

Licensing Board, 30 April 2013

**LICENSING BOARD  
30 April 2013**

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

Councillor David Smith, Central Ward Councillor attended.

The meeting commenced at 09.48 am.

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

No items.

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

**63. DECLARATIONS OF INTEREST**

There were no declarations by members of any disclosable pecuniary interests under the Code of Conduct.

**64. MINUTES**

The minutes of the meeting held on 26 March and 18 April 2013 were confirmed.

**65. DEPUTATIONS**

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

**66. APPLICATION FOR A NEW PREMISES LICENCE - FORMER IMAX SITE, PIER APPROACH**

The Board considered an application made by Mr. J. Weaver, Events and Marketing Manager, Bournemouth Tourism, on behalf of Bournemouth Borough Council for a new premises licence for an open event space at the Pier Approach. The application was for the following:-

- Regulated entertainment
  - Monday to Sunday, 10.00 to 23.00 hours.
- Late night refreshment

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- Monday to Sunday, 00.00 to 05.00 hours.

The Senior Licensing Officer summarised the detail of the application as set out in Report 'A'. Consultation on the application had resulted in a representation being received from an interested party, Mr. J. Walker on the grounds of the prevention of public nuisance licensing objective. No representations were received from any of the responsible authorities.

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

- Applicant - Bournemouth Borough Council - represented by Mr. J. Weaver, Ms. H. Wildman and Ms. K. O'Reilly of Bournemouth Tourism.

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 a new premises licence for the open event space, Pier Approach, be granted.

### REASONS FOR DECISION:

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

The Board was satisfied that the applicant had comprehensively addressed the concerns within the representation made by an interested party with regard to the prevention of public nuisance. Particular attention was drawn to the publication of contact details for any public nuisance concerns during events held at the open venue.

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.

## **67. APPLICATION FOR A NEW PREMISES LICENCE - V BOURNEMOUTH LTD, EXETER ROAD**

The Board considered an application made by Mr. J. Wallsgrove of Blake Laphorn Solicitors, on behalf of V Bournemouth Ltd, for a new premises licence at the premises to be known as 'Halo', Exeter Road. The original application was for the following:-

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- Regulated entertainment
  - Monday to Sunday, 10.00 to 03.00 hours.
- Supply of alcohol
  - Monday to Sunday, 10.00 to 03.00 hours.

Prior to considering the application, and with the agreement of all parties, the Board adjourned to undertake a site visit to the premises. All parties to the hearing were present at the site visit.

The Senior Licensing Officer summarised the detail of the application as set out in Report 'B'. Consultation on the application had resulted in the receipt of three representations from Dorset Police as a responsible authority, Councillor David Smith, Central Ward Councillor and Mr. P. Tisdale of 'That Group Bournemouth' Development Company. The representations were made on the grounds that to grant the application as presented would undermine the prevention of crime and disorder and the prevention of public nuisance licensing objectives.

During the consultation period, the applicant agreed the following amendments to conditions contained within the operating schedule with Dorset Police and Environmental Health - Pollution Control, as responsible authorities:-

- Prevention of Crime and Disorder
  - 2.2 The provision, maintenance and use of ID Scan equipment upon entry to the premises combined with the Challenge 25 policy must be in operation during licensable activities and ID to be scanned upon entry. Accepted forms of identification shall be passport, photo driving licence and Proof of Age Standards Scheme (PASS).
  - 2.6 Members of the management team or door supervisors shall walk the floors and dance areas at least once in every 30 minutes to assist in the control of customer behaviour, identification of intoxication and overcrowding. Such checks shall be recorded and records to be made available for inspection by Police or authorised Officers on request.
  - 2.9 A drugs and weapons search policy shall be implemented, whereby a minimum of 1 in 10 persons entering the building shall be searched in accordance with that policy, in addition to any person entering the building, or any person inside the building suspected by staff of using drugs or carrying weapons shall be searched in accordance with that policy.
  - 2.15 No customer shall be allowed admission to the premises after 02.00 hours. Nothing in this condition shall prevent a customer who has temporarily left the premises for the sole purposes of smoking to be readmitted.

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- Prevention of Public Nuisance
  - 2.23 No musical regulated entertainment may be provided by authority of this licence unless an acoustic report in respect of the whole building has been provided to the Environmental Health Officer within 28 days of the grant of the licence. The acoustic report shall demonstrate that music from the premises shall not exceed the background noise levels at the nearest noise sensitive properties at any time. There shall also be no dominant frequencies. Any recommendations of the acoustic report shall be implemented within 1 month of the report being approved and retained for the duration of this licence.
  
- Protection of Children from Harm
  - 2.27 All staff serving or selling alcohol shall be trained in and comply with relevant aspects of licensing laws. Staff training records shall be retained for a period of 12 months. The training shall encompass relevant aspects of the Licensing Act 2003 and the Challenge 25 Policy or such other policy that may supersede it. Staff training records shall be retained for a period of 12 months and made available to an authorised officer on request.
  - 2.28 The premises shall operate (as a minimum requirement) a Challenge 25 policy. All customers who appear to be under the age of 25 shall be asked to produce photo ID to prove they are of a legal age before being sold alcohol. A notice advertising the policy shall be prominently displayed in the bar area.

With the agreement of all parties, a modification to the representation made by 'That Group Bournemouth' Development Company was accepted.

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

- Applicant - V Bournemouth Ltd, represented by Mr. J. Wallsgrove - Blake Laphorn Solicitors, Mr. G. Bennetton and Mr. A. Scott - Co-Directors, Ms. V. Sheppard - Designated Premises Supervisor and Mr. M. French - Former Club Chaplain.
- Responsible authority - Dorset Police, represented by Mr. P. Whur - Solicitor and PC. D. Harris.
- Interested party - Councillor David Smith - Central Ward Councillor.

Members asked various questions to all of the parties present 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.

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**DECISION MADE:**

That the application for a new premises licence for V Bournemouth Ltd, Exeter Road, be granted as presented, subject to the following amendments and additional conditions to be contained within the operating schedule:-

General - all four licensing objectives

- The following persons shall not have any financial interest or work in any capacity, including any advisory one, in this licensed premises:
  - Richard Carr
  - James Beedham
  - Any member of Richard Carr or James Beedham's families
  - Any limited company for which Richard Carr, James Beedham or any member of their respective families has a financial interest or is employed by, in any capacity
  - Any partnership for which Richard Carr, James Beedham or any member of their respective families has a financial interest or is employed by, in any capacity
  - Any legal entity for which Richard Carr, James Beedham or any member of their respective families has a financial interest or is employed by, in any capacity
- Richard Carr and James Beedham are not permitted on the licensed premises at any time.

The prevention of crime and disorder

- A drugs and weapons search policy shall be implemented with random searches as appropriate, and a minimum of 1 in 10 persons entering the building being searched, and those inside the building suspected by staff of using drugs or carrying weapons shall be searched in accordance with that policy. A drugs safe shall be installed in compliance with Dorset Police standards and a log of seizures maintained and signed by management. Security detection wands will be used in the detection of weapons.
- Bar staff shall be comprehensively trained to ensure that they are aware of their legal responsibility not to serve customers who are intoxicated.

The prevention of public nuisance

- No waste collections shall take place at the premises between the hours of 21.00 to 09.00 the following day.

The protection of children from harm

- No under 18s shall be allowed anywhere on the premises after 22.00 hours.

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**REASONS FOR DECISION:**

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

On balance, the Board concluded that the applicant had successfully rebutted the presumption that the premises would add to crime and disorder within the Cumulative Impact Area and that the application should be refused. They concluded that with the amendment and addition of further conditions, the premises should not undermine the licensing objectives and add to crime and disorder within the area.

The Chairman explained that the Board had carefully considered the evidence presented by all parties and were in agreement that the new operators were highly experienced and capable of running a successful, vibrant and responsible business in Bournemouth and capable of promoting all four licensing objectives.

Furthermore, the Chairman referred to the Council's Statement of Licensing Policy and explained that the application demonstrated the opportunity for economic benefit to the town and the revitalisation of a business currently dark and closed was welcomed. The Board welcomed the input of the previous club chaplain and were encouraged by future plans to extend the business into a community facility during the day.

The conduct of the previous ownership of the premises was highlighted as unacceptable, and in connection with previous incidents and clientele, the Chairman stressed the critical importance of setting a responsible tone to all employees and customers from the first day of operation. Similarly, the Board highlighted the need for an extensive re branding exercise to 'Halo' before opening the premises.

The Chairman explained that the Board had deliberated for some time on the appropriate end time for licensable activities, and was very conscious that Dorset Police had recommended that sale of alcohol and regulated entertainment should end at 01.30 hours with the premises closing at 02.00 hours. On the balance of the evidence provided in relation to crime and disorder occurring between 02.00 and 03.00 hours, the Board decided that it was appropriate to grant the license for the hours as applied for until 03.00 hours. They concluded if the premises was run responsibly as the applicant had demonstrated he did in other venues and in accordance with the conditions on the licence then the licensing objectives should not be undermined.



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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Note: Councillors Susan Phillips, David Kelsey, Anne Rey and John Trickett dissented from the decision to grant the licence until 03.00 hours, opposed to 02.00 hours.

The meeting adjourned between 10.14 to 10.25 am, 10.30 to 11.02 am, and 1.10 to 2.15 pm.

The meeting closed at 2.45 pm.

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