

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 17 June 2025 at 10.00 am

Present: Cllr A Chapmanlaw, Cllr D A Flagg and Cllr L Williams

19. Election of Chair

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

Voting: Unanimous

20. Apologies

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

21. Declarations of Interests

There were no declarations of interest.

22. Protocol for Public Speaking at Licensing Hearings

The protocol for public speaking was noted.

23. Exclusion of Press and Public

RESOLVED that under Section 100 (A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1 and 2 in Part I of Schedule 12A of the Act and that the public interest in withholding the information outweighs such interest in disclosing the information.

24. New Driver Application

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).

Present: From BCP Council:

Michelle Fletcher – Licensing Officer
Johanne McNamara – Legal Adviser to the Sub-Committee
Nananka Randle – Licensing Manager (present on Microsoft Teams)
Sarah Rogers – Senior Licensing Officer
Michelle Cutler – Clerk to the Sub Committee
Rebekah Rhodes – Democratic Services, providing technical assistance
Christiane Tan – Democratic Services – Observing for training purposes
Cllrs Bartlett, Canavan, Farquhar and Richardson – Observing for training purposes

The applicant driver was in attendance, with a friend for support.

Prior to the start the hearing, the applicant driver advised that he had not been able to open the email attachment, which contained a copy of the agenda, report and appendices. The applicant driver was provided with a hard copy of all paperwork.

The Chair made introductions and explained the procedure to be followed in considering this item, which was agreed by all parties present.

The Licensing Officer presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'A' to these Minutes in the Minute Book.

The Sub Committee was asked to consider whether the applicant was deemed to be a 'fit and proper' person to allow them to continue with their application to hold a Public Carriage Drivers Licence for BCP Council.

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

The Sub-Committee RESOLVED that the applicant driver is not a 'fit and proper person' to continue with his application to hold a Hackney Carriage or Private Hire Driver's Licence.

Reason for Decision:

The Sub-Committee considered all the information which had been submitted before the Hearing and contained in the report for Agenda Item 6, along with the verbal submissions made at the Hearing by the applicant driver, his friend in support of his application and Michelle Fletcher, Licensing Officer.

In considering the test of a 'fit and proper person', the Sub-Committee also had regard to the BCP Council's Hackney Carriage and Private Hire Driver Policy 2021 - 2025, the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976, the Institute of Licensing (IOL)

Guidance on determining the suitability of applicants and licensees in the Hackney and Private Hire Trades (2018) and the guidance within the Department of Transport Statutory Taxi and Private Hire Vehicle Standards (updated November 2022).

In making its decision the Sub-Committee considered the evidence submitted by various statutory agencies including Dorset Police, Adult Social Care and Licensing Officers.

The Sub-Committee was of the view that the applicant driver had previously overstepped the professional boundaries in his role as a licensed taxi driver and that he was either unaware of his responsibilities as a licensed driver or had simply chosen to disregard them.

Emails between the applicant driver and the BCP Licensing Service showed that he was unrepentant for his previous actions. The Sub-Committee was not convinced that the applicant driver had learnt what is and isn't acceptable behaviour for a licensed taxi driver and that he displayed a lack of insight regarding his actions in the past.

The Sub-Committee also noted that the applicant driver had failed to notify the Licensing Service of a change to his medical status. He had also previously failed to declare involvement with police as required by his driver conditions.

The Sub-Committee also noted the applicant driver's enhanced DSB Certificate history and his failure to notify the Licensing Service of a change to the status of his Certificate. The Sub-Committee had regard to the information provided by the Police on the new Certificate.

The BCP Council Hackney Carriage and Private Hire Driver Policy 2021-2025, Chapter 8 sets out the 'Fit and Proper Person' test and in particular section 8.13 'The Licensing Authority will consider all criminal history, unacceptable behaviour and conduct, irrespective of whether the specific history, behaviour or conduct occurred whilst drivers were directly engaged in Private Hire or Hackney Carriage work at the time or whether they occurred during the driver's own personal time'.

Having heard from the applicant driver, the Sub-Committee questioned his honesty and his ability and inclination to operate as a licensed driver in accordance with the conditions attached to a licence and the legislation set out in Part II of the Local Government (Miscellaneous Provisions) Act 1976.

They are not confident that he is aware of the responsibilities that come with being a licensed driver. In addition, it was felt that his past behaviors showed little regard for safeguarding vulnerable persons and that he showed little recognition or remorse for his actions.

In considering the circumstances of the case the Sub-Committee reminded themselves that the licensing system is to protect the public who use Hackney Carriage and Private Hire Services, and any bar set when making

any determination should be at the highest level. The Sub-Committee were mindful of paragraphs 1.3 and 3.16 of the Institute of Licensing Guidance and paragraphs 5.3 and 5.4 of the Statutory Taxi and Private Hire Vehicle Standards and concluded that the applicant driver had fallen short of the 'fit and proper' standard and was a risk to public safety and, as such, agreed that he was not deemed a 'fit and proper person' to continue with his application to become a taxi driver.

Anyone aggrieved by this decision has the right of appeal to the Magistrates' Court within a period of 21 days beginning with the day that the applicant is notified, in writing, of the decision.

25. Christchurch Harbour Kitchen, Mudeford Sandbank, BH6 4EW

Present:

From BCP Council:

Sarah Rogers – Senior Licensing Officer

Johanne McNamara – Legal Advisor to the Sub-Committee

Michelle Cutler – Clerk to the Sub-Committee

Rebekah Rhodes – Democratic Services, providing technical assistance

Christiane Tan – Democratic Services – Observing for training purposes

Cllrs Bartlett, Canavan and Farquhar – Observing for training purposes

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 'B' to these minutes in the Minute Book. The Licensing Sub-Committee was asked to consider an application made by Christchurch Harbour Kitchen Ltd for a premises licence to permit recorded music and the supply of alcohol. The application received 37 representations from other persons on the grounds that to grant the application would undermine the licensing objectives of the prevention of crime and disorder, prevention of public nuisance, public safety and the protection of children from harm. Dorset Police and Environmental Health mediated with the applicant and had agreed additional conditions.

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

For the Applicant:

Mr Paul Trickett

Mrs Ginny Trickett

Objecting:

Mr Richard Slater – The Beach House, Mudeford Spit

Ms Claire Bath - Deputy Chair of Mudeford Sandbank Beach Hut Association
Councillor Judy Richardson - East Southbourne and Tuckson Ward Councillor

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 for a new premises licence for the premises known as 'Christchurch Harbour Kitchen', Mudeford Sandbank, Christchurch, BH4 4EW, to permit recorded music and the supply of alcohol, be REFUSED.

Reasons for Decision:

The Sub-Committee gave detailed consideration to all of the information which had been submitted before the Hearing as contained in the Licensing Officer's report for Agenda Item 7, including the details provided by the applicant in their application and the written representations made in objection to the application from 37 other persons on the grounds that to grant the application will undermine the licensing objectives of the prevention of crime and disorder, prevention of public nuisance, public safety and the protection of children from harm.

The Sub-Committee also considered the verbal submissions made at the Hearing by those in attendance, Mrs Sarah Rogers, Principal Licensing Officer, Mr Paul Trickett and Mrs Ginny Trickett, the applicants, and Mr Richard Slater, the Beach House, Mudeford Spit, Ms Claire Bath, Deputy Chair of Mudeford Sandbank Beach Hut Association and Cllr Judy Richardson, East Southbourne and Tuckson Ward Councillor, who had all made objections to the application.

The Sub-Committee was mindful that Dorset Police had mediated conditions with the applicant and agreed a revised terminal hour for the sale of alcohol of 22:30, to enable a 30-minute drinking-up time. The applicant also agreed that alcohol would be ancillary to food. Environmental Health had agreed 2 further conditions with the applicant to uphold the prevention of public nuisance licensing objective, which were:

- 'All audio from the music system will be played at background level only and turned off at 19.30hrs' and:
- 'All the rubbish produced by the premises shall be stored securely in a bin with a tightfitting and lockable lid in a designated area'.

The Licensing Officer highlighted that the Live Music Act 2012 allowed live and recorded music between the hours of 08:00 and 23:00 which would

override any licensing conditions put in place to restrict music. The Sub-Committee was confident that these conditions would help to mitigate some of the concerns raised by objections, should the licence be granted.

Mr Trickett advised the Sub-Committee that the premises was a bespoke designed floating restaurant that was not a permanent structure but proposed to moor up at the same location daily. It was not a 'party boat' and the intention was to offer substantial meals such as fresh fish caught from Christchurch, with the option to enjoy an alcoholic beverage. The vessel was designed to unfold with hydronic technology each morning and fold away each evening. It would be wheelchair and pushchair accessible without the use of gangplanks. The vessel would attach itself to the seabed by way of an arrowhead pole structure that would raise up and down with the tides.

In addressing some of the representations made in objection to the application, Mr Trickett informed the Sub-Committee that he only intended to play ambient background music, if at all, and that all litter and waste would be stored on board and disposed of when the vessel returned to its base. Mr Trickett was happy to be guided by BCP Council as to the control of waste, but the vessel did have a contained storage area for waste products. The vessel would have a flushing cassette toilet on board that would be emptied daily so patrons would not be 'urinating off the side of the vessel', and anyone caught doing this would be removed.

Mr Trickett advised that life jackets were not required on board as it was not a moving vessel, however, there would be various safety equipment in place such as oxygen, life rings and fire extinguishers.

The Sub-Committee gave weight to the objection from BCP Council's Seafront Operations Service, regarding concerns over public safety. Mr Trickett explained that he had approached BCP Council in August 2024, along with securing the relevant consent from Natural England, and the landlords for an operation of this nature. Mr Trickett advised that he was still waiting to hear back from the Meyrick Estate as it was uncertain who owned the area. Mr Trickett informed the Sub-Committee that Natural England had advised him that they weren't concerned as his operation did not involve the building of new harbour walls.

The Sub-Committee had regard to the concerns raised by the objectors in attendance in relation to the prevention of public nuisance, public safety and the protection of children from harm, namely that no environmental impact survey had been carried out and the area was protected as a Site of Special Scientific interest (SSSI) with a salmon spawning ground in the area. There had been a lack of engagement with the landowners and no permission sought to use the land, there was the potential from noise from the vessel from music and patrons to travel across the river and cause a nuisance to the neighbouring beach huts and that there was a real risk of harm to the many children that used the area to play and swim. In addition, objectors were very concerned about the potential smells with rubbish

being stored on the vessel for up to 14 hours a day, especially in the summer months, which could be a public nuisance.

The Sub-Committee was unable to consider any objections relating to parking or commercial concerns as this was not within their remit and was satisfied that the licence, if granted, would not undermine the prevention of crime and disorder.

The Sub-Committee shared the concerns of BCP Council's Seafront Operations Service that consent to use the area had not been provided and as such, was a risk to public safety. The Sub-Committee also had concerns regarding the vessels ability to raise up and down with the tides, which posed a risk to children and families playing in the water nearby. In addition, it was noted that the vessel had open sides with no barriers in place to prevent patrons falling over the side into the water, which was a significant risk to public safety, and would undermine the prevention of children from harm objective.

The Sub-Committee was concerned that the storage of waste on the vessel could cause a public nuisance, especially in hot weather, as they had not been provided with enough information as to how large the storage area was and how potential smells and leaks would be dealt with. They were particularly worried about the only toilet onboard being a cassette toilet, as there was no indication as to how large it was or how it would be emptied on busier days. There was also concern as to how hazardous toilet/sanitary waste would be disposed of.

The Sub-Committee made note of the Applicant's offer to reduce the terminal hour being applied for to 21:00, but having regard to the concerns referred to above in relation to public nuisance, public safety and protection of children from harm licensing objectives this did not negate its concerns.

The Sub-Committee concluded that it could not be satisfied that the premises would not undermine the prevention of public nuisance, public safety and the protection of children from harm licensing objectives, and as such, the application should be refused.

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.

