

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 16 July 2024 at 10.00 am

Present:-

Cllr D A Flagg – Chair

Present: Cllr D A Flagg, Cllr E Harman and Cllr S Moore

Also in attendance: Cllr J Richardson (reserve member), observing

26. Election of Chair

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

27. Apologies

Apologies were received from Cllr A Filer. Cllr E Harman as first reserve stepped up to be a member of the sub committee.

28. Declarations of Interests

There were no declarations of interest.

29. Protocol for Public Speaking at Licensing Hearings

The protocol was circulated with the agenda sheet for noting.

30. Easy Tiger, 27 The Triangle, Bournemouth, BH2 5SE

BCP Council:

Sarah Rogers – Principal Licensing Officer – Senior Licensing Officer

Johanne McNamara – Legal Advisor to the Sub-Committee

Jill Holyoake – Clerk to the Sub-Committee

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

The Principal 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 the renewal of the Sex Establishment Licence for the premises known as 'Easy Tiger', 27 The Triangle, Bournemouth, BH2 5SE, to permit the premises to trade as a sex shop for a further twelve-month period.

As a result of the consultation one objection had been received against the renewal of the licence. A copy of the objection was included with the report, together with the applicant's mediation letters and a business and customer petition in support of the application. 56 letters of support had been received these were also appended to the report.

It was confirmed that there had been no representations received from any of the responsible authorities.

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

- Mr Jonathan Spencer – licence holder and proprietor
- Mrs Susan Stockwell – Objector

The Sub Committee asked various questions of all parties present and were grateful for the responses received. All parties were invited to sum up before the Sub-Committee retired to make its decision.

RESOLVED that the application to renew the Sex Establishment Licence for the premises known as 'Easy Tiger', 27 The Triangle, Bournemouth, BH2 5SE, to permit the premises to trade as a sex shop for a further twelve-month period, be GRANTED.

Reason for Decision:

The Sub-Committee considered in detail all the information which had been submitted before the hearing, including the Principal Licensing Officer's report, the written submissions of the objector, Susan Stockwell, and the written submissions of the applicant, Jonathan Spencer. The Sub-Committee also considered the verbal submissions made by all parties at the hearing and was grateful to all parties for their responses to questions.

In making its decision the Sub-Committee had regard to the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and the available grounds for refusing the application contained within paragraph 12 of that schedule. The Sub Committee was unable to find sufficient evidence in the objector's submission to support a refusal on any of the available grounds.

The Sub-Committee noted that the premises has traded as a sex shop at its current location for 15 years under the current ownership and a further 9 years before that at another location in the Triangle. The Principal Licensing Officer confirmed that one complaint had been received in relation to the premises, this was from the objector in April 2024, regarding the use of wording relating to a female sex organ in a window display. Following contact with the Licensing Authority this had been removed from the advertising display. The objection had also cited various apparent breaches of the licence in questioning the suitability of the applicant. The Principal Licensing Officer confirmed that there were no other breaches recorded by the Licensing Authority.

The Sub-Committee noted the points raised in the objection regarding the location of the premises in an area of regeneration near a library and bus stops, both accessible to children, and her views on the use of the area by certain groups (pregnant women, women breastfeeding, women with small children and children themselves) and the impact the proximity of the premises would have on them, including the risk of harassment, particularly by intoxicated individuals. The Sub Committee noted the detailed responses provided by the applicant in respect of his premises' location and customers in his written submissions, including in his letters of mediation to the objection.

The Sub-Committee did not consider that there had been a material change in the locality since the licence was renewed last year or that there were sufficient grounds based on the character of the locality to refuse the application.

The Sub-Committee was mindful that Dorset Police had not made any observations on or objection to the application and agreed that that if the Police had concerns about the premises and its effect on crime and disorder in the vicinity, they would have voiced these concerns.

The Sub Committee noted the points raised by the applicant in terms of his premises being a valuable addition to the local community, collectively supporting local businesses and promoting the upkeep and regeneration of The Triangle area. It was noted that the application was accompanied by petitions of support signed by 17 local businesses and 172 customers. In addition, 56 letters of support were received from customers and members of the local community.

Public Sector Equality Duty

In considering the application, and in coming to its decision, the Sub-Committee had regard to the need to eliminate discrimination, foster good relations, and advance equality of opportunity between those with a protected characteristic, and those without. In his written submissions the applicant had explained that the premises was frequented by approximately 50% females and provided for the LGBTQ community.

The Sub-Committee determined that some of the points raised in the objections were not grounds contained in paragraph 12 of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 on which the application can be refused.

After full consideration of the objections raised, the case of *R. v Newcastle Upon Tyne City Council Ex p. The Christian Institute* 2000 which the Objector referred to in her written objections, the grounds set out in paragraph 12 of schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and the Equality Act 2010 the Sub Committee did not

feel there was any basis to refuse the application and therefore resolved to grant it.

Right of Appeal

If the application for renewal is refused on relevant grounds the applicant may appeal the decision to the Magistrates' Court within 21 days of the date of this letter.

If however, if the application was refused under Schedule 3, paragraph 12 (3) (c) or (d) of the Local Government (Miscellaneous Provisions) Act 1982, any challenge must be by way of Judicial Review.

If any objector to the application wants to challenge the decision they can do so by way of Judicial Review.

31. 561 Christchurch Road, Boscombe, Bournemouth, BH1 4AH

Attendance:

BCP Council:

Tania Jardim – Licensing Officer

Johanne McNamara – Legal Advisor to the Sub-Committee

Jill Holyoake – 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 new premises licence for 561 Christchurch Road, Bournemouth, BH1 4AH, to permit Late Night Refreshment Friday and Saturday 23:00 to 02:00 and the Supply of Alcohol (off sales only) on Sunday to Thursday 06:00hrs to 23:00hrs and Friday and Saturday 06:00hrs to 02:00hrs.

The application had resulted in ten representations from Other Persons on the grounds that the licence if granted would undermine the prevention of crime and disorder, prevention of public nuisance, public safety and protection of children from harm licensing objectives. Dorset Police had also made a representation under the prevention of crime and disorder and public safety licensing objectives but had subsequently withdrawn their representation having agreed conditions with the applicant through mediation. A copy of the proposed conditions had been circulated and appears as Appendix B to these minutes in the Minute Book.

Prior to the hearing the applicant's representative submitted supplementary information questioning the validity of some of the representations received. A copy of this submission had been circulated and appears as Appendix C 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 written submissions:

Applicant:

Gill Sherratt – Applicant's representative

Thyagaraju Sankarapu – Applicant

Other Persons:

Martha Covell, BCP Bournemouth Towns Fund Programme Manager on behalf of Better Boscombe Regeneration Hub
Lee Hall

The Sub Committee asked various questions and were grateful for the responses received. All parties were given the opportunity to ask questions and were invited to sum up before the Sub-Committee retired to make its decision.

RESOLVED that the application for a new premises licence for 561 Christchurch Road, Bournemouth, BH1 4AH, to permit Late Night Refreshment Friday and Saturday 23:00 to 02:00 and the Supply of Alcohol (off sales only) on Sunday to Thursday 06:00hrs to 23:00hrs and Friday and Saturday 06:00hrs to 02:00hrs, be GRANTED, subject to the following additional conditions:

Conditions agreed through mediation with Dorset Police:

- All staff working at the premises concerned with the sale of alcohol shall be trained on the law relating to sale of alcohol, the age verification policy adopted by the premises and the conditions attached to the premises licence. Refresher training shall be provided at least annually. In the case of paper records, the record shall be maintained of all staff training and that record shall be signed by the person receiving the training and the trainer. The records shall be kept for a minimum of 12 months and made available for inspection by police, licensing or other authorised officers and in the case of online training within 48 hours.
- An incident log shall be kept at the premises. The log shall include the date and time of the incident and the name of the member of staff who has been involved. and made available on request to an authorised officer of the Council or the Police, which shall record the following:
 - (a) any complaints received
 - (b) any incidents of disorder
 - (c) any faults in the CCTV system / or searching equipment / or scanning equipment
 - (d) any refusal of the sale of alcohol
 - (e) any visit by a relevant authority or emergency service.

This log to be checked on a weekly basis by the DPS of the premises.

- No beer, lagers or ciders of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, in metal or plastic containers. This restriction shall not apply in respect of specialist branded premium priced products, for example craft ales, local or microbrewery specialist products, boxed gifts or national celebratory/commemorative beer, lager or cider (anything of this nature above 7.5% ABV should be agreed with Police).
- The premises will adopt a 'Challenge 25' policy. This means that if a customer purchasing alcohol appears to be under the age of 25, they will be asked for proof of their age, to prove that they are 18 years or older. The only forms of identification that will be accepted will bear their photograph, date of birth and a holographic mark and/or ultraviolet feature. Examples of appropriate identification include a passport, photocard driving licence, military ID, and Home Office approved proof of age ID card bearing the PASS hologram.
- Posters will be on display advising customers of the 'Challenge 25' policy.
- A CCTV system shall be installed to cover all entry and exit points enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record and cover areas where alcohol is kept for selection and purchase by the public, whilst the premises is open for licensable activities. It shall operate during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with correct date and time stamping. Footage shall be made available for viewing immediately upon the request of Police or an authorised officer of the council throughout the preceding 31-day period in accordance with the requirements of the DPA.
- 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 are open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested and in accordance with the requirements of the DPA.
- A documented check of the CCTV shall be completed weekly to ensure all cameras remain operational and the 31 days storage for recordings is being maintained

Conditions added by the Sub Committee:

- Two staff members to be present on the premises between the anticipated busiest hours of 19:00 and 21:00 hours each day.

Reason for Decision:

The Sub-Committee gave detailed consideration to all of the information which had been submitted before the hearing and contained in the Licensing Officer's report for Agenda Item 6 and the supplementary information provided by Dorset Police and the applicant's agent before the hearing. The Sub Committee also considered the verbal submissions provided at the hearing by Gill Sherratt, the applicant's agent, Thyagaraju Sankarapu, the applicant, and two of the objectors, Martha Covell (representing Boscombe Regeneration Hub) and Lee Hall. The Sub Committee also noted the points raised in the written representations made by other objectors who did not speak at the hearing.

The Sub Committee noted the submissions on behalf of the applicant which questioned the validity of some of the representations received due to the Licensing Authority's alleged failure to verify their provenance. The Sub Committee noted the responses of the Licensing Officer and the Legal Advisor regarding the procedures followed by the Licensing Authority when considering whether or not a representation was vexatious. The Sub Committee confirms that it only considered comments made that were directly related to the Licensing Objectives.

In considering the application, the Sub Committee was mindful that Dorset Police was its main source of advice on crime and disorder. Members noted that following mediation with the applicant, the concerns raised by Dorset Police had been addressed through agreed conditions. This had resulted in Dorset Police withdrawing its representation.

The Sub-Committee noted those issues raised which were pertinent to the licensing objectives in the representations from Other Persons. In particular, Members were sympathetic to the concerns raised on behalf of the Better Boscombe Engagement Hub in respect of the specific problems experienced in this area of Boscombe, including street drinking, drug taking and associated anti-social behaviour, and the potential impact of another premises licence being granted. The applicant's agent acknowledged these concerns at the hearing and had referred to the robust set of conditions agreed with Dorset Police to address these issues, including a restriction on selling beer, lagers or ciders of 5.5% ABV or more and the provision of CCTV. The Sub Committee was advised that the applicant was a responsible and experienced operator who understood the licensing objectives, he had familiarised himself with the area at night-time and was willing to work with Dorset Police and other agencies.

Having heard the concerns on behalf of the Better Boscombe Engagement Hub and the recognition from the Applicant that this area of Boscombe experiences its own particular challenges, especially in respect of the prevention of crime and disorder and public safety licensing objectives, the Sub Committee felt that it was a proportionate measure, in relation to upholding the Crime and Disorder and Public Safety Licensing Objectives, to add a condition requiring two members of staff to be on the premises

between what were purported to be the busiest hours of 19:00 and 21:00 hours each day, to safeguard staff, customers and the general public.

The Sub-Committee was satisfied that if the premises operated in accordance with the agreed conditions and the additional condition imposed by the Licensing Sub Committee, that the premises should not undermine the licensing objectives and as such the application should be granted.

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.

The meeting ended at 11.35 am

CHAIR