

Supplementary Papers for Licensing Sub-Committee

Date: Thursday, 28 October 2021



5. **Review of Premises Licence - Southbourne Sports Club, 8 Dean's Road, Bournemouth, BH5 2DA**

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To consider an application by Dorset Police to review the premises licence relating to concerns that the premises management are unable to uphold the licensing objectives relating to the prevention of crime and disorder, prevention of public nuisance and public safety licensing objectives.

The review is supported by Environmental Health as a Responsible Authority and 9 other persons, who are local residents.

Supplementary evidence from Dorset Police enclosed

Published: 25 October 2021

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Application to Review Premises Licence Report

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Southbourne Sports Club – BH183391

This report is to be considered alongside the formal Application to Review a Premises Licence submitted previously to the Licensing Authority. It is the intention of Dorset Police to avoid any repeat of information previously submitted and to provide both the licensee (or their representative) and members of the Licensing Sub-Committee with additional information, context and evidence in support of the application. This report is being completed and submitted as soon as practicable for the benefit of all parties. Whilst all details are correct at the time of completion, Dorset Police reserve the right to amend / introduce additional information and evidence in advance of the hearing.

Background

This premise is a snooker hall and bar located on the first floor of a building nestled within a largely residential area. There are additional commercial and licensed premises nearby. The premises is entered via a staircase which is accessed via a door which leads on to Deans Road to the right of the building.

The premise had previously been a members-only Snooker Club utilising a Club Premises Certificate until 23rd June 2021 when BCP Council granted a Premises Licence to the new operator, Mr Husseyin Kocabay.

The local residents had initially supported the premises licence subject to the adoption of a number of conditions which would assist the licence holder to promote the licensing objectives.

Dorset Police have received a significant number of complaints from nearby residents regarding this premises. This has led to a number of meetings between officers from the Dorset Police Drug & Alcohol Harm Reduction Team (DAHRT), our partners and Mr Kocabay which were intended to provide support, advice and to seek improvement and compliance with the existing conditions.

Concerns

During the engagement meetings with the premises and interactions with local residents, officers have identified a number of areas of concern. Those areas of concern are summarised as follows –

1. Mobile phone footage which clearly indicates that 3 persons inside the cubicle of one of the toilets are using drugs. There is audio which identifies that the individuals have contributed towards the £15 cost of the drugs which is heard to be inhaled, suggesting the drugs purchased is cocaine as this is the most common drug type that is inhaled. One of the persons is female whilst the others are male.
2. On two separate occasions DAHRT officers have observed the Fire Alarm in the most prominent area of the premises (immediately upon entering the bar) to be covered. On the first occasion the Fire Alarm was covered with a blue nitrile disposable glove, which was removed in the presence of Police, and on the second occasion a white plastic bag has been used to cover the same Fire Alarm. There have been reports of Fire Alarms being activated at the premises which suggest that there may be smoking taking place inside the premises in the absence of any cooking appliances.
3. It is clear from the reports received by Dorset Police from residents living in close proximity to this premises that the premises is contributing to disorder in the area which is above and beyond a level that is considered acceptable to them. It is for these residents to provide further details in support of these reports.

Annex 2 Licence Conditions

Significant engagement has taken place between the operator of the premises and Dorset Police (and our partners). Please see below details of any breaches of conditions identified during these engagements.

Prevention of Crime & Disorder

Condition		Breach (Y/N)	Comments
2.3	All front of house staff shall be trained to a competent level including licensing law, drug awareness and shall be trained to Level 2 Award in Conflict Management.	Y	Viktorija Navjokaite employed at premises since June 2021. 20 th July 2021 Police visited and licensee confirmed no formal training delivered. Further Police visit 4 th August confirmed no change. Dave Ramsay report of 7 th August 2021 advised course date of 18 th August 2021. Further Police visit on 7 th September 2021 – Licensee unable to provide training records and advised that member of staff would have been trained in her previous employment at a hotel. Mr Day states in later email that training is due to take place on 6 th October 2021. Mr Ramsay confirms in report at Page 8 that no Drug Awareness or Conflict Management training has taken place. <i>(Note – No training records in support of Conditions 2.29 & 2.30)</i>
2.4	There shall always be a personal licence holder on the premises when used for licensable activities.	N	Mr Kocabay states that he is always present during opening hours and Dorset Police have no evidence to the contrary.
2.5	A refusals book shall be maintained and shall be checked and signed by one of the management staff on a weekly basis.	Y	Police visit 20 th July 2021 – No Refusals book available. Further visit on 4 th August – no Refusals book produced. On 7 th September 2021 a Refusals book was presented which detailed that it had been commenced 21 st July 2021. No Manager signature within the book. Mr Ramsay confirms at Page 10 of his report of the 7 th August 2021 that book was in existence but was “rather sketchy” and lacked detail. Mr Ramsay recommended that the book should have been signed by a manager on a weekly basis.
2.6	The refusals book shall be kept on the premises and made available for inspection by Licensing, Police and other authorised officers.	Y	Police visit 20 th July 2021 – No Refusals book presented to Police and advice given accordingly. 4 th August 2021 – No Refusals book produced to Police. 7 th September 2021 – Mr Kocabay stated that he had tried to produce a Refusals book at the previous visit but Sergeant Gosling had refused to view the book. Police visit 7 th September 2021 – Refusals book presented, however, this lacked any detail and contained an array of errors and omissions which prevented any professional scrutiny.
2.7	The premises shall adopt the 'Challenge 25' proof of age policy with regards to the requirement for	N	There are Challenge 25 posters present at the premises.

	the production of acceptable photographic identification.		<i>Note – Despite several requests to do so, Mr Kocabay has refused to lower the height of one of the posters above the bar to improve its effectiveness.</i>
2.8	All areas including the outside entrance shall be regularly monitored by staff and CCTV. The tables shall be cleared at regular intervals.	Y	During the Police visit of the 4 th August 2021 Mr Kocabay was requested to install an additional camera in the function/poker room. This was further supported by the report from Dave Ramsay recommending an additional camera be installed. Police visit of the 7 th September 2021 Mr Kocabay was asked to account for a report that persons had been witnessed leaving the premises at approximately 0413hrs. Mr Kocabay advised that they had been playing a game that was unfamiliar to him and that they had been drinking tea. Could not verify account due to lack of CCTV available. Further late-night activity on other dates could also not be verified.
2.9	Any provision of poker at the premises shall be restricted to 'low level' as defined by the Gambling Commission guidance.	U/K	Unable to verify whether the activity inside the poker/function room is legitimate due to a lack of CCTV.
2.10	When the function room is used for 'low level' poker games the Designated Premises Supervisor shall be the responsible person and shall be conversant with and comply with the Gambling Commission's code of practice for equal chance gaming in clubs and premises with an alcohol licence.	U/K	Mr Kocabay stated during the Police visit of the 7 th September 2021 that he was unfamiliar with the game being played by the persons in the function/poker room until the early hours of the morning on the 6 th September 2021.
2.10.1	No persons under 18 years of age shall be allowed in the function room when it is being used for poker games.	U/K	Unable to verify due to a lack of CCTV
2.11	The premises shall actively participate in any local Town Watch initiative.	Y	Email received from the Chairperson of the Bournemouth East Pubwatch confirms that despite Mr Kocabay being approached by him to join Pubwatch, he has failed to do so and is not a member of Pubwatch. Same correspondence also details how a group of males ejected from one premises on the Pubwatch network were welcomed in to this premises.
2.12	A CCTV system, shall be installed to cover all entry and exit points enabling frontal identification of every person entering in any light condition.	N	There is CCTV covering the entry/exit point.
2.12.1	The CCTV system shall continually record and cover areas where alcohol is kept for selection and purchase by the public, whilst the premises is open for licensable activities.	N	There is CCTV covering the area of the bar. <i>Note – There was a period of almost 2 hours where the CCTV had not been recording (detailed below)</i>
2.12.2	CCTV shall operate during all times when customers remain on the premises.	Y	During a Police visit on the 7 th September 2021 there was a period of 1hr 50mins that was missing from the CCTV

			recording. The engineer stated that this could only have occurred if the system had been turned off. This prevented Police from investigating a report that a person had been seen to enter the premises after the terminal hour for licensable activities.
2.12.3	All recordings shall be stored for a minimum period of 31 days with correct date and time stamping. Recordings shall be made available immediately upon the request of Police or an authorised officer of the council throughout the preceding 31 day period.	Y	Police visit of the 4 th August 2021 identified that an additional camera was required in the function room. On viewing the CCTV footage there was 18 days of footage available to view – earliest date being the 17 th July 2021. Appropriate advice was given to remedy as soon as possible. Report of Dave Ramsay confirmed that ‘teething problems’ had caused an issue with being able to provide 31 days of coverage. This would be rectified by the engineer that installed the system. On the 7 th September 2021 Police observed that the time stamp on the system was incorrect by 1 hour and the earliest date for the recording was 19 days prior, 20 th August 2021. During a telephone conversation between the engineer and Sergeant Gosling on the same day, whilst trying to negotiate access to the CCTV system, the engineer confirmed that he had not received an instruction to extend the CCTV storage to 31 days.
2.12.4	The CCTV system shall be updated and maintained according to Police recommendations.	Y	Because of the missing footage and the time stamp being incorrect during our visit of the 7 th September, this demonstrates that the system was not updated.
2.13	A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.	Y	Mr Kocabay required the telephone and remote access support of an engineer to access the system. This support may not have been available out of office hours.
2.14	CCTV shall be downloaded on request of the Police or authorised officer of the Council.	N	CCTV has not been requested by Police
2.15	Appropriate signage advising customers of CCTV being in operation, shall be prominently displayed in the premises.	N	Handwritten notices are placed near to the entry/exit space
2.16	A documented check of the CCTV shall be completed weekly to ensure all cameras remain operational and the 31 days storage for recordings is being maintained.	Y	Installation records from May 2021 have been produced by Mr Kocabay during Police visits, however, despite being advised to obtain and maintain a maintenance log for the CCTV by Police and Dave Ramsay (Page 11 of report), Mr Kocabay has consistently failed to produce any such document.
2.17	A record shall be maintained of all staff training and that record shall be	Y	Mr Kocabay works with one other member of staff at the premises and no

	signed by the person receiving the training and the trainer. The records shall be kept for a minimum of 12 months and made available for inspection by Police, Licensing or other authorised officers.		records of any training have been produced to Police during any of the visits. During the Police visit of the 7 th September 2021 Mr Kocabay remained complacent and stated that his employee had gained experience working in hotels. Mr Ramsay confirms at Pages 8 and 11 that no training records are present and there is a requirement to keep and maintain records of training. Additionally, no records of any Drug Awareness or Conflict Management training for any member of staff have been produced to Police during any visit.
2.17.1	Refresher training shall be provided at least once every 6 months.	N/A	Premises licence was issued 23 rd June 2021.
2.18	If it is intended to show any major sporting event on a television within the premises (other than Snooker or Pool tournaments, golf, motor racing events, athletics competitions or tennis or cricket matches), or to hold any function, the Premises shall conduct a written risk assessment to determine whether it is appropriate to deploy door supervisors for a period of time before the event is scheduled to start, during the event and for a period of time after the event is scheduled to end and will deploy door supervisors in accordance with the outcome of the risk assessment. Such risk assessments will also be conducted at the request of the Police in respect of any other event scheduled to take place at the premises. Copies of all risk assessments shall be retained on the premises for a minimum period of 6 months and shall be made available for inspection by Police and other authorised officers on request.	Y	During a Police visit of the 20 th July 2021 it was confirmed that despite Mr Kocabay showing the Euro 2020 Football tournament at his premises, no risk assessment was conducted to determine whether there was a requirement to employ the support of SIA staff at the premises.

Summary

You will note from the above that a total of 22 conditions are contained within Annex 2 - Prevention of Crime and Disorder conditions.

Because of our engagement/compliance visits we have been able to evidence the following -

Breach Discovered	Total
Yes	12
No	6
Unknown / Unable to confirm	3
Not Applicable	1

Dorset Police have identified during our engagement visits that **55%** of the conditions have been breached. This does not factor where multiple breaches of the same conditions have been discovered.

Available Outcomes of the Review

To assist the members of the Sub-Committee, Dorset Police make the following submissions in relation to the available outcome options in respect of this Application for Review -

No Action Taken

Dorset Police are of the view that taking no action is no longer a viable option. The Sub-Committee will hopefully agree that Dorset Police (and our partners) have engaged and encouraged the licensee to promote the licensing objectives. Dorset Police seek a Review of a Premises Licence as a last report where engagement and support has failed to result in any significant improvement.

It is imperative that to ensure that the premises can provide a positive impact on the community, changes are necessary to the existing operating schedule/structure.

Exclude Licensable Activities from the Licence

This licence currently has the following permitted licensable activities –

- Indoor Sporting Events
- Supply of Alcohol

If the Sub-Committee were inclined to exclude conditions from the licence as an outcome of this Review, Dorset Police are of the view that to remove the **Supply of Alcohol** would likely result in a reduction in the levels of disorder and anti-social behaviour experienced by the complainants to Dorset Police. Dorset Police are of this view as the complaints received indicate that the neighbours are experiencing alcohol-related disorder/anti-social behaviour.

This option, however, would not, in the view of Dorset Police, assist to encourage or persuade the licence holder to meet the Annex 2 conditions as detailed above.

Modify / Add Conditions

If the Sub-Committee were inclined to consider modifying the existing conditions, Dorset Police make the following observations regarding the existing conditions–

- Conditions have been agreed by the licence holder during the recent mediation of the original application and considered appropriate to promote the licensing objectives.
- The existing conditions should remain if the licence is to remain in force.

If the Sub-Committee are inclined to consider additional conditions that might assist the premises to promote the licensing objectives and ensure compliance with the existing conditions, Dorset Police make the following observations –

- Condition added to the licence requiring SIA-qualified Door Supervisors to be on duty at the premises to assist the licence holder to promote the licensing objectives and meet the existing conditions. Dorset Police recommend that Door Supervision be made available from approximately 2100hrs each day until such time that all persons have dispersed from the vicinity of the premises. This condition should not be confined to weekend periods as reports of ASB/disorder have been received on numerous days of the week with no obvious pattern. This additional specialist supervision is likely to assist in reducing the negative impact of the premises as experienced by local residents.

Remove DPS

The existing DPS is the owner of the premises. Dorset Police anticipate that any change in DPS would likely have a limited impact as any new DPS would be receiving direction and instruction from the current DPS and owner of the premises, who has failed to meet the existing conditions and promote the licensing objectives.

Dorset Police are of the view that this option would not remedy the issues identified above.

Suspend the licence for a period (not exceeding 3 months)

The suspension of this Premises Licence is unlikely to result in any substantial improvement. Dorset Police have demonstrated above that we have engaged with the premises over a significant period and, unfortunately, the lack of improvement has led to this application for a Review of the Premises Licence.

Revoke the Licence

Dorset Police support the view that this option should be a last resort for the Sub-Committee. Whilst fiscal issues are outside of the considerations of the Sub-Committee, Dorset Police consistently adopt a proportionate approach, wherever possible, to remain sensitive to commercial viability of businesses.

Dorset Police acknowledge the value that licensed premises add to communities as places of social and economic value, however, where they become detrimental to a community, appropriate action must be taken to seek improvement or reduce/remove the concerned premises.

If the options proposed above are not considered appropriate, Dorset Police propose that this Premises Licence be revoked.

The revocation of the premises licence and the exclusion of the licensable activities will not render the premises unusable. There is of course the option for a further Premises Licence / Club Certificate Application to be submitted in the future and there are many examples where businesses in the sports/hospitality/catering sector have thrived in the absence of a Premises Licence.

Conclusion

Dorset Police do not intend to elaborate a great deal on the above during the Sub-Committee hearing, however, we will ensure our availability to answer and queries and provide any further clarification/support/advice to the Sub-Committee as required.

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