

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 20 May 2025 at 10.00 am

Present:-

Present: Cllr A Chapmanlaw, Cllr D A Flagg and Cllr P Hilliard

8. Election of Chair

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

Voting: Unanimous

9. Apologies

An apology for absence was received from Councillor Harman, Cllr Chapmanlaw stepped up as 1st reserve to sit on the Sub-Committee.

10. Declarations of Interests

There were no declarations of interest.

11. Protocol for Public Speaking at Licensing Hearings

The protocol for public speaking was noted.

12. Chicken n Beer 58-58a Stanfield Road Bournemouth BH9 2NP

Present:

From BCP Council:

Sarah Rogers – Senior Licensing Officer
Lina Cole – Legal Advisor to the Sub-Committee
Michelle Cutler – Clerk to the Sub-Committee
Tania Jardim – Licensing Officer, Observing
Andy McDiarmid – Legal Advisor, observing
Cllr P Canavan - Observing

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 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 Dorset Police for a Review of the Premises Licence following a visit by HM Immigration Enforcement where 2 illegal workers were found employed at the premises. Dorset Police no longer had confidence in the premises licence holder to uphold the prevention of crime and disorder licensing objective.

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

For the Applicant:

Sargeant Gareth Gosling – Dorset Police

For the Premises:

Roy Francis – Premises Licence Holder and Designated Premises Supervisor

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. 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 dated 25 March 2025, made by Dorset Police to review the premises licence for the premises known as 'Chicken n Beer', 58-58A Stanfield Road, Bournemouth, BH9 2NP, the Sub-Committee has decided that it is appropriate to revoke the licence on the grounds that the premises are not upholding the prevention of crime and disorder licensing objective and is satisfied that there is no alternative outcome that will mitigate the concerns raised by Dorset Police and Home Office Immigration Enforcement.

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, presented by Sarah Rogers, Senior Licensing Officer, in particular the written and oral evidence provided by Sgt Gosling of Dorset Police, the written representation made by Home Office Immigration Enforcement dated 26 March 2025 in support of the review on the grounds of Prevention of Crime and Disorder and Public Safety, as well as the verbal submissions made at the hearing by Mr Roy Francis, Premises Licence Holder and Designated Premises Supervisor.

In determining the review, the Sub-Committee considered the options available to them as set out in the recommendations of the report and provided for in the Licensing Act 2003. They took account of the Guidance by the Secretary of State made under section 182 of that Act as well as the

BCP Statement of Licensing Policy. The Sub-Committee's decision is based upon consideration of the promotion of the Licensing Objectives. The Sub-Committee acknowledged that it was only able to consider matters directly relevant to the licensing objectives raised in the application namely prevention of crime and disorder and public safety.

The Sub-Committee concluded that the premises had failed to uphold the prevention of crime and disorder and public safety licensing objectives, and that revocation of the Licence was the only appropriate response to the issues raised in the review when considering the evidence currently available to it.

Reasons for decision

Members of the Sub-Committee in determining the application for review must consider the following options: -

- a) Leave the licence in its current state.
- b) Modify the conditions of the licence; and/or
- c) Exclude a licensable activity from the scope of the license; and / or
- d) Remove the Designated Premises Supervisor; and/or
- e) Suspend the licence for a period not exceeding three months; and/or
- f) Revoke the licence.

Leave the licence in its current state:

In considering the information contained in the agenda report, the representations made by Dorset Police, and the verbal submissions made during the hearing, the Licensing Sub-Committee agreed that taking no action would not be a sufficient response to the concerns identified by Dorset Police in bringing this review.

The Guidance issued by the Home Office under Section 182 of the Licensing Act 2003 updated in February 2025, alongside the BCP Statement of Licensing Policy both guide that intervention is expected to tackle Immigration offences associated with licensed premises.

Modify the conditions of the licence; and/or add conditions

The Sub-Committee do not consider that modifying the existing conditions would resolve the concerns raised by Dorset Police and Home Office Immigration Enforcement as *conditions should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation and should not replicate offences set out in the 2003 act or other legislation.*

It would not be appropriate to add conditions such as not to use illegal workers or those suffering from a Notifiable Disease in the operation of the business to the licence. There is an expectation that all responsible for running a business would act responsibly and within all relevant legislation.

Exclude a licensable activity from the scope of the licence:

The Sub-Committee do not consider that excluding a licensable activity from the scope of the licence to be an appropriate response to the concerns

raised in this review. The issue was not the sale of alcohol but the evidence that the premises are associated with employing or operating with illegal workers being recompensed below the minimum wage, one of who had a notifiable disease, contrary to immigration and other legislation.

The Sub-Committee note that if licensable activities were not taking place the premises could remain operational as a take-away until 23:00hrs each day and that the concerns highlighted may remain. The Sub-Committee however must ensure they do what they can to ensure the Licensing Objectives are promoted within the premises and it will be for other agencies to manage any remaining issues under alternative legislation.

The removal of the Designated Premises Supervisor from the licence:

Mr Roy Francis advised the Sub-Committee that he is no longer a director of 'Chicken n Beer' Ltd, having stood down in December 2024. He advised he is just an employee and not involved in hiring of staff and only remains as DPS because he is a personal licence holder and they supply alcohol.

The Sub-Committee were of the view that removing Mr Francis as DPS would not be enough to alleviate the issues raised in the Review Application. The Sub-Committee are unable to remove the Premises License Holder.

Suspension of the Licence:

The Sub-Committee feel that a temporary suspension of the Premises Licence of up to three months will not resolve the concerns raised in the Application for Review.

Revocation of the Licence:

The Sub-Committee, after considering all the options available to them, determined that revocation of the premises licence is the appropriate option in response to this Application for Review.

The evidence presented to them clearly demonstrates that Mr Francis, as DPS and Premises Licence holder and others associated with the business do not manage the premises responsibly and that they should have had regard to the necessary requirements, when employing employees into the business.

The Sub-Committee were not confident that Mr Francis was being honest in his responses to questions raised by the Sub-Committee and was trying to distance himself from the situation that was discovered by Immigration Enforcement on 14 February 2025. He demonstrated that he does not have the attributes necessary to uphold and promote the four licensing objectives, particularly the prevention of crime and disorder and public safety.

Mr Francis confirmed that he was employed at the premises when it was found to be employing illegal workers. However, he advised he had resigned as the Director of 'Chicken N Beer' Ltd on 1 December 2024 and will only remain employed, and as the DPS at the premises, until a new

director obtains their personal licence, so they could continue to supply alcohol. His brother, Sylvester Francis, became a director of Chicken N Beer' Ltd on 1 December 2024.

The Sub-Committee heard from the Senior Licensing Officer that an application had been submitted to transfer the premises licence into the name of Cloud Brands Ltd and to change the DPS, however these transfers had not yet been processed due to nonpayment of the application fee. Cloud Brands is a new company incorporated on 1 December 2024

Mr Francis informed the Sub-Committee that Cloud Brands Limited had taken over the running of the premises, and that the director was Manpreet Kaur. The Sub-Committee asked Mr Francis if he knew, or was related to, Manpreet Kaur and he advised that Manpreet Kaur was not a family member and that she was not an associate. Sgt Gosling advised that on 24 February 2025, Mr Francis had contacted Dorset Police to report the theft of his wife's vehicle, and that his wife's name was Manpreet Kaur, with the same date of birth as Manpreet Kaur, Director of Cloud Brands Limited. Mr Francis continued to uphold that Manpreet Kaur was not related to him, despite Manpreet Kaur also being the new Director of Freshers Delivery Limited, another company from which Mr Francis has recently resigned as a director. The Sub-Committee were not satisfied with Mr Francis' explanation as to his involvement with Manpreet Kaur, the potential new DPS of the premises, and were concerned that an attempt was being made to change the face of the business, i.e. the name of the Premises Licence Holder and DPS, but reality, those in management and control, including Mr Roy Francis, would not effectively change.

The Sub-Committee do not believe that those involved with operating the premises have done so responsibly and in a way that upholds the Licensing Objectives. The absence of any representatives at the hearing of Cloud Brands Ltd and director Manpreet Kaur, supposedly now running the premises, left the Sub-Committee with little confidence that it was a separate operation able to promote the Licensing Objectives.

The Sub-Committee agreed with the views of Dorset Police as highlighted in the representation of Home Office Immigration Enforcement, that the employment of illegal workers at this licensed premises disregards the law, places those illegal workers at increased vulnerability and acts to the detriment of other businesses and the wider community.

The Sub-Committee considered the application for review including the representation produced by Home Office Immigration Enforcement, the BCP Council Statement of Licensing Policy and the revised section 182 Guidance issued by the Home Office. They noted sections 11.27 and 11.28 of the guidance which states that, *"There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are... the use of the licensed premises for employing a person who is disqualified from that work by reason of their immigration status in the UK;"*.

Section 11.28 continues, *“It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.”*

The Sub-Committee agreed that the premises had been involved in serious crime and had disregarded public safety and that to uphold the licensing objectives, the Sub-Committee concluded that none of the other available options were appropriate at this time, and it was both appropriate and necessary to revoke the licence.

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.

13. Harry Ramsden, East Beach, Undercliff Drive, Bournemouth, BH1 2EZ

Present:

From BCP Council:

Sarah Rogers – Senior Licensing Officer
Lina Cole – Legal Advisor to the Sub-Committee
Michelle Cutler – Clerk to the Sub-Committee
Tania Jardim – Licensing Officer, observing
Andy McDiarmid – Legal Advisor, observing
Cllr P Canavan - Observing

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 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 Deep Blue Restaurants Limited to vary the premises licence for Harry Ramsden, East Beach, Undercliff Drive, Bournemouth for the provision of the existing licensable activities to take place outdoors and for the off-sale supply of alcohol.

The Licensing Authority had received five representations from residents on the grounds of the Prevention of Crime and Disorder, Public Safety,

Prevention of Public Nuisance and Protection of Children from Harm licensing objectives.

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

For the Applicant:

Jason Waggot – Operations Manager

Mohammad Shahid Shaikh – Premises Manager

There were no objectors in attendance.

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. 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 ‘Harry Ramsden’, East Beach, Undercliff Drive, Bournemouth, BH1 2EZ, for the provision of the existing licensable activities (Live Music, Recorded Music, Late Night Refreshment) to take place outdoors and for the supply of alcohol off-sale be GRANTED, with the following conditions attached, as offered by the Applicant in advance of the Hearing and amended by the Sub-Committee in their deliberations.

1. Outdoor music shall be restricted to low-level, background recorded music which must be turned off by 10:00 pm each evening.
2. No live music shall be provided outdoors at any time.
3. Alcohol shall only be available for off sale when purchased to accompany a substantial meal.
4. Off sale of alcohol shall terminate at 10:00pm.

The following conditions were amended as follows:

Condition 2.1 removed

Condition 2.5 amended

A CCTV system, shall be installed to cover all entry and exit points, including under the arches, 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.

Condition 2.10 amended

Service of alcohol on the premises, including under the arches shall be by table service.

The following conditions were added by the Sub-Committee to promote the licensing objectives and to formalise the provision of SIA doorman and use of plastic glasses at the premises as explained by Jason Waggot, Operations Manager during the Hearing.

1. The Manager or Designated Premises Supervisor (DPS), or a person nominated by them shall ensure that a documented risk assessment is conducted and regularly reviewed to determine the need for, and number of, Security Industry Authority (SIA) licensed door supervisors. This risk assessment shall consider factors including, but not limited to:

- The layout of the premises;*
- Location and any known crime and disorder issues in the area;*
- Time of year and special events likely to attract larger or different audiences.*

Where the risk assessment identifies a need for door supervisors, SIA-licensed staff shall be deployed accordingly. A copy of the risk assessment and any subsequent reviews shall be made available to the Licensing Authority or Police upon request.

2. All drinks served for consumption in any external area of the premises (including under the arches or pavement seating areas) or for consumption off the premises shall be served in non-glass containers such as polycarbonate, plastic, or other shatterproof vessels.

Reasons for the Decision

The Sub-Committee considered all the information which had been submitted before the Hearing and contained in the report for Agenda Item 6, and the verbal submissions made at the Hearing by Jason Waggot, Site Operations Manager, Mohammad Shahid Shaikh, Premises Manager and Tania Jardim, Licensing Officer. The Sub-Committee also considered the supplementary papers submitted by both the applicant and objectors in advance of the Hearing.

The Sub-Committee considered the written representations made by 4 other persons which had not been withdrawn after mediation, on the grounds that granting the variation would undermine the 4 licensing objectives. The Sub-Committee noted that no objectors were present at the Hearing to expand on their representations and that there had been no representations made Dorset Police, Environmental Heath or any other responsible authority.

The Sub-Committee noted that the representations focussed on concerns for the potential increase in noise and anti-social behaviour, should the

application for variation be granted, as such issues were already being experienced in the area. Mr Waggot explained that a neighbouring licensed premises could have been responsible for any loud music and noise from patrons in the past and that on their terrace they only had small speakers playing background music.

The Sub-Committee heard from Mr Waggot that the premise aimed to cater for families and the new services to be provided by the premises were family orientated. They noted that conditions had already been agreed that any music being played outside would only be background music and would be turned off at 10:00pm and off sale of alcohol would only be sold alongside food. In addition, all off sales of both alcohol and food would terminate at 10:00pm each day.

The Sub-Committee heard the premises planned to build a beach shop and retro sweet shop below the arches and to install heated 'beach huts' under 5 of the arches. It was planned that each hut would seat between 8 to 10 patrons under cover and provision of food and alcohol would be by table service. Each hut would close by 9:00pm to allow time for staff to carry out cleaning duties and to remove all outside seating by 10:00pm as already agreed with Seafront Services. The cleaning team would also carry out regular checks of the surrounding area for litter.

Mr Waggot explained that the premises employ security staff on Fridays, Saturdays and Sundays, their busier days, from 11:30am until the premises close and Security staff are present every day during the peak summer months of July and August, and it was planned for security staff to be placed in front of the arches. He also explained the premises were not aiming to supply alcohol to be brought down to the beach front. They wanted to supply alcohol with deliveries made by platforms such as Deliveroo and only supply off sales of alcohol with the purchase of food. They also planned for all such alcohol to be dispensed in plastic vessels.

The Sub-Committee was confident that the premises was being managed responsibly and satisfied that the Applicant had addressed all points raised in the objector's written representations during the Hearing. To promote the licensing objectives of prevention of crime and disorder, prevention of public nuisance and public safety, the Sub-Committee determined it both appropriate and proportionate to add a condition regarding the use of non-glass drinking vessels in external areas to reduce the risk of injury from broken glass and help prevent incidents of anti-social behaviour. And similarly, add a condition requiring a risk assessment for the deployment of SIA-licensed door supervisors to ensure appropriate security measures are in place based on the location and the events held, to support a safe and well managed environment for both customers and staff.

The Sub-Committee did not find any evidence to justify a refusal of the application, and no evidence had been presented to show that there had been issues or complaints associated to the premises in the past. It was noted that the premises were experienced operators who had been operational in the location for many years. The Sub-Committee was

satisfied that if the premises operated in accordance with the conditions already attached to its licence and those added as set out above, 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 may 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 issued under section 182 Licensing Act 2003 and the licensing objectives, as set out in the Licensing Act 2003.

Right of Appeal

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 11.21 am

CHAIRMAN