

**LICENSING BOARD**  
**15 February 2018**

**PRESENT:** Councillor Andrew Morgan - Chairman; Councillor David Kelsey - Vice-Chairman; Councillors Mark Battistini, Norman Decent, Susan Phillips, John Trickett.

The meeting commenced at 9.45am.

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

No items

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

**13. APOLOGIES**

Apologies were received from Councillors Bobbie Dove, Beverley Dunlop, Gina Mackin and Chris Wakefield.

**14. DECLARATIONS OF INTERESTS**

There were no declarations of any disclosable pecuniary interests by Members of the Board.

For transparency, the Chairman declared he knew Mr Rayner who was representing the taxi trade at item 6 - review of Hackney Carriage Fares, but not in a capacity that would prejudice his taking part.

**15. PUBLIC ITEMS**

The Board agreed to receive a deputation from Mr Kevin Holmes and Mr Bob Rayner, Chair of the Bournemouth Joint Taxi Trades, to be considered as part of the agenda item on the annual review of hackney carriage fares.

Mr Kevin Holmes representing the taxi trade was requesting an increase in line with the current rate of inflation of 3%. He referred to the four main areas of expense for the taxi trade - fuel, insurance, servicing and replacement vehicles. He also explained that the trade was under increasing pressure from legal and illegal competitors. In addition to the 3% increase the trade was also requesting a 'rolling tariff' to enable rates to change automatically at midnight and 6.30am while passengers were in transit. This was in line with current practice in Poole and Christchurch and would overcome any discrepancies in fares.

**DECISION MADE:**

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That the deputation be received and taken into account when considering the annual review of hackney carriage fares.

### **16. REVIEW OF HACKNEY CARRIAGE FARES**

The Board considered a report circulated at '6' on the taxi trade's application to review the Hackney Carriage maximum fares and charges for the 2018/19 year. The proposals were normally considered annually in February to allow time for any adjustment approved by the Board to be implemented with effect from 1 April 2018.

As explained in Mr Holmes' deputation the taxi trade was requesting a 3% tariff increase for 2018/9. The trade was also requesting a 'rolling tariff' to enable rates to change automatically at midnight and 6.30am while passengers were in transit. The proposed new figures were set out in detail at Appendix A of the report. Appendix C provided a more concise summary of the variations to the table of fares.

The trade responded to questions on:

- How the 3% differential was calculated and calibrated
- How the fuel increase was calculated

The Board agreed that the proposed increases within the report were proportional and reflected increased costs. They also agreed that a 'rolling tariff would be beneficial because it would bring Bournemouth's tariffs in line with those of Christchurch and Poole.

The Chairman also highlighted that the Council were actively engaged in tackling illegal, uninsured drivers who were using social media sites to arrange lifts for profit. A member also raised the issue of access to taxis by disabled residents, particularly wheelchair users, both issues would be discussed at future meetings.

### **DECISION MADE:**

That the proposed Hackney Carriage maximum fares and charges be approved to come into effect from 1 April 2018.

### **17. APPLICATION FOR NEW PREMISES LICENCE - FACTORY STUDIOS, 107A HAVILAND ROAD**

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

The Board considered an application made by Mr John Milton of Knight Training representing Mrs Kerrie-Anne Smith trading as (T/A) Smith & Weston for a new premises licence for Factory Studios, 107a Haviland Road. The application sought to allow the supply of alcohol on and off the premises Monday to Sunday between 10:00 and 22:00 hours.

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The Licensing Technician summarised the detail of the application as set out in report '4'. Representations had been received from Planning and Dorset Police under the prevention of crime and disorder licensing objective and the prevention of public nuisance licensing objective. The premises was also situated within the Boscombe cumulative impact area. Comments were made by Environmental Health on behalf of Pollution Control but no formal representation was received.

Following publication of the report additional written information was submitted by the applicant and circulated to the Board in advance of the hearing. Plans LB5 and LB14 from inside the premises were circulated to the Board.

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

- Mrs Louise Busfield, Dorset Police
- Mr John Milton of Knight Training
- Mrs Kerrie-Anne Smith, T/A Smith & Weston
- Mr David Mullins, owner

Planning withdrew their opposition after amended plans LB5 and LB14 were submitted on 16 January 2018.

Members of the Board asked various questions of all parties present during the hearing. All parties were given the opportunity to ask questions of one another and to sum up, before the Board retired to make its decision. It was clarified to the Board that the licensing decision needed to consider the licensing objectives and the representations as per the usual process, irrespective of the fact that planning permission for the premises had not yet been granted.

### **DECISION MADE:**

That the application for a new premises licence for Factory Studios, 107a Haviland Road, to allow the supply of alcohol on and off the premises Monday to Sunday between 10:00 and 22:00 be approved subject to the following conditions.

- Compliance with the security suggestions recommended by the Dorset Police Crime Prevention and Security advisor, dated 12 January 2018;
- Designated Premises Supervisor to undergo training in conflict management;
- Supply of alcohol off the premises be limited to gin and gin based Liqueurs only;
- Supply of alcohol on the premises to be limited to gin, gin-based liqueurs, wine and beer only;
- No fixed bar to be in place on the premises;
- No drinks to be taken into the courtyard- the courtyard would not form part of the licensed area;
- Updated plan showing the area to be licensed to be submitted to the Licensing Officer.

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The Chair wished the applicant success and highlighted that the Board seeks to encourage artistic diversity within the borough.

### REASON FOR DECISION:

The Board gave detailed consideration to the written evidence that had been submitted before the meeting, along with the verbal submissions given at the meeting by all parties. Although the Board were mindful that the premises was in a Cumulative Impact Area it agreed that it would depart from paragraph 15.11 of the Statement of Licensing Policy as in accordance with paragraph 15.12 of the policy they found the nature of the proposed operation would not add to cumulative impact within the Boscombe area and constituted an exceptional application.

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.

### **18. APPLICATION FOR A VARIATION TO A PREMISES LICENCE - PYRAMIDS, 144 OLD CHRISTCHURCH ROAD**

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

The Board considered an application made by Baraada Limited to vary the premises licence BH084454 to change the current layout and to increase the terminal hours of both late-night refreshment and the operating times of the premises until 05:00 hours daily. The Licensing Technician summarised the detail of the application as set out in report '5' and clarified issues regarding previous applications and ownership of the premises. It was confirmed that the licensing authority was satisfied that the premises was under new ownership and had transferred to Pyramids Bournemouth Limited. Representations had been received from Dorset Police who objected to the increase in terminal hours under the prevention of crime and disorder licensing objective, as the premises was situated within the Town Centre cumulative impact area. It was noted that Baraada Limited now operating as Pyramids had been under new ownership and management since 4 December 2017 and had not had any involvement with previous applications.

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

- Mrs Louise Busfield, Dorset Police
- Mrs Alina Sarasan on behalf of Pyramids (Bournemouth) Ltd

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

### DECISION MADE:

That the application for a variation of the premises licence for Pyramids, 144 Old Christchurch Road, to change the current layout and to increase the terminal hours of both late-night refreshment and the operating times of the premises until 05:00 hours daily, be approved for Friday and Saturday only subject to the following conditions:

- applicant to liaise with Dorset Police to install a door locking system;
- amendments to the layout be confirmed.

### REASON FOR DECISION:

The Board gave detailed consideration to the written evidence that had been submitted before the meeting, along with the verbal and video submissions given at the meeting by all parties. The Board were mindful that the premises was in a Cumulative Impact Area however they agreed that an increase of one hour on Friday and Saturday only would not have a significant impact. The Board was not prepared to increase the opening hours on the additional days that the applicant had requested as this was seen as a major variation that would add to the cumulative impact of crime and disorder within the Town Centre. The Chair highlighted that if the applicant traded responsibly during the additional hour on Fridays' and Saturdays' then it may consider an increase in hours on the additional days at a later date. The Board considered as the premises would not be selling alcohol and was planning to operate as a restaurant and not a take way that this would have less of an impact on the cumulative impact area.

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. ANY OTHER BUSINESS

No other business was discussed at this meeting.

The meeting closed at 12:48

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