

Licensing Sub-Committee, 28 January 2014

**LICENSING SUB-COMMITTEE
28 January 2014**

PRESENT: Councillor Andrew Morgan - Chairman; Councillors Anne Rey and John Trickett.

The meeting commenced at 09.45 am.

SECTION I - BUSINESS RECOMMENDED TO THE COUNCIL

No items.

SECTION II - BUSINESS DECIDED UNDER DELEGATED POWERS

6. DECLARATIONS OF INTERESTS

In the interest of openness, Councillor Andrew Morgan - Chairman, declared that, in respect of report '5', he had a number of shares in Marstons PLC. The value of these shares was less than the threshold under which a disclosable pecuniary interest must be made. Regardless, the value of these shares was in no way impacted upon by the consideration of the individual variation application before the Sub-Committee.

In the interest of openness, Councillor Anne Rey declared that the licensed premises in respect of report '5', had been one of her local public houses for a number of years.

7. MINUTES

The minutes of the meeting held on 16 January 2014 were confirmed.

8. APPLICATION FOR A VARIATION TO A PREMISES LICENCE - THE CROWN, BROADHURST AVENUE

The Sub-Committee considered an application made by John Gaunt and Partners on behalf of Marstons PLC, for a variation to the premises licence for the Crown, Broadhurst Avenue. The application was for a variation to bring forward the opening hours of the premises to 09.00 hours, the commencement of all licensable activities to 10.00 hours, and to extend the terminal hour for all licensable activities until 01.00 hours on Friday and Saturday. In addition, an extension to the non standard timings on all licensable activities on Christmas Eve and Boxing Day until 01.00 hours was applied for.

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The Licensing Officer summarised the application as set out in report '5'. Consultation on the application had resulted in the receipt of representations from local ward Councillor Sue Levell, and 12 local residents as interested parties.

The following persons attended the Board hearing to give evidence based upon their written representations:-

- Applicant - Jonathon Hyldon of John Gaunt and Partners, on behalf of Marstons PLC, represented by Matt Heavens - Area Operations Manager and John Fitzhenry - Manager.
- Local Ward Councillor - Sue Levell.
- Local residents.

Following the receipt of written representations and discussions at the hearing, the applicant agreed to the inclusion of the following additional conditions:-

- All licensable activities with the exception of the sale of alcohol and late night refreshment to cease by 00.00 hours on Fridays and Saturdays.
- A noise management plan and dispersal policy to be provided to the Council within 14 days.
- A contact number for the designated premises supervisor be made available to local residents.
- No licensable activities to take place outside the premises after 23.30 hours.

Members asked a number of questions to the applicant and interested parties and all parties had the opportunity to ask questions of each other in the course of the hearing. All parties were then given the opportunity to sum up before the Board retired to make its decision.

DECISION MADE:

That the application for a variation to the premises licence for The Crown, Broadhurst Avenue, be granted, subject to agreed additional conditions listed above.

REASONS FOR DECISION:

The Chairman explained that the Sub-Committee had taken into account all the written evidence that had been submitted before the meeting, along with the verbal submissions made by all parties at the meeting.

The Sub-Committee were particularly grateful for the contribution of local residents, and highlighted that their representations had been taken into consideration by the applicant, who offered a number of conditions in

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response to their concerns. The Chairman expressed support for a clear example of mediation in the interest of all parties and that the Sub-Committee had every confidence that the conditions attached to the licence, if adhered to, were sufficient to promote the licensing objectives.

The Sub-Committee were encouraged by the applicant's commitment to produce noise management and dispersal policies, which addressed local residents' concerns about noise pollution.

The Chairman encouraged the applicant to run the premises responsibly, and wished them every success for their business.

The Senior Solicitor advised all parties 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 formal notification of the decision.

9. APPLICATION FOR NEW PREMISES LICENCE - CLIFF HOUSE HOTEL, BELL VUE ROAD

The Sub-Committee considered an application made by JCP Law on behalf of Mr. A. Gosling, for a new premises licence for Cliff House Hotel, Bell Vue Road. The application was for regulated entertainment, late night refreshment and the supply of alcohol for:-

- Residents and their bona fide guests - 24 hours each day of the week.
- Non residents - 10.00 hours to 23.30 hours Sunday to Thursday and until 00.30 hours on Fridays and Saturdays.
- On Bank and Public Holiday weekends (Friday to Monday inclusive), on St Valentine's Day, St George's Day, St Andrew's Day, St Patrick's Day and St David's Day and from 11 December to 24 December inclusive an additional hour on the terminal hour.
- An extension from the terminal hour on New Year's Eve to the commencement of hours on New Year's Day.

The Licensing Officer summarised the application as set out in report '6'. Consultation on the application had resulted in the receipt of representations from 10 local residents as interested parties, who had chosen to be represented by local ward Councillors Blair Crawford and Chris Mayne.

The following persons attended the Board hearing to give evidence based upon their written representations:-

- Applicant - Julia Palmer of JCP Law, on behalf of Andrew Gosling.
- Local Ward Councillors - Blair Crawford and Chris Mayne.
- Local residents.

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Following the receipt of the representations, the applicant offered a number of proposed conditions in partnership with local residents as follows:-

- Prevention of Crime and Disorder
 - The provision of licensable activities will be limited for non residents (excludes bona fide guests of residents) to 23.30 hours Sunday to Thursday and 00.30 hours Friday and Saturday, extended by an additional hour on the terminal hour on Bank and Public Holiday weekends (Friday to Monday inclusive), on St Valentine's Day; St George's Day; St Andrew's Day; St Patrick's Day and St David's Day, and from 11 December to 24 December; and an extension from the terminal hour on New Year's Eve to the commencement of hours on New Year's Day.
 - A CCTV system shall be maintained in accordance with Dorset Police's reasonable guidelines. CCTV recordings shall be maintained and preserved for at least 31 days and copies made available to Dorset Police on request (subject to the Data Protection Act 1998). At all times that the premises are open to trade there will be at least one member of staff on duty who is trained to use the CCTV system and in particular to show playbacks and make recordings.
 - All staff involved in the sale or service of alcohol shall be given training in the law relating to the sale of alcohol to children. Refresher training will be given to all staff on a 6 monthly basis or when there is a change in legislation. A record of that training shall be maintained at the premises and made available for inspection by Licensing, Police and other authorised officers upon reasonable request.
 - The premises shall operate 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 premises.
 - A record of refusals and/or incidents shall be maintained and produced on request to a police officer.
- Prevention of Public Nuisance
 - Clearly legible notices shall be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
 - No rubbish including the bottles or cans shall be disposed of outside the premises between 23.00 hours and 07.00 hours the following morning.
 - Refuse collections and deliveries shall not take place between 23.00 hours and 07.00 hours the following morning.
 - There shall be no external regulated entertainment after 00.00 hours, unless permitted following consultation with the Environmental Health team.

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- The Premises Licence Holder will comply with the submitted Noise Management Plan under condition documented as appendix 1.

In response to a number of concerns in relation to the proposed marquee area and the risk of noise pollution, the applicant agreed to the following amended condition:-

- Prevention of Public Nuisance
 - There shall be no external regulated entertainment after 22.00 hours, unless permitted following consultation with the Environmental Health team.

Members asked a number of questions to the applicant and interested parties and all parties had the opportunity to ask questions of each other in the course of the hearing. All parties were 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 Cliff House Hotel, Bell Vue Road, be granted, subject to agreed additional conditions listed above.

REASONS FOR DECISION:

The Chairman explained that the Sub-Committee had taken into account all the written evidence that had been submitted before the meeting, along with the verbal submissions made by all parties at the meeting.

The Sub-Committee was particularly impressed with the level of detail contained within the application and noted the excellent reputation and experience of the applicant, which demonstrated his ability to uphold the licensing objectives. The conditions offered were considered to be sensible, proportionate and appropriate for the responsible operation of the premises.

In respect of the reduction of the permitted hours for external regulated entertainment to 22.00 hours, the Chairman explained that the ability to arrange live music in the external area was unnecessary given the applicant's business plans. The risk of noise pollution was greatly reduced by this condition and the Sub-Committee welcomed the applicant's agreement to attach the condition to the licence.

The Sub-Committee expressed their confidence in the applicant's ability to run the premises responsibly and wished him every success in the operation of the premises.

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The Senior Solicitor advised all parties 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 formal notification of the decision.

The meeting closed at 12.40 pm.

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