

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 10 December 2025 at 10.15 am

Present: Cllr D A Flagg, Cllr P Hilliard and Cllr M Howell

111. Election of Chair

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

Voting: Unanimous

112. Apologies

Apologies were received from Cllr Anne Filer and Cllr Chris Matthews.

113. Declarations of Interests

There were no declarations of interest.

114. Protocol for Public Speaking at Licensing Hearings

The protocol was noted.

115. Fiveways, 423 Charminster Road, Bournemouth

BCP Council:

Sarah Rogers – Senior Licensing Officer

Johanne McNamara – 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 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 Fiveways to vary the premises licence. The application received 21 representations and a petition containing 23 signatures against the application on the grounds that to grant the application would undermine the prevention of crime and disorder, prevention of public nuisance, public safety and the 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:

John Gaunt & Partners - Michelle Hazelwood (Applicants Solicitor)
Steve McMahon (Marston's Area Manager)
Hayley Connell (DPS)

Objectors:

Gabrielle Clayton
Matthew Rochester
Georgina Howes
Cllr Chris Rigby

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 at Fiveways, 423 Charminster Road, Bournemouth, be GRANTED subject to the following amendments imposed by the Sub-Committee on determination of the application.

- Change the internal and external layout of the premises as set out in the application to vary, due to the refurbishment of the premises.
- Extend the hours, in relation to the indoor areas only, for supply of alcohol, regulated entertainment and late night refreshment to internal areas until 01:00 hours Friday and Saturday and until 00:00 hours on Sunday.
- Films (indoors) and indoor sporting events are permitted until 23:00 hours.
- All licensable activities in the external garden area shall cease by 21:30 hours daily.
- The external garden area shall be closed by 22:00 hours daily.
- No audio or amplified sound shall be played in the external garden area at any time. This includes the installation or use of any speakers or sound-emitting devices in the external area.
- Both sets of lobby doors shall remain closed after 22:00 hours to minimise noise breakout.
- Add a further condition to further promote the protection of children from harm licensing objective.

The following conditions agreed with Environmental Health during mediation of the application, to further uphold the prevention of public nuisance licensing objective be added to the premises licence:

- The premises licence holder shall submit a Noise Management Plan to BCP Council's Licensing Authority for approval. The plan must detail measures to control and minimise noise from patrons and entertainment.

- **The approved Noise Management Plan shall be implemented in full and reviewed annually, or upon request by the Licensing Authority.**

The following conditions agreed with Dorset Police during mediation of the application, to further uphold the prevention of crime and disorder licensing objective, shall be added to the premises licence:

- **SIA door supervisors shall be provided for the period of one hour before and until one hour after the undertaking of England Football Tournament games, further the premises licence holder shall conduct a written risk assessment to determine the need for door staff during any high risk events, a copy of which shall be made available for inspection by a Police officer and shall deploy door supervisors in 13 accordance with the outcome of the risk assessment. In any event a minimum of 2 SIA will be employed from 20.00 on New Years Eve until the close of business.**
- **Any person working at the premises in a security capacity shall clearly display his or her name badge at all times whilst on duty and shall wear high visibility arm bands.**
- **Polycarbonate/plastic drink ware is to be used by all persons during any high risk events, all alcoholic and 'soft' drinks are to be decanted by premises staff into such drink ware at the point of sale.**

Reasons for Decision:

The Sub-Committee gave detailed consideration to all the information submitted prior to the hearing and included in the report for Agenda Item 5, together with the verbal submissions made at the hearing by the applicant, their representative, Sarah Rogers, the Licensing Officer, and the objectors.

The Sub-Committee noted that no objections were maintained by responsible authorities following mediation and that conditions had been agreed with Dorset Police and Environmental Health. These included the implementation of a Noise Management Plan and risk-based deployment of SIA door supervisors during high-risk events. The Committee was satisfied that these conditions, together with those imposed by the Sub-Committee, were appropriate and proportionate to promote the licensing objectives.

The Sub-Committee considered the representations received from local residents regarding the prevention of public nuisance, prevention of crime and disorder, and the protection of children from harm. It acknowledged that the premises is located in a densely populated residential area and that unrestricted use of the garden beyond 22:00 hours and amplified sound outdoors would present a significant risk of public nuisance. The Committee noted that the current 22:00 cut-off for garden use had resulted in no complaints and appeared acceptable to residents. It was mindful that extending outdoor hours or permitting amplified sound could lead to increased noise disturbance, particularly during warmer months and high-profile sporting events, and that this would adversely affect the amenity of

nearby residents, including families with young children. The Sub-committee shared the concerns raised and was of the view that adding a cessation time of 21.30 for all licensing activities in the external garden area and a condition that the external garden shall remain close from 22:00 (as is the current practice) was appropriate and proportionate in order to promote the Licensing Objectives of Public Nuisance and Protection of Children from Harm.

The Sub-Committee noted that the Applicant confirmed in response to a query in relation sound from the external screen that the sound could be turn off and this would be possible. As such the Sub-Committee was of the view that adding a condition in relation to no audio or amplified sound shall be played in the external garden area at any time, this includes the installation or use of any speakers or sound-emitting devices in the external area, was an appropriate and proportionate condition to promote the licensing objectives.

The Sub-Committee was encouraged by the applicant's evidence of strong management practices and took note of the positive feedback from some residents about the way the premises has been operated under the current licence. It was reassured by the presence of an experienced Designated Premises Supervisor (DPS) who has been in post for several years and lives locally, and by the applicant's commitment to community engagement and compliance. These factors gave the Committee confidence that the premises is generally well-run and that internal extensions could be managed responsibly.

The Committee welcomed the applicant's investment in the premises and intention to provide a family-friendly offer, including improvements to the internal layout and sound system. It acknowledged the economic benefits and job creation associated with the refurbishment and had regard to the revised Guidance pursuant to Section 182 of the Licensing Act 2003 and the inclusion of paragraph 1.18 in the revised Guidance set out below:

S 1.18 – When making licensing decisions, all licensing authorities should consider the need to promote growth and deliver economic benefits.

However, it concluded that by adding revised conditions to the Licence as set out above, this would promote growth and deliver economic benefits in a way that upholds the Licensing Objectives.

In making this decision the Sub-Committee have had regard to the Bournemouth, Christchurch and Poole Council Statement of 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.

The Applicant has 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 12.18 pm

CHAIRMAN