

Licensing Board, 6 November 2012

**LICENSING BOARD  
6 November 2012**

**PRESENT:** Councillor Andrew Morgan - Chairman, Councillor David Kelsey - Vice-Chairman; Councillors Linda Bailey, Stephen Chappell, Susan Phillips, Anne Rey, Theo Stratton, John Trickett and Chris Wakefield.

The meeting commenced at 09:50 am.

**SECTION I - BUSINESS RECOMMENDED TO THE COUNCIL**

No items.

**SECTION II - BUSINESS DECIDED UNDER DELEGATED POWERS**

**205. APOLOGIES**

An apology for absence was received from Councillor John Adams.

**206. DECLARATIONS OF INTEREST**

There were no declarations of interests made by members under the Code of Conduct.

**207. DEPUTATIONS**

The Democratic Services Officer reported that, in line with Procedure Rule 37, no deputation requests had been received.

**208. APPLICATION FOR VARIATION OF PREMISES LICENCE - PICK UP EXPRESS, 123 ALMA ROAD**

The Board considered an application made by Mr Bulent Gundogdu to vary the premises licence for Pick Up Express, 123 Alma Road. The application was for the following:-

- Extension of the times the licence was authorised for the carrying out of licensable activities:-

Supply of Alcohol: Monday to Sunday, 08.00 to 23.00 hours.

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- Amendment to conditions:-
  - 3.1 The premises shall be able to supply single cans of beer.
  - 3.2 The premises shall be able to supply cans or bottles of beer, lager and cider stronger than 5.5% ABV.

The Senior Licensing Officer summarised the application as set out in Report 'A'. Consultation on the application had resulted in Dorset Police and Environmental Health as responsible authorities making representations based on the prevention of crime and disorder and the protection of children from harm licensing objectives respectively. In addition, 1 local resident had made representations based on the prevention of crime and disorder and the prevention of public nuisance licensing objectives.

It was noted that the premises licence, which permitted the supply of alcohol off the premises, Monday to Sunday, 08.00 to 20.00 hours, had been granted by the Licensing Board on 4 October 2011. The grant of the application was subject to the following additional conditions which were imposed on the operating schedule:-

- 3.1 The premises will not supply single cans of beer, lager and cider.
- 3.2 The premises will not supply cans or bottles of beer, lager and cider stronger than 5.5% ABV.

The following persons attended the Board hearing and gave verbal evidence based on their written submissions:

- Applicant - Pick Up Express - represented by Mr Taflan and Mr B. Gundogdu - Premises Licence Holder and Designated Premises Supervisor.
- Responsible Authority - Dorset Police - represented by Mrs G. Wade.
- Responsible Authority - Environmental Health - represented by Lyn Barr, Senior Technical Officer - Trading Standards.

The applicant tabled an annotated map of the local area surrounding the premises which detailed the location of neighbouring premises with alcohol licences, their licensable hours and location in relation to Winton Recreational Ground. The Chairman and Senior Solicitor explained to the applicant that information which related solely to other premises and their impact on crime and disorder in the area was not a relevant factor for consideration by the Licensing Board. The Chairman requested that the applicant demonstrated their own abilities to uphold the licensing objectives and alleviate the concerns made by the responsible authorities and interested parties in their representations.

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Members asked various questions to the different parties during the hearing. All parties were given the opportunity to ask questions of each other and to sum up before the Board retired to make its decision.

**DECISION MADE:**

That the application for the variation of the premises licence at Pick Up Express, 123 Alma Road, be refused.

**REASONS FOR DECISION:**

The Chairman explained that the Board had taken account of the written evidence that had been submitted before the meeting along with the verbal submissions made by all parties at the meeting.

Furthermore, the Chairman referred to the decision of the Licensing Board on 4 October 2011, which imposed conditions on the premises licence necessary for the promotion of the licensing objectives.

The Board felt that the representations made by Dorset Police, Trading Standards and a local resident had sufficiently demonstrated that to grant the variation application would undermine the prevention of crime and disorder, prevention of public nuisance and the protection of children from harm licensing objectives, with particular regard to single can sales. The Chairman explained that the area experienced problems with street drinking, anti social behaviour and nearby housing catered for the needs of recovering alcoholics.

The Board noted the submissions by the applicant that alcohol sales made up approximately 25% of the total sales at the premises and that the primary reasoning for the application was to increase revenue in a difficult financial climate. In connection with this, the Board was surprised to find that the applicant chose to open the premises from 08.00 to approximately 20.30 hours when the licence allowed for the premises to open from 06.00 to 23.00 hours.

The Board concluded that should the application have been granted, sales from 20.00 to 23.00 hours would be alcohol led and would have an adverse affect on the problems already experienced in the area.

The Senior Solicitor advised that any persons aggrieved by the decision would have the right of appeal to the Magistrates Court, and any such appeal should be lodged within 21 days of receiving the decision letter.

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**209. APPLICATION FOR RENEWAL OF A SEXUAL ENTERTAINMENT VENUE LICENCE - WIGGLE, 159 OLD CHRISTCHURCH ROAD**

The Board considered an application made by Wellhot Limited for the renewal of the sexual entertainment venue licence held by the premises known as Wiggle, 159 Old Christchurch Road.

The Senior Licensing Officer summarised the application as set out in Report 'B'. Consultation on the application had resulted in two local residents submitting objections to the application.

The following persons attended the Board hearing and gave verbal evidence based on their written submissions:

- Applicant - Wellhot Limited - represented by Mr J. Ojla - Director, Mr F. Beqiri - Manager of Wiggle and Mr D. Thoroughgood - Assistant Manager of Wiggle.

Members asked various questions to the applicant during the hearing. The applicant was then given the opportunity to sum up before the Board retired to make its decision.

**DECISION MADE:**

That the application for the renewal of the sexual entertainment venue licence for Wiggle, 159 Old Christchurch Road, be granted.

**REASONS FOR DECISION:**

The Chairman explained that the Board had taken account of the written evidence that had been submitted before the meeting along with the verbal submissions made by the applicant at the meeting.

The Board drew the applicant's attention to the objections made by local residents and encouraged a good relationship with all local residents to ensure they were not adversely affected by the operation of the premises. The Board were satisfied that the applicant had addressed these objections and demonstrated their ability to run the premises responsibly.

The Chairman highlighted the standard conditions to be complied with by sexual entertainment venues, with particular emphasis on the agreed dress code of employees in the court yard area.

Furthermore, the Chairman wished the applicant every success in running a successful and responsible business in the town. The Senior Licensing Officer was requested to arrange for an inspection of the premises within the next three months.

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## 210. EXCLUSION OF THE PRESS AND PUBLIC

### DECISION MADE:

That under 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 it involves the likely disclosure of exempt information as defined in Paragraph 5 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.

## 211. UPDATE ON APPEALS

The Board received an update from the Senior Solicitor on appeals to be considered by the Magistrates Court.

### DECISION MADE:

That the update be noted.



- The meeting resumed in open session -

## 212. TEST PURCHASING - LICENSING AND TRADING STANDARDS

The Board discussed an upcoming test purchasing initiative, with particular regard to premises in the locality of Milton House Children's Home.

The Senior Licensing Officer encouraged members to inform young people of the opportunity to get involved with the test purchasing initiative.

The meeting closed at 11:17 am.

Contact: Matthew Wisdom, Democratic Services Officer  
 01202 451107  
 [matthew.wisdom@bournemouth.gov.uk](mailto:matthew.wisdom@bournemouth.gov.uk)

Website: [www.bournemouth.gov.uk](http://www.bournemouth.gov.uk)