous 31-day period.
13. All glass vessels remain inside the premises for the purpose of maintaining public safety.

#### 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 application for review made by Dorset Police, the evidence submitted by Mr Bill Donne, licensing representative for Highcliffe Sports and Social Club and the verbal submissions made at the hearing by Ms Louise Busfield and Sergeant Gareth Gosling on behalf of Dorset Police and by Mr Donne, on behalf of the Club Secretary and the Club Manager of Highcliffe Sports and Social Club, 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 acknowledged that mediation had taken place between Mr Donne and Dorset Police and that several appropriate and proportionate conditions had been offered by Mr Donne and Dorset Police.

The Sub-Committee welcomed a specific condition proposed by Dorset Police requiring that the Challenge 25 scheme is promoted at the venue to ensure that all staff are protecting children from harm. The Sub-Committee also agreed with Dorset Police that the Club should have one dedicated member of staff for each room that is being used for licensable activities. This would act as an additional safeguard and would ensure that there is adequate supervision of all areas being utilised for licensable activities.

The Sub-Committee acknowledged the concerns raised by Dorset Police regarding the faulty door at the Club entrance but were assured by the Club Secretary that this had now been rectified and there was now a secure method of ensuring control over the attendance of the club in order for management to comply with the requirements of a Club Premises Certificate.

The Sub-Committee felt that if these conditions were applied to the licence and were abided by, that the licensing objectives would be upheld,

particularly in relation to the prevention of crime and disorder and protection of children from harm licensing objectives.

The Sub-Committee was assured by Dorset Police that they would continue to support and engage with the Club to ensure compliance to uphold the licensing objectives and they strongly encouraged the Club to work with the Police to achieve this.

The Sub-Committee agreed 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 Certificate in its current state.**

The Sub-Committee did not consider this to be a viable option as the current conditions were somewhat lax, as agreed by Mr Donne.

**Exclusion of a licensable activity from the scope of the Certificate**

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.

**Suspension of the Certificate:**

The Sub-Committee was not satisfied that suspending the Certificate would address concerns or promote the Licensing Objectives and the issues of crime and disorder associated with the premises. Any temporary suspension of this Club Premises Certificate was unlikely to result in any substantial improvement to the concerns highlighted in the review application.

**Revoke the Certificate:**

The Sub-Committee was satisfied that the Club Premises Certificate did not need to be revoked in light of the new conditions being attached to it, and would if adhered to, allow the premises to uphold the 4 licensing objectives.

It was noted that a further review of the Club Premises Certificate could be applied for at any time by a Responsible Authority or any other person should there be any issues associated with the premises that again 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**

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.

The meeting ended at 1.55 pm

CHAIRMAN

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