

# Supplementary Papers for Licensing Sub-Committee

Date: Wednesday, 15 February 2023



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a) **Application for Premises Licence - Ratio Bar (formerly known as Xchange), 4 The Triangle, Bournemouth**

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Information submitted by Mr Steve Wright, acting on behalf of the applicant, for the Licensing Sub-Committee, prior to the hearing scheduled for 15 February 2023 following the adjournment for receipt of the Sound Engineers report.

Published: 08 February 2023

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Information for the Licensing Sub-Committee at BCP Council and Dorset Police prior to the hearing scheduled for 15 February 2023 following the adjournment for receipt of the Sound Engineers report.

The Sound Engineer has promised his report by Tuesday 7 or Wednesday February 8 2023, which will be submitted to Andrew Hill for approval. Should Mr Hill be satisfied with the report and schedule of works I would suggest the following condition be attached to the Premises Licence if granted –

**The Premises Licence holder shall complete all works in accordance with the Sound Engineers report and schedule of works as approved by Environmental Health.**

In order to address the concerns raised during the submission by Dorset Police I would like to confirm the amendments made to the application, as offered at the hearing and additional confirmation of the issues shared with the Sub-Committee by Dorset Police. The following information, by way of mediation, was sent to Dorset Police for their consideration and hopeful agreement.

Should members of the Licensing Sub-Committee receive agreement from Environmental Health and Dorset Police we respectfully request the hearing on 15 February is no longer necessary as all parties are in agreement?

Proposed conditions and explanation of the applicants reasoning –

1. All staff on the premises including SIA staff shall be issued with hand held radio communicators.
2. The hours applied for in the application for the Supply of alcohol and regulated entertainment to be amended as follows - 22:00 to 03:00 on Monday, Tuesday, Wednesday, Thursday and Sunday (excluding Bank Holiday Sundays) and 22:00 to 05:00 on Friday, Saturday and Bank Holiday Sunday. The offer of reducing the hours on Wednesday's is now included.
3. The number of SIA staff engaged on Friday, Saturday and Bank Holiday Sunday will be six (6)
4. The number of SIA staff engaged on Monday, Tuesday, Wednesday, Thursday and non-Bank Holiday Sunday will be the result of a Risk Assessment. The additional offer to address the concerns of Dorset Police is 'During the initial 3 month period, following opening to members of the public, a minimum of four (4) SIA staff will be engaged. Following the initial 3 month probationary period Ratio Bars will revert to a Risk Assessment approach only. However, during the initial 3 month probationary period a risk assessment approach will be adopted and where necessary the number of SIA staff engaged may be increased.
5. All staff will receive induction training prior to engaging in their role. This training will be carried out by a competent company or individual accredited by the BII or Highfield. All training will be signed off by the company and/or

accredited individual. All training records will be available for inspection upon request.

6. All staff will receive on-going training. A record of the ongoing training will be recorded following delivery and be available for inspection upon request. (The ongoing training will be recorded at the time of delivery. A summary of all the training delivered during a 6 month period will be available for inspection upon request).
7. There was debate about the accommodation above the premises, which is in the ownership of Ratio Bars. The flats above do not form part of the application and therefore should not be considered as part of this application. Dorset Police raise concerns about the flats above due to the previous owners. We respectfully state 'the previous owner has nothing to do with Ratio Bars and to consider premises which are not linked to the operation as a Night Club is prejudicial and not a relevant consideration for the Licensing Sub-Committee. We further submit that a condition restricting the use of the flats is unlawful and not subject to this process.
8. The Premises Licence Holder shall be a member of Pub Watch and shall attend meetings regularly.
9. An additional CCTV camera shall be fitted inside the lobby facing the front entrance.
10. A fully developed Drugs Policy shall be included as part of the operating schedule. See below.
11. A Personal Licence Holder shall be present on the premises at all times during trading hours.
12. All drinking receptacles will be polycarbonate.
13. A Dispersal Policy will be implemented and regularly reviewed. See below.

Drinks promotions – Ratio Bars consider the Mandatory conditions, highlighted below, suitably cover promotions:

#### Mandatory Licensing Conditions

1.—(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

Attached below is a copy of the revised Drug Policy for the premises –

## **RATIO BARS DRUGS POLICY**

**Date Created: APPL Solutions on behalf of Ratio Bars Ltd**

**Date of last review: 02.02.2023**

### **Expected Standards**

This policy relates to the use of illegal drugs or other harmful substances on the premises.

Its purpose is to:

- a) Comply with the Misuse of Drugs Act 1971 by ensuring that Ratio Bars Ltd does not knowingly permit use or supply of controlled drugs on its premises.
- b) Provide a safe working environment for staff and customers.
- c) Minimise and deter drug use at the venue.
- d) Prevent drug dealing in the premises.
- e) Safeguard customers who have used drugs or misused other substances.
- f) Support customers seeking help regarding their own or others' drug use.

The policy will be communicated to customers by:

- Posting a copy on the Ratio Bars website.

- Raising awareness of the policy at entrances to the venue and, when appropriate, on tickets.
- Publicising on the website that there will be a zero policy in smoking cannabis anywhere in the smoking area and those caught by staff/security will be escorted off the premises.

The possession of illegal drugs is a criminal offence and as such is viewed very seriously by Ratio Bars Limited. We do not permit any employee or customer to take, use, possess, sell or be under the influence of any controlled substance whilst on Company premises. Any staff member breaching this may be subject to disciplinary procedures; customers may be subject to ejection, bans and potentially be reported to the police.

If not confronted head on, drug use on licensed premises will not go away, in fact it is likely to increase as the premises will develop a reputation of somewhere where drug use is tolerated; **we do not want to develop that reputation.**

We are also aware that “turning a blind eye” could be construed as “permitting”; again this will not be tolerated on these premises.

**The Misuse of Drugs Act 1971** splits controlled drugs into three Classes defined by the amount of harm that have the potential to cause. **They are categorised as follows:**

**CLASS A:** Which includes Cocaine, Crack Cocaine, Heroin, Ecstasy, Cannabis Oil and LSD

**CLASS B:** Which includes Cannabis, Cannabis Resin and Amphetamine

**CLASS C:** Which generally include prescription drugs which are abused such as Diazepam and Steroids.

**In addition to the classification of controlled drugs, the 1971 Act also creates the offences with the main ones being:**

**Possession:** Also known as **personal use** where the individual has a small amount of a controlled drug on their person.

**Possession with Intent to Supply:** This is where an individual has a controlled drug in their possession and the reason for this is to supply it to another.

**Supply:** This is where a person supplies or offers to supply a controlled drug to another person.

Possibly the most important part of the Act which directly effects licensed premises is: Section 8 of the 1971 Act.

This states creates an offence to **“Knowingly permit or suffer any drug related activity on the premises”**. Activity in this instance will relate to any of the above offences. The burden here is on the licensee and staff of the premises to prevent the use of controlled drugs on their premises.

**Psychoactive Substances Act 2016** Consideration will also be given to preventing the use of so-called “legal highs” in contravention of this legislation items such as Spice, Laughing Gas (NO<sub>2</sub>), Mephedrone, and Slavia (not an exhaustive list) will be treated in the same way as any illegal drug under the Misuse of Drugs Act.

All staff members and managers have a duty to support this policy to make sure that people coming into our venue feel safe and are able to enjoy themselves in a drug free environment.

**All employees** are expected to remain vigilant for any signs or symptoms of drug use and act accordingly.

### Venue Physical countermeasures

- Clear signage on a 'Zero Tolerance Policy' to be placed in key areas, e.g. at the entrance, toilets etc.
- Strategic positioning of mirrors to cover secluded areas
- Strategic lighting levels in key areas
- Security staff patrol plans
- High-vis presence of staff 'front of house'
- High levels of housekeeping, e.g. clearing and wiping tables, general maintenance
- Frequent staff visits to toilets
- Toilet attendants (who can be trusted)
- All security staff to be in High-Viz both outside *and* inside
- Arrangements with Police for 'high-viz walkthroughs' at peak times

Deployment of passive drugs dogs

Specifically, all employees should remain vigilant for:

### High-risk areas

Security staff and all staff will regularly monitor key areas within the premises for suspicious activity. The key areas have been identified as follows: Toilet and Smoking Area where drugs may be handed to customers.

### Equipment used in Drug Taking

Drug takers use a variety of different materials when taking drugs. Some of the things to look out for include:

- Wraps – the folded paper, foil, small button bags, or clingfilm that drugs are sold in
- Torn, unlit cigarettes
- Torn up beer mats, packets of Rizlas – used for rolling joints, roaches
- Foam stuffing taken from seats/bits of foam left around
- Payment with tightly rolled banknotes or notes that have been tightly rolled
- Traces of blood or powder on banknotes
- Drinking straws left in toilets
- Tinfoil or spoons, especially if they are burnt, scorched or covered in soot
- Syringes – used for injecting drugs
- Tightly rolled banknotes or drinking straws
- Traces of white powder on any surface

### Typical Symptoms/Signs of Possible Drug Use

The signs and symptoms of drug use can vary depending on the type of drug but can include:

- Acting 'drunk'
- Acting in an erratic, excited, aggressive or silly nature
- Having a 'nothing can stop me' high
- Having bloodshot eyes
- Unnaturally dopey, vacant staring, sleepy euphoria, dancing
- Very dilated pupils
- "Jawing"

Also be on the lookout for:

- The excessive drinking of water or soft drinks unless someone is the designated driver.
- Traces of white marks or powder around nostrils

The distinctive 'herbal' smell of cannabis smoke

### **Signs of Drug Dealing**

These can include

- A person "holding court", with a succession of "visitors" who only stay with him/her a short time
- A person making frequent visits to the toilet, garden or car park followed by a different person/people each time
- People exchanging small packages or cash, often in secretive manner, but may be quite open (to avoid suspicion)
- Furtive, conspiratorial behaviour — huddling in corners and whispering
- Conversation includes frequent references to drugs (slang names)
- **Remember: dealers are not identifiable by appearance, they often look highly respectable. They are not always male.**

### **Staff procedure and responsibilities**

#### **Drugs seized or found on premises**

Where items suspected of being illegal drugs are found on an individual following a voluntary search, and the amount of drugs found on a person be a small quantity which could be construed as 'for personal use' then it is acceptable for the drugs to be seized and deposited in the DRUG SAFE in the manager's office, as per the below procedure and the person may be refused entry, there will be no need for the Police to be called.

**However**, should the amount of any drugs found amount to more than 'simple possession' (i.e. possession with intent to supply) or if it is suspected that the subject is a drugs dealer, then in those circumstances the expectation is that the Police will be called and the items handed over to the attending officer as part of an evidential package. This should be done at the same time as the individual is handed over to the Police, having agreed to remain at the premises. A written statement documenting the search and the subsequent handover will be required to provide continuity of the evidence chain.



Where items are located inside the premises and a person is NOT identified and there is no prospect of doing so, the drugs will be placed in the DRUG SAFE. The following process will be followed:

The process in place is that the person finding is required to place the items in a sealable bag or envelope and seal it. Once sealed that person will sign across the seal and this will be counter signed by the duty manager. The staff member will then be required to fill out the drug register before depositing the package in the DRUG SAFE in the manager's office. Once deposited in this safe, the item(s) must only be removed by a Police Officer who will be required to sign the register to confirm that it has been removed. This will need to be counter signed by a manager at the premises. The completed drugs register will be retained on the premises for at least 6 months after the completion date for auditing purposes.

Where drugs are placed in the safe at any time, it is the expectation of the Police that where drugs are deposited in the safe, a call is made to the control room of the local policing area to arrange collection. Such a call should be made as soon as is practical and an incident log created. Where the venue is busy and this occurs on a weekend or public holiday, this call MUST be placed no later than the first working day after the drugs are found and deposited.

Failing to adhere to this may amount to a staff member or manager committing an offence of unlawful possession as outlined above.

The defence to this is knowing or suspecting it to be a controlled drug, he took possession of it for the purpose of delivering it into the custody of a person lawfully entitled to take custody of it and that as soon as possible after taking possession of it he took all such steps as were reasonably open to him to deliver it into the custody of such a person.

### **Confiscation of Drugs**

If any drug or other controlled substance is found during customer searches or general management of the venue, the substance should, wherever possible, be confiscated and handed to the duty manager.

Internal advice should include:

- advice on internal drug handling
- advice on record-keeping (best practice is to keep a confiscation record folder with details of name of the staff member who confiscated the drugs, date, time, any details of the person the drugs were confiscated from, a copy of any CCTV evidence, details of what was confiscated and any photo's as proof
- advice on reporting to your local police team
- advice on communicating with customers
- advice on communicating with the person who's drugs have been confiscated.
- advice on confiscation
- advice on storage (i.e. self-sealing evidence bag, hand over, placement in a safe or lockable metal cabinet).

### **People/customers**

Staff members should be vigilant and report customers they suspect are:

- on drugs
- in possession of drugs
- supplying drugs

- if they find drugs on the premises

This should include:

- All staff have a duty of care for customers and each other. Where staff are concerned about a particular customer they should report this to the duty manager immediately. The staff member should offer assistance in the first instance by offering water.
- Staff are reminded they may commit an offence of serving alcohol to someone who is drunk and they have a duty of care not to serve alcohol to intoxicated customers (drugs or alcohol)
- The duty manager will attend to the customer and offer assistance by removing the person from the club environment to the area provided.
- The duty manager will record the action taken in the incident book, the customer's response to the offer of care and any care provided. Where possible a friend of the individual should accompany them to the quiet area provided.
- The customer will be observed by the duty manager or other member of staff for possible problems. Where observations raise further concerns or a deterioration the duty manager should call 111 for guidance or 999.
- During observations the duty manager should attempt to record the customer's name, address, and contact number for a parent or friend. Where a friend agrees to attend during the observational period their name and contact number should also be secured. It may be prudent to ask their friend if they have taken any substances and if so what substance?
- The duty manager will ensure drinking water will always be available in the room.

### **Door Security procedure and responsibilities;**

Where staff suspect someone is -

- on drugs
- in possession of drugs
- supplying drugs
- if they find drugs on the premises

They must bring this to the attention of management and SIA security staff. Staff should be clear why there suspicions are raised and give an accurate description of the individual/individuals to management and SIA security immediately.

This should include:

- Door searches will be carried out by SIA staff prior to entry where they consider it necessary
- Confiscation of drugs from the individual will take place and all drugs handed to management. The drugs will be placed in the drug safe and logged.
- Refusal of entry to the venue for anyone in possession or under the influence of drugs is mandatory
- All incidents will be reported and logged. All records will be retained for a minimum of 6 months from the date of entry
- All staff will be observant and report their concerns immediately to management or SIA staff via the radio system who will deal with the report in a timely fashion
- Dorset Police will be granted access to the premises immediately upon request.
- Dorset Police will be invited to carry out random drug swabbing exercises at the premises.

### **Cleaning staff procedures and responsibilities;**

All bar staff are responsible for cleaning the premises following close. This will include collecting any remaining glasses, items discarded or forgotten by customers, wiping down all surfaces. The main floor area will be cleaned the following day when the premises is closed to the public. This time is very important and may provide evidence of drug use or supply. Any items found during cleaning will be reported to management.

The toilet area is identified as a high risk area for the consumption or sale of drugs, which is why Ratio Bars will engage a Toilet Attendant. The toilet attendant must be vigilant at all times and is responsible for reporting their suspicion of drug taking, possession of drugs, supply of drugs or when they find paraphernalia (discarded small bags, tin foil, pills, needles) to management and SIA staff via the radio. Where possible they should provide a description of the individual who vacated the cubicle to management and SIA staff.

### **Management procedure and responsibilities;**

Management are responsible for co-ordinating all reports and ensuring all reports are investigated immediately.

The decision to detain an individual, exclude the individual or bar the individual from future entry lies with the manager. The duty manager will ensure the incident and action taken is correctly reported. Where the individual is in possession of a large quantity of drugs or class A drugs, e.g. Cocaine or Heroin they will immediately report the incident to Dorset Police.

The duty manager will monitor the premises for potential problems. This may include customers in high spirits or over excitement, loud and obnoxious, insulting to other customers and staff, signs of aggression to other customers and staff, falling asleep or unsteady on their feet.

Management will ensure overall safety of the venue and adherence to the drug policy. The Zero Tolerance message will be clear to all customers via the website and posters around the venue. This message will be reinforced by training in this policy and sign to say that they have received and understood the training.

Security staff must also receive training in the company policy. Where contractors are used to perform security then their company will exchange information.

The duty manager will have overall responsibility for the search policy and ensure searches are carried out in accordance with this policy.

The manager will review all incidents to ensure they are recorded correctly, to spot any trends, to report findings to Dorset Police and Licensing Authority where serious concerns are raised.

The incident records will be reviewed weekly for trends in behaviour and all findings shared with all staff.

The management will ensure the CCTV system is in operation when the premises is open. All recordings will be kept for 31 days and available to download upon request by Dorset Police or BCP Council officers.

Please sign this document to acknowledge that you have understood your responsibilities in regards to the drug policy

Trainer's Name: ..... Trainer's Signature: .....

Trainee's Name: ..... Trainee's Signature: .....

Date: .....

## **DISPERSAL POLICY**

**Date Created: 03.02.2023**

**Date of last review:**

### **Expected Standards**

There are 4 licensing objectives of equal importance:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

It is our legal obligation to ensure that we prevent crime and disorder and public nuisance on our premises and as people are leaving our premises. As a business we value our reputation, want to have good relationships with our neighbours, care for our clients, want to work in partnership with the statutory authorities and are committed to trading within the law while maintaining the highest possible ethical standards in all our business activities.

We expect all of our team to work with us to commit to running a venue that is orderly, peaceful and free from crime, disorder and nuisance. This policy is intended to guide you through the process. This policy should be implemented in conjunction with all other policies.

### **Staff procedure and responsibilities;**

The following steps should be taken to disperse customers:

- As soon as last orders are called;
  - a staff member should visit each group or individual in the premises advising them in a friendly manner that the premises are now closed, thank them for their custom and advise them that they should leave as quickly as possible.
  - music levels will be reduced to a minimum and low volume calming relaxing music put on
  - Lighting levels will be increased
  - Staffing levels at service points will be reduced and staff redirected to other duties such as customer dispersal and glass collection duties.
  - DJ announcements may be used to both encourage a gradual dispersal and to remind customers to be considerate to our neighbours.
  - Empty glasses should be collected from each table
  - Windows and entrance doors should be closed to ensure neighbours are not disturbed.
  
- Door and Management should be tasked with remaining both inside and outside the premises and ask customers who are leaving to do so:
  - Quietly
  - With no open drinks
  - And to move away from the premises as quickly and orderly as possible
  
- A limited period of 'drinking-up' time will assist with the gradual dispersal of all customers at the end of the evening. In England and Wales there is no statutory drinking up time but our internal policy is 30 minutes after last orders.
  
- Appropriate signage is placed at all exit doors asking customers to respect our neighbours/leave quietly if this is damaged or missing this must be reported to a supervisor or manager.
  
- Appropriate signage is placed at all exit doors reminding customers not to take any drinks/glasses/bottles out of the premises. Security will ensure no drinking vessels leave the premises at the end of the evening or when customers leave to smoke.
  
- There should be visible management and staff presence in the customer areas during closing time to ensure all customers leave quietly, orderly and quickly.
  
- We can provide appropriate information to customers who require a taxi our preferred supplier. All staff will know the locations of the nearest Taxi Rank(s) The Triangle and Avenue Road are the nearest locations, with Avenue road taking customers to a less populated journey to the rank.

**Please sign this document to acknowledge that you have understood the dispersal policy and what you are required to do.**

Trainer's Name: .....  
Signature: .....

Trainer's

Trainee's Name: .....  
.....

Trainee's Signature:

Date: .....