

**LICENSING BOARD
21 June 2018**

PRESENT: Councillor David Kelsey - Vice-Chairman in the Chair; Councillors Norman Decent, Bobbie Dove; Beverly Dunlop; Gina Mackin; John Trickett and Kieron Wilson.

The meeting commenced at 9.58 am.

SECTION I - BUSINESS RECOMMENDED TO THE COUNCIL

No items

SECTION II - BUSINESS DECIDED UNDER DELEGATED POWERS

34. APOLOGIES

Apologies were received from the Chairman Councillor Andrew Morgan, who was unable to attend due to illness.

35. DECLARATIONS OF INTERESTS

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

36. PUBLIC ITEMS

There were no public questions or deputations received.

**37. APPLICATION FOR VARIATION TO PREMISES LICENCE - HILTON HOTEL
TERRACE ROAD**

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

The Board considered an application to vary the premises licence to create a gastro pub at the Hilton Hotel, Terrace Road. The application was submitted by LSL Solicitors on behalf of THAT Bournemouth Big Hotel Ltd. The application was for the area currently known as the 'café area' on the lower ground floor to provide for the sale of alcohol between the hours of 11:00 and 02:00 the following day. This application was originally opened and immediately adjourned at the Licensing Sub-Committee meeting on 5 June.

The Senior Licensing Officer summarised the detail of the application as set out in Report '4'. The application had resulted in the receipt of objection notices from Dorset

Police and Environmental Health under the prevention of crime and disorder and the prevention of public nuisance licensing objectives. The application had also received objections from two other persons who were not present at the Licensing Board hearing. No further representations were received from any other responsible authorities. The premises was situated within the Town Centre Cumulative Impact Area.

The Board was required to consider the matter and decide whether to grant or refuse the TEN, or grant the application subject to additional conditions.

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

- Gareth Gosling - Dorset Police Licensing Sergeant
- Sarah Dutton - Dorset Police Alcohol Licensing Officer
- Matthew Taylor - Bournemouth Borough Council Environmental Health
- Christopher May - THAT Bournemouth Big Hotel Limited
- Ben Reynolds - THAT Bournemouth Big Hotel Limited
- Jon Payne - LSL Solicitors - representing THAT group

Dorset Police confirmed that following the previous adjourned hearing they had the opportunity to meet with the applicant and discuss conditions for the Licence. A number of these conditions were agreed upon by both parties as follows:

- Sale of alcohol from Sunday to Wednesday would be until 22.30 with the close of premises at 23.00.
- Thursday last sale of alcohol would be at 23.30 with the close of premises at 24.00.
- Friday and Saturday the last sale of alcohol would be at 00.30 the following day with the close of premises at 01.00 the following day.
- No off-sales would take place
- There would be no additional privileges for residents
- There would be 2 SIA door staff on Friday and Saturday nights until close with ongoing assessment.
- The outside area would close at 23.00 from Sunday to Thursday.

The applicant requested a closure time for the outside area of 24.00 on Saturday and Sunday. Dorset Police objected to this and requested a closure time of 23.00. The Environmental Health Officer also objected to the later closing time of the outside area on Fridays and Saturdays on the basis of a noise nuisance for local residents.

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 the Hilton Hotel, Terrace Road, to create a gastro pub to be known as “Room 173 and Pergola” in the

area currently described as “café area” on the lower ground floor, be approved subject to the conditions offered by the applicant as detailed in the appendix to the report at ‘4’ and the additional following conditions as offered by the applicant:

- From Sunday to Wednesday inclusive, last sale of alcohol 22:30 hrs and close 23:00hrs
- Thursday last sale of alcohol 23:30hrs, close 00:00 hrs,
- Friday and Saturday last sale of alcohol 00:30hrs, close 01:00hrs
- No off-sales permitted.
- No residents’ agreements/privileges allowed.
- A minimum of 2 SIA on duty on Friday and Saturday nights until all patrons are dispersed from the immediate area with ongoing monitoring to determine appropriate numbers.
- Outside area to close at 23:00hrs Monday to Thursday inclusive.
- Outside area to close at 00:00hrs Friday and Saturday.
- No glasses/drinks in outside area once it is closed.

The Board also added the following condition proposed by Dorset Police:

- Once the outside area is closed, a maximum 10 people at a time to use it for smoking purposes.

Councillor Trickett requested that he be recorded as abstaining from the vote to approve the variation.

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 present. 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 Bournemouth area.

In this instance, it felt that the application would improve the overall standard of licensed premises within the town and the Board decided that it would make an exception to the policy regarding the use of the outside area until midnight on Fridays and Saturdays. The Vice-Chairman reminded the applicants that the responsibility of License holders was immense, not just towards their patrons but also to residents and the wider population of the town.

The Vice-Chairman reminded the applicants that they would also need to submit a planning application prior to operating the premises.

38. STATEMENT OF GAMBLING POLICY REVIEW

The Senior Licensing Officer introduced the report and explained to Members that the revisions to the policy would include the new provisions regarding Local Risk Assessments and the new Local Area Profile in accordance with the Gambling Commission's Social Responsibility Code. The Board was advised that the Gambling Commission had instructed authorities to review their Statements of Gambling Policy and required that the new statements should come into force from 31 January 2019. Bournemouth's current statement was last published in 2016 and was due to be reviewed in 2019. Members were reminded that any suggested revisions could be included in the attached document before it is circulated for review.

A Member of the Board questioned how this revision would fit in with the local government reorganisation process. The Senior Licensing Officer explained that Poole and Bournemouth's Policies were already quite similar. It was noted that an attempt was made to align the two policies. However, the proposed policy needed to move forward to consultation to meet the timelines set out by the Gambling Commission and alignment had not been possible.

The Board noted that the opportunity to include a Local Area Profile would enable the possibility to set out certain areas which should be considered for operators or areas with certain characteristics which may not be appropriate for gambling.

The Board suggested that the Community Overview and Scrutiny Panel should be included as part of the consultation. The Democratic Services Officer agreed to raise this with the Chairman of the Panel.

Councillor Dunlop agreed to send a list of suggested people to be included in the consultation to the Senior Licensing Officer by the end of the following week.

The Vice-Chairman advised that in the Chairman's absence he had already reviewed the revised document outside of the meeting and had made a number of proposed amendments which he had discussed with the Vice-Chairman and sent to the Senior Licensing Officer for inclusion. The suggested amendments included:

- Change to paragraph 2.3.2 to include a reference to Local Government Reorganisation;
- Change to paragraph 2.3.6 to clarify that Bournemouth Borough Council owns and operated amusement arcades;
- A number of typographical and grammatical errors which were identified;
- To include information on Gambling Aware within the policy.

The Board discussed the length for consultation and agreed that as this was a revision to an existing policy a 12-week consultation period wouldn't be necessary and agreed that a six-week consultation would be more appropriate.

The Board also considered the local risk assessments and local area profiles and the Senior Licensing Officer suggested that this should be referred to within the policy and included as a separate document as an appendix to the policy. This was outlined as a recommendation from the Gambling Commission to allow changes to the Local Area Profiles without requiring another consultation.

DECISION MADE:

- a. That the draft policy be approved for public consultation subject to the amendments as outlined above;
- b. That a section on Local Risk Assessments and Local Area Profiles be included as an appendix;
- c. That the consultation period be for 6-weeks and that the report on the final policy should come back to the Licensing Board in September;

39. ANY OTHER BUSINESS

No other business was discussed at this meeting.

Councillor Mackin left the meeting at 12.08pm

The meeting adjourned between 11:24am and 12:04pm
The meeting closed at 12:23pm

Contact: Claire Johnston, Senior Democratic and Overview & Scrutiny Officer
☎ 01202 454627
✉ claire.johnston@bournemouth.gov.uk

Website: www.bournemouth.gov.uk