

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 11 December 2024 at 10.15 am

Present: Cllr C Matthews, Cllr J Richardson and Cllr L Williams

72. Election of Chair

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

Voting: Unanimous

73. Apologies

There were no apologies received.

74. Declarations of Interests

There were no declarations of interest.

75. Protocol for Public Speaking at Licensing Hearings

The protocol was noted.

76. Palm Lounge, 23 Poole Hill, Bournemouth, BH2 5PW

Attendance:

BCP Council:

Tania Jardim – Principal Licensing Officer

Linda Cole – Legal Advisor to the Sub Committee

Sinead O’Callaghan – Clerk to the Sub Committee

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

The 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 Licensing Sub-Committee was asked to consider an application made by CL9 Limited for a premises licence at 23 Poole Hill, Bournemouth. The application was to permit Late Night Refreshment between the hours of 23:00 to 02:00 every day of the week.

The Licensing Authority received a representation from BCP Council’s Planning Enforcement on the grounds that granting the licence to operate

beyond 23:00 hours would have undermined the prevention of public nuisance licensing objective.

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

Omar Al-Magribi – Applicant

David Bevan – Planning consultant for Applicant

The Sub-Committee asked various questions of the 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 Legal Advisor advised all parties of the right of appeal.

RESOLVED that the application for a premises licence at Palm Lounge, 23 Poole Hill, Bournemouth, BH2 5PW, to permit late night refreshment between the hours of 23:00 to 02:00 on and off the premises every day of the week be GRANTED subject to the conditions offered in the applicants' operating schedule and at the hearing and the conditions agreed prior to the hearing with Dorset Police

The following conditions were agreed by the applicant when in mediation with Dorset Police prior to the hearing.

- 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 visit by a relevant authority or emergency service
 - (e) all crimes reported to the venue
- This log to be checked on a weekly basis by the DPS of the premises.
- 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. Recordings shall be made available immediately upon the request of Police or an authorised officer of the council throughout the preceding 31 day period. The CCTV system

shall be updated and maintained according to police recommendations.

- 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.
- CCTV shall be downloaded on request of the Police or authorised officer of the council. Appropriate signage advising customers of CCTV being in operation, shall be prominently displayed in the premises.
- 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.
- On Friday and Saturday and any other day immediately preceding a Bank Holiday, 2 SIA registered door supervisors to be employed on the premises from 22:00 until close, or the last customer has left the immediate area.

Conditions offered by the applicant and imposed by the Sub Committee as deemed appropriate to promote the Licensing Objectives.

- No loud music will be played on the premises at any time and any music played will be for background purposes only.
- Background music will not be played after 22:00 each day.
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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, together with the verbal submissions made at the hearing by the applicant and Mr David Bevan, the applicant's planning consultant.

The Sub-Committee was concerned that the applicant company had opened and was running a business without being aware of the requirements set out in the Licensing Act 2003 that they needed to comply with. It was put to the Sub-Committee that it was an honest mistake that the business was operating after 23:00, thinking as it was situated in a busy area and other bars and restaurants remained open it was ok for this premises to do the same. It is concerning that they would not be aware they needed a premises licence to offer late night refreshment, particularly as the applicant when asked by the Sub-Committee what previous experience he had, had responded that he had run Pepe's restaurant in Bournemouth with his brother. The Sub-Committee were disappointed that after making this application the applicant was not familiar with the four licensing objectives, and they strongly recommend he undertakes some licensing training, so he fully understands the responsibility that comes with being a Premises Licence Holder. Furthermore, the Sub-Committee noted the use

of shisha on the premises and emphasised the importance of being aware and adhering to Smoking legislation at all times.

The Sub-Committee considered the representation from the BCP Council's Planning Authority made on the grounds of the prevention of public nuisance. The area of concern raised in the representation was that when the planning permission was granted, the opening hours of the venue were limited to 23:00 hours based on the location and potential adverse impact on nearby residents from potential noise nuisance.

The Sub-Committee noted the concerns raised by the Planning Authority but were of the view that there was insufficient supporting evidence to determine that potential noise nuisance would materialise into actual noise nuisance at this premises and undermine the prevention of public nuisance licensing objective, particularly considering the application was only for late night refreshment and did not include supply of alcohol or regulated entertainment. In addition, no representations had been made by Environmental Health or any local resident and the applicant advised no music will be played at the premises after 22:00 hours. The sub-committee was mindful of the spirit of the Licensing Act 2003 and the case of *Thwaites PLC v Wirral Borough Magistrates' Court* 2008.

The Sub-Committee were advised customers in the premises were generally relaxed and calm and that there was a demand from customers leaving alcohol led premises to come in for a late meal and a coffee. Staff were comfortable asking customers to be quiet if necessary and they had had no problems to date. The Sub-Committee agreed it was an alternative type of venue giving a different option there being no offer of alcohol. Licensing and Planning legislation allows premises to have different terminal hours, but later hours on a premises licence does not relieve the premises from complying with any appropriate planning permission. If the terminal hours are different, the premises need to observe the earlier closing hour.

It was clear that the applicant was aware that if a premises licence was granted that they could not operate under the terms of the premises licence until the appropriate planning permission had been granted. The Sub-Committee were advised that the planning application would be made if the application for a premises licence was successful.

The Sub-Committee was satisfied that if the premises operate in accordance with both the conditions offered in the operating schedule of the application and those agreed by Dorset Police and as described at the Hearing, that the premises should not undermine the licensing objectives. 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 10.38 am

CHAIRMAN

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