

**LICENSING SUB COMMITTEE
2 March 2017**

PRESENT: Councillor Andrew Morgan - Chairman; Councillor David Kelsey - Vice-Chairman; Councillor Norman Decent

Also Present: Councillor John Trickett (observing)

The meeting commenced at 9.45am.

SECTION I - BUSINESS RECOMMENDED TO THE COUNCIL

No items

SECTION II - BUSINESS DECIDED UNDER DELEGATED POWERS

16. DECLARATIONS OF INTERESTS

There were no declarations of any disclosable pecuniary interests or other interests by Members of the Sub Committee.

For transparency the Democratic Services Officer reported that one of the local residents attending the meeting, Mrs Sim, was known to her as the sister of one of her work colleagues.

17. PUBLIC ITEMS

There were no public questions or deputations received.

18. APPLICATION FOR NEW PREMISES LICENCE - THE VINTAGE PORT COMPANY, 44 CECIL AVENUE

The Sub Committee considered an application made by Mr Paul Reidy of The Vintage Port Company to allow the supply of alcohol off the premises at 44 Cecil Avenue between 09:00 and 20:00hours Monday to Sunday via mail order only.

The Chairman made introductions and explained the procedure for the hearing which was agreed by all parties. The Licensing Officer summarised the detail of the application as set out in Report '4'. Consultation on the application had resulted in the receipt of four representations from 'other persons' under one or more of licensing objectives as set out in their individual responses. The report stated that agreement had been reached with Pollution Control for two additional conditions to be included in respect of noise and the storage of alcohol. There had been no representations from any other responsible authority or person.

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The Chairman invited the Senior Solicitor to comment on the issue of land covenants, which was an issue raised in some of the representations. She advised that under the provisions of the Licensing Act 2003 this was not a matter which the Licensing Sub Committee could take into consideration when making its decision.

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

- Mrs Sally Sim, local resident:
 - Speaking to her own objection on the grounds of the prevention of crime and disorder, the prevention of public nuisance, and public safety.
 - Also speaking on behalf of Desmond Painter, local resident, objecting on the grounds of the prevention of crime and disorder, the prevention of public nuisance, and public safety, and on behalf of Chris Moore, local resident, objecting on the grounds of all four licensing objectives
- Councillor Mark Anderson, ward member, speaking on behalf of local residents, Desmond Painter and Chris Moore, on the grounds set out above
- Mr and Mrs Paul Reidy of The Vintage Port Company, the applicants. In their submission Mr and Mrs Reidy indicated that while not a condition of the licence it was their intention where possible to limit deliveries to between the hours of 09:00 and 15:00 Monday to Friday and to a maximum of three deliveries of stock every two weeks.

Members of the Sub Committee asked various questions to all of the parties present during the hearing. All parties were given the opportunity to ask questions of one another and to sum up, before the Sub Committee retired to make its decision.

DECISION MADE:

That the application for a new premises licence for The Vintage Port Company, 44 Cecil Avenue, to allow the supply of alcohol off the premises between the hours of 09:00 and 20:00 be granted with the following conditions attached to the licence:

1. All reasonable steps shall be taken to prevent disruption to neighbours and the following measures will be implemented:
 - a. To keep noise to a minimum the repackaging of boxes and bottles and delivery or collection of stock shall not occur between 23:00 and 07:00 hours.
 - b. Rubbish bins shall be kept towards the rear of the premises, away from public access.
 - c. Bottles, bins or rubbish shall not be emptied between 23:00 and 07:00 hours.
 - d. Couriers or delivery drivers collecting or delivering stock shall be instructed not to park over other residents' driveways or block the street.
2. All stock shall be stored in the Store Room, as indicated on the plan.

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3. No members of the public shall be allowed on the premises and all business will be transacted online or via the telephone.
4. Deliveries will be via standard delivery vans similar to those which already operate in the area. There will only be one collection of orders a day and new deliveries of stock will be on an as required basis.
5. The Designated Premises Supervisor will ensure that an age verification policy applies to the company's website and will only take orders online or by telephone once the person's age has been verified.
6. All future staff will be trained in this policy and be required to hold a personal licence.
7. All deliveries will only be by a courier who requires an adult signature on delivery.
8. No sale of beers or ciders from the premises.
9. A complaints log will be maintained to record any concerns received from local residents about the operation of the premises licence.

Reason for Decision:

The Chairman explained that the Sub Committee had given thorough consideration to the written evidence that had been submitted before the meeting, along with the verbal submissions and responses given at the meeting by all parties. He thanked Mrs Sim and Councillor Anderson for attending to represent local residents' concerns. He also thanked Mr and Mrs Reidy for their helpful responses to questions.

The Chairman explained that the Sub Committee found the application to be well researched and properly prepared. Notwithstanding the representations received the Sub Committee granted the licence subject to the conditions set out above. Conditions 8 and 9 were added by the Sub-Committee, condition 9 having been offered by the applicant during the hearing. The applicants had demonstrated that they were already aware of concerns regarding public nuisance and the Sub Committee had confidence that these would be addressed, together with steps to ensure the premises was secure. The Chairman stated that the Sub Committee expected the premises to be a responsible neighbour and he wished the applicants every success in 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 receiving the decision letter.

19. ITEM OF ANY OTHER BUSINESS - TAXI TRADE LIAISON MEETINGS

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The Chairman reported that he had received a request from the Chair of the Bournemouth Taxi Trade Association to hold a taxi trade liaison meeting to discuss general issues. These meetings had previously been held on a regular basis. He asked that the Licensing Manager be requested to respond to confirm that the Council would welcome such a meeting and to start looking at dates.

The meeting was adjourned between 10.48am and 11.08am

The meeting closed at 11.11am

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