

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 03 March 2026 at 10.00 am

Present: Cllr D A Flagg, Cllr J Richardson and Cllr L Williams

142. Election of Chair

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

Voting: Unanimous

143. Apologies

There were no apologies for absence.

144. Declarations of Interests

There were no declarations of interest.

145. Protocol for Public Speaking at Licensing Hearings

The protocol for public speaking was noted.

146. Gordons Yard, 152 Southbourne Road, Bournemouth

The Licensing Authority had received an application for a new premises licence for the premises known as 'Gordon's Yard', 152 Southbourne Road, Bournemouth.

The Sub-Committee was asked to adjourn the hearing until 18 March 2026 in accordance with Regulation 12 of the Licensing Act 2003 (Hearings) Regulations 2005, to ensure that all parties could attend.

The Sub-Committee agreed to the request for an adjournment.

RESOLVED that the application for 'Gordon's Yard' be adjourned until 18 March 2026.

147. Chaplin's 529 - 533 Christchurch Road Bournemouth, BH1 4AG

Present:

From BCP Council:

Tania Jardim – Licensing Officer

Paul Barker – Environmental Health Officer

Linda Cole – Legal Advisor to the Sub-Committee

Michelle Cutler – Clerk to the Sub-Committee

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

The 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 Sub-Committee was asked to consider an application made by 'any other person', Miss Pearl Montgomery for the review of the premises licence for the premises known as 'Chaplins', located at 529-533 Christchurch Road, Bournemouth, BH1 4AG. Miss Montgomery believed the premises were not upholding the prevention of crime and disorder and the prevention of public nuisance licensing objectives.

No comments in support of the review were received from the Responsible Authorities, however, Environmental Health had submitted a response outlining their current position, which was included in the report pack.

In response to the application, representations had been received from 182 persons in support of the premises.

Following publication of the Officer's report, further documentation was provided from both the Applicant and the Premises, copies of which are appended 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:

The Applicant:

Miss Pearl Montgomery, Applicant

Ms Melinda Parker, Supporting the Applicant

For the Premises:

Mr Duncan Craig, St Phillips Barristers, representing the Premises 'Chaplins'

Mr David Seccombe, Director of licence holding company

Mr Nicholas Humphrey, Designated Premises Supervisor (DPS)

Mr Geoff Popple, General Manager

Mr Mark Carter, Artist supporting the Premises

Ms Rebecca Fudgate, supporting the Premises (arrived at 10:19am)

The Sub-Committee asked various questions of all parties present and were grateful for the responses received. All parties had the opportunity to ask questions.

During the Hearing the Sub-Committee considered and passed the following resolution in order to view several video/audio clips that had been submitted as evidence by Miss Montgomery in support of the application for review: "That under Section 14 (2) of the Licensing Act 2003 (Hearings) Regulations 2005, and with regard to Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that the public interest in withholding the information outweighs such interest in disclosing the information and that it involves the likely disclosure of exempt information as defined in Paragraphs 1 and 2 in Part I of Schedule 12A of the Act" .

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 8 January 2026, made by Miss Pearl Montgomery to review the premises licence for the premises known as 'Chaplin's', 529-533 Christchurch Road, Bournemouth, the Sub-Committee has decided that it is appropriate to leave the licence in its current state as there is insufficient evidence to show that the premises are failing to uphold the prevention of public nuisance licensing objective and no evidence was presented to indicate that the premises were undermining the prevention of crime and disorder licensing objective.

The Sub-Committee considered all the information and supplementary papers which had been submitted before the Hearing by Miss Pearl Montgomery, the applicant, and Mr Duncan Craig, Barrister representing the premises, as well as the report submitted and presented by Tania Jardim, Licensing Officer.

At the Hearing the Sub-Committee heard oral submissions from Miss Montgomery, the applicant, and from Ms Melinda Parker, who spoke in support of the application. The Sub-Committee also heard from Mr Duncan Craig, Barrister representing the premises, Mr David Seccombe, Premises Licence Holder and owner, Mr Nicholas Humphrey, Designated Premises Supervisor, and Mr Geoff Popple, General Manager. In addition, the Sub-Committee heard verbal submissions from Mr Mark Carter and Ms Rebecca Fudgate, both of whom supported the premises. Oral representations were also provided by Ms Tania Jardim, Licensing Officer, and Mr Paul Barker, Environmental Health Officer.

The Sub-Committee also watched and considered the video footage and audio clips that were submitted by the applicant, in support of the application, in closed session.

Licensing Objectives

The review focused solely on the Prevention of Public Nuisance licensing objective. Although the application also referred to the prevention of crime and disorder, the Sub-Committee noted that Dorset Police had

made no representation, and the applicant confirmed at the hearing that she had neither experienced nor had any evidence of crime or disorder associated with the premises. Accordingly, the review was considered based on public nuisance alone

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

- 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.

Having considered all the information before them contained in the agenda report, and the submissions made by all parties during the hearing, the Licensing Sub-Committee concluded that there was no evidence at this time to indicate that the premises had failed to uphold the Prevention of Public Nuisance licensing objective.

They took account of the Guidance by the Secretary of State made under section 182 of that Act as well as the Statement of Licensing Policy and determined it was appropriate and proportionate to take no action and leave the licence in its current state.

Reasons for decision

The Licensing Sub-Committee heard from Miss Montgomery, who explained that she had purchased her property in 2007, unaware that it adjoined a bar and music venue. She later discovered that her front bedroom shared a party wall with the premises. Miss Montgomery stated she had frequently been disturbed by sound and vibration from music transmitted through the wall, although she acknowledged that the vibration had diminished since the premises relocated its speakers. She reported ongoing noise affecting her bathroom from patrons using the rear garden, and more recently, noise affecting her second bedroom arising from performing artists and DJ sets.

The Sub-Committee was advised that the noise disturbance was not constant but could continue throughout the evening, particularly on Fridays and Saturdays. Miss Montgomery stated this caused her significant distress and regularly prevented her from sleeping.

In addition, Miss Montgomery described being disturbed by taxis particularly Uber vehicles arriving late at night to collect patrons, as well as noise from patrons, staff, and performers chatting outside the premises at the end of the night.

Miss Montgomery expressed the view that ‘Chaplin’s’ operated as a late night music venue without adequate noise controls despite being situated next to a terraced residential property. She emphasised that she did not wish to see the premises closed, acknowledging its community value, but sought measures to reduce the disturbance so she could enjoy her home in peace. She indicated she would like to see structural soundproofing, installation of a noise limiter, a formal Dispersal Policy, and for staff to conclude conversations inside the venue at the end of their shift.

The Sub-Committee also heard from Mr Duncan Craig, Barrister for the premises. He explained that the premises had been purchased in November 2005 and converted from its former “justice licence” into a premises licence under the Licensing Act 2003, operating for 26 years without any prior review. In addition, no representations were made when the licence was varied in 2020. Mr Craig advised that he had been instructed to represent ‘Chaplins’ by the Music Venue Trust as the premises was extremely important to young and upcoming artists and played a vital role within the community. This was evidenced by the 182 representations received in support of the premises, which had been submitted to the Sub-Committee for consideration.

Mr Craig submitted that people living close to a licenced premises cannot reasonably expect to have no interference on their everyday lives, particularly when residing in a busy area such as Boscombe and on a busy road used by pedestrians and traffic.

Mr Craig advised that sound attenuation measures, including blocking a fireplace, had already been implemented and submitted it was disproportionate to require the premises to make further changes without clear evidence of noise nuisance. He further added that amplified music took place downstairs in the cellar and that a Dispersal Policy was already in operation at the premises. Mr Craig advised that the premises was willing to work with Miss Montgomery including asking all staff to say their goodbyes inside and voluntarily offering the following condition *‘That no noise be generated on the premises or by its own associated plant or equipment, which gives rise to a nuisance’* be imposed on the premises licence. In addition, he advised that Mr Seccombe offered to pay for triple glazing in Miss Montgomery’s bedroom. This offer was declined by Miss Montgomery, advising the Sub-Committee that she had recently installed recommended double glazing.

Mr Seccombe addressed the Sub-Committee, confirming that he maintained open communication with Miss Montgomery and responded promptly to her messages and concerns raised. He stated that he continually reviewed and developed existing policies including the Dispersal Policy and voluntarily employed doormen seven nights a week to ensure the venue was run safely. He advised the premises had a sound engineer on site each evening, and noise levels were monitored regularly and logged, with adjustments made where necessary. He described

Chaplin's as a well-run venue operated by responsible and experienced staff.

Mr Seccombe further confirmed that both exit doors at the premises displayed signage instructing patrons to leave quietly, the premises operated a staggered closing procedure and security staff patrolled the street after closing to encourage patrons to move along quietly.

The Sub-Committee heard from Mr Paul Barker, Environmental Health Officer, who confirmed that following complaints, calibrated noise monitoring equipment had been installed in Miss Montgomery's bedroom. Analysis of the recordings showed that music levels in the bedroom were consistently within World Health Organization guidance and did not indicate any statutory nuisance. However, the monitoring equipment had been moved on at least two occasions, compromising the reliability of most of the data collected, as relocation invalidated calibration. Environmental Health had offered further monitoring, but Miss Montgomery declined.

Mr Barker also advised that the AI noise reports submitted by Miss Montgomery, relied on these compromised recordings and therefore could not be relied upon.

He recommended a stepped approach involving further monitoring and collaboration between Environmental Health, the premises, and Miss Montgomery to establish the extent of any noise issues and identify possible solutions. Only if issues remained unresolved might a full acoustic report be justified.

The Sub-Committee asked Miss Montgomery whether she would reconsider allowing Environmental Health to conduct further monitoring at her property, but she declined citing concerns about intrusion as her son and his family now lived there.

The Sub-Committee favoured the more proportionate stepped approach set out by Mr Barker and noted that the premises was willing to work with Environmental Health.

Having taken all matters into consideration and having reviewed all submissions, the Sub-Committee determined that the most appropriate and proportionate outcome to the review application was to take no action and to allow the premises licence to remain in its current form. This decision was based on the absence of any evidence demonstrating a public noise nuisance and the view that the premises appeared to be operated in a responsible manner by experienced staff who were willing to work with Environmental Health. No other options were felt appropriate at this time.

The Sub-Committee also considered the condition offered by the premises but deemed it was too subjective to be enforceable. Further Environmental

Health investigation was considered the appropriate next step to assess noise levels and identify potential solutions.

The Sub-Committee acknowledged Miss Montgomery's sleep is being disturbed but did not find that the disturbance was solely attributable to the premises, noting that her bedroom overlooked a busy main road. They strongly recommended that she engage with the services offered by Environmental Health, which she had previously declined. The Sub-Committee considered it unreasonable at this time to modify the conditions on the premises licence and to require the premises to commission an expensive acoustic report without evidence demonstrating such a requirement was proportionate.

The Sub-Committee was satisfied that communication between the premises and Miss Montgomery remained constructive and that the premises had demonstrated willingness to resolve issues, including offering triple glazing and engaging with Environmental Health. The Committee regarded this as positive and expressed hope that further work by Environmental Health would lead to a resolution.

Despite determining that no action should be taken in respect of the review application the Sub-Committee expects management to regularly review their dispersal policy to include procedures to move patrons and performers away from the premises in such a way as to cause minimum disturbance or nuisance to neighbours and to remind SIA door staff that both patrons and performers should be encouraged to leave the premises quietly and to avoid loitering or chatting at the frontage.

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, and/or any interested person who made relevant representations.

148. 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.

149. Taxi Driver / Operator / Vehicle Licence Holder

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

Wesley Freeman – Licensing Officer

Linda Cole – Legal Advisor to the Sub-Committee

Michelle Cutler – Clerk to the Sub-Committee

The driver was in attendance, represented by a solicitor. A trainee solicitor was also in attendance. The driver was accompanied by a friend for moral support.

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 'B' to these Minutes in the Minute Book.

The Sub-Committee was asked to consider whether the individual remained a 'fit and proper' person to continue to hold a Private Hire Driver, Operator and Vehicle Licence following a recent driver complaint which led to an investigation into alleged non-compliance issues with all three licences.

The Sub-Committee asked various questions of all parties present and were grateful for the responses received. All parties had the opportunity to ask questions.

The Sub-Committee adjourned briefly at the request of the driver's solicitor as during the hearing, new information had come to light that the solicitor was not aware of.

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 driver, is no longer a 'fit and proper' person to hold a Private Hire Driver's Licence and that the licence be revoked with immediate effect under Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976 in the interests of public safety.

The Sub-Committee further determines that the driver is not a 'fit and proper' person to hold a Private Hire Vehicle Licence and that licence be revoked under Section 60 of the Local Government (Miscellaneous Provisions) Act 1976 due to his failure to comply with statutory requirements or licence conditions.

The Sub-Committee also resolved to revoke the driver’s Private Hire Operator Licence under Section 62 of the Local Government (Miscellaneous Provisions) Act 1976 due to his failure to comply with mandatory conditions and because he is no longer being deemed to be a ‘fit and proper’ person to hold such a licence.

Reasons for Decision:

The Sub-Committee considered all the written information which had been submitted before the hearing and contained in the Licensing Officer’s report for Agenda Item 8.

The Sub-Committee also considered the verbal submissions made at the hearing by the Licensing Officers, Michelle Fletcher and Wesley Freeman, the driver and the Solicitor representing the driver.

In considering the test of whether the driver is a ‘fit and proper’ person, the Sub-Committee had regard to the BCP Council Hackney Carriage and Private Hire Driver Policy 2026 – 2031 and the provisions of the Local Government (Miscellaneous Provisions) Act 1976. They also noted the Institute of Licensing (IOL) *Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades (2018)*, which advises that licensing authorities must adopt a precautionary approach and refuse or revoke licences where there is any doubt regarding an individual’s fitness or propriety, particularly where safeguarding risks are present and the Department for Transport’s Statutory Taxi and Private Hire Vehicle Standards (2022), which emphasise the paramount importance of safeguarding, risk based decision making, and the need for licensing authorities to take firm action where patterns of concerning behaviour emerge.

In particular, the Sub Committee had regard to the following points:

1 Private Hire Drivers Licence

Harassment complaints

The Sub-Committee considered three separate unrelated harassment complaints made by lone female passengers, received while the driver was working for two different operators.

The first 2 complaints occurred when he was working for Operator ‘A’, he received a warning from ‘Operator A’ for the first complaint and when a second complaint was received Operator ‘A’ suspended him and then removed him from their books. He was issued with a written warning from BCP Councils Licensing Team at this time. The third harassment complaint occurred when the driver was working for Operator ‘B’ and he was suspended and removed from their books. The driver was interviewed by the Licensing Team due to the repeat pattern of allegations against him where he denied any wrongdoing.

Overcharging complaint and failure to notify employment

New evidence from another operator confirmed an upheld complaint of overcharging and revealed that the driver had been working for that operator fulltime without notifying the Licensing Team as required by his licence conditions.

School run discrepancy

Evidence from Operator 'B' showed the driver had undertaken school runs despite denying this during a Licensing Team interview.

In response to the allegations, the Solicitor, advised that his client denied the harassment allegations, disputed the other operator complaint, and claimed he was unaware of his duty to notify change of operator.

The Sub-Committee were concerned that the driver accepted no fault or responsibility for his behaviour and did not identify any changes that he could make to his conduct or practice. They noted he had already received a written warning and had already undertaken additional safeguarding training.

The Sub-Committee expressed serious concern about the nature of the allegations made against the driver, noting that they related directly to passengers who were dependent on him for their safety. The Sub-Committee recognised that a taxi or private hire driver occupies a position of considerable trust and authority, with passengers placing themselves and their personal safety wholly in the driver's care.

In reaching its decision, the Sub-Committee placed significant weight on the fundamental importance of safeguarding the public and protecting vulnerable individuals.

The Sub-Committee had regard to the Department of Transport's test for decision makers which posed the question: "*Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?*" and concluded on the balance of probabilities that they would not allow a person for whom they care to travel alone with the driver.

The Sub-Committee had no confidence in the drivers ability to discharge the responsibilities as a licensed driver and concluded that he is not a 'fit and proper' person to hold a private hire driver's licence and that revocation under Section 61(2b) of the Local Government (Miscellaneous Provisions) Act 1976 was both necessary and proportionate in the interests of public safety.

2 Private Hire Vehicle Licence

The Sub-Committee noted that the driver had repeatedly failed to comply with requirements relating to the proper display of vehicle livery, despite being reminded on several occasions of the need for permanent affixation of plates and signage on the vehicle. Licensing Officer Wesley Freeman

confirmed that he had personally observed the licensed vehicle parked without the required livery being displayed, even after explicit warnings had been issued. The Sub-Committee were concerned that this was not a one-off oversight but part of a consistent and ongoing pattern of behaviour. The Sub-Committee took account of the Solicitors submissions that the driver regarded Bournemouth as a "rough area" and was reluctant for his vehicle to display taxi livery in case it attracted break ins from people looking for money. However, the Sub-Committee considered that, having chosen to apply for and hold a vehicle licence within the BCP area, he was required to comply fully with the licensing conditions, including the proper display of livery despite what he thought about the area.

The Sub-Committee also noted that an inward facing CCTV or dashcam device had been fitted inside the vehicle, contrary to Council policy, which prohibits inward facing cameras unless expressly authorised. While Mr Freeman acknowledged that a vehicle inspection would be required to confirm the exact type of camera installed, its presence nevertheless demonstrated further noncompliance with the vehicle policy. The Solicitor advised that the camera had been installed for protection but accepted that it would need to be removed if required.

The Sub-Committee considered that these issues, taken together, showed a clear and persistent disregard for the conditions of the vehicle licence. The requirement to permanently affix plates and livery is fundamental to the regulation of the trade, ensuring that licensed vehicles can always be identified by members of the public and enforcement officers. Despite repeated advice, the driver had still not affixed the required plates to his vehicle. This ongoing noncompliance gave the Sub-Committee no confidence that he was willing or able to meet even the most basic obligations of a licensed vehicle proprietor.

Considering the repeated breaches, the absence of corrective action, and the driver's overall compliance history, the Sub Committee concluded that the driver was not a 'fit and proper' person to hold a Private Hire Vehicle Licence, and that revocation under Section 60 of the Local Government (Miscellaneous Provisions) Act 1976 was both necessary and proportionate.

3 Private Hire Operator Licence

The Sub-Committee noted that the driver was unable to produce the mandatory booking, complaint, or lost property records required of an operator and that he operated without the necessary policies or procedural systems. This demonstrated a further failure to comply with the conditions of a licence. The Sub-Committee also considered the Solicitor's explanation that this was because the driver had been working under other operators rather than using his own operator's licence but now wished to rely on that licence because his history meant he could no longer work for other operators.

The Sub-Committee however considered section 3.45 of the 'Institute of Licensing Suitability Guidance on determining the suitability of applicants

and licences in the private hire and hackney industry'. They asked themselves, *'if without any prejudice and based on the information before them, would you be comfortable providing sensitive information such as holiday plans, movements of your family, or other information to this person, and feel safe in the knowledge that such information would not be used or passed on for criminal or unacceptable purposes?'*

The Sub-Committee concluded that they would not be comfortable in providing the driver with sensitive personal information and given his compliance history, the Sub-Committee had no confidence in his ability to operate legally or responsibly.

The Sub-Committee determined that he was not a 'fit and proper' person to hold a Private Hire Operator Licence, and that revocation under Section 62 of the Local Government (Miscellaneous Provisions) Act 1976 was both necessary and proportionate.

The Sub-Committee found that the drivers previous conduct and compliance history gave them no confidence in his ability to behave in an appropriate or responsible manner in the future. The Sub-Committee was not satisfied that he would comply with the conditions of his licences or meet the standards expected of those entrusted with public safety. Considering these concerns and having concluded that he fell short of the standard required of a licensed BCP driver across all three of his licences, the Sub-Committee resolved to revoke all three licences under the appropriate statutory powers.

Right of Appeal

The person aggrieved by this decision, namely the licence holder has the right to appeal to the Magistrates' Court within a period of 21 days beginning with the day on which they are notified of the decision in writing

The meeting ended at 1.31 pm

CHAIRMAN