

Supplementary Papers for Licensing Sub-Committee

Date: Wednesday, 15 February 2023



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Published: 13 February 2023

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Application for Premises Licence
Response to Correspondence from
Mr Wright of Tuesday 7th February
2023

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Ratio Bar, 4 The Triangle, Bournemouth

This report is in response to the most recent submission of Mr Steve Wright of the 7th February 2023 and is to be considered alongside the formal representation submitted in respect of an Application for a Premises Licence submitted to the Licensing Authority and the Supplementary Information document provided in advance of the initial hearing, which took place on the 21st December 2022.

It is the intention of Dorset Police to avoid any repeat of information previously submitted and to provide both the applicant, and their representative, and members of the Licensing Sub-Committee with additional information, context and evidence in response to that most recent correspondence.

Update

Further to the hearing, which took place on Wednesday 21st December 2022, Dorset Police have taken the opportunity to consider the submissions of all parties during this hearing to try and achieve some further progress in mitigating the concerns that we have in respect of this application, which we were directed to do by the members of the Licensing Sub-Committee.

Whilst it is unusual for a Licensing Sub-Committee hearing to be adjourned once commenced, Dorset Police fully support the decision of members to adjourn the meeting to allow the applicant further opportunity to seek advice and to make the necessary improvements to the structure of the building to ensure the acoustic integrity of the building provides Environmental Health partners with the necessary assurances. The applicant and their representative have taken the opportunity to attempt to address some of the concerns that had been raised during the mediation which took place prior to the hearing on the 21st December.

There has been no further mediation from Mr Wright or his client, with the exception of a document received from Mr Wright on the 7th February 2023, detailing his client's updated proposals for the attention of the members of the Sub-Committee. This document is in response to those proposals and intends to highlight the areas of concern that remain for Dorset Police.

Please see below updates in respect of the concerns that have been resolved, those that remain, and those further concerns that have become apparent during the initial hearing for the consideration of the members of the Sub-Committee in advance of the second hearing.

These concerns are entirely in response to the proposals set out by Mr Wright in his correspondence of Tuesday 7th February 2023 and is intended to provide the members of the Sub-Committee with Dorset Police's position in this regard. No new information or evidence is being offered.

To assist the Sub-Committee members, the response will follow the format and order as offered by Mr Wright in his correspondence of the 7th February 2023.

1. All staff on the premises including SIA staff shall be issued with hand held radio communicators.

Dorset Police are concerned that both the applicant and Mr Wright, despite their apparent experience of the night-time economy, did not appreciate the significant safety implications of staff being unable to instantly communicate with one another and any SIA Door Supervisors, in the event of an emergency, via a Radio network.



In addition to undermining the apparent experience of the applicant, Dorset Police are concerned that, if not properly conditioned to any Premises Licence that may be granted, the applicant will fail to consistently maintain a fit-for-purpose radio network for their staff and security contractors and request that is fit for a commercial environment. This condition is accepted subject to the applicant assuring the Sub-Committee members that the network will be of sufficient standard to provide reliable support to all staff and that the network will be operational at all times that licensable activities are taking place.

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.

The applicant had proposed in their mediation in advance of the initial hearing to reduce the terminal hour for alcohol provision from 0500hrs Sunday – Thursday to 0300hrs, however, proposed to retain 0500hrs as the terminal hour for alcohol Friday & Saturday night.

During the initial hearing you will recall that the applicant added that they wished to retain the later 0500hrs terminal hour for licensable activities on Fridays, Saturday and Wednesdays. This addition of a further midweek day was unexpected, and Dorset Police were grateful for the concerns raised by members in respect of the disturbance to residents likely be experienced because of customers dispersing from the area.

Mr Wright further enquired whether Dorset Police would continue to be satisfied with a 0300hrs terminal hour to be applied 7 days a week for licensable activities during the hearing.

For clarification, Mr Wright has now offered to effectively return to the weekend hours as applied for in the initial application, most significantly retaining sale of alcohol until 0500hrs at the weekends and 0300hrs during the weekdays, including Wednesday.

Dorset Police are surprised that the applicant has returned to requesting 0500hrs terminal hour for sale of alcohol having requested the views of Dorset Police in respect of a 0300hrs terminal hour for alcohol.

Whilst the final decision will of course remain with the members of the Licensing Sub-Committee, Dorset Police detailed concerns regarding the overall competence and willingness to promote the licensing objectives being demonstrated by the applicant in their approach to mitigating other concerns.

The applicant continues not to offer any condition relating to last entry times for customers, which will likely lead to this premises being used by customers leaving other premises during the early hours of the morning who may otherwise have dispersed and left the area.

If the Sub-Committee were inclined to grant a premises licence, Dorset Police consider that a terminal hour of 0300hrs for licensable activities, with the addition of last entry/re-entry for customers at 0200hrs would ensure that the premises would be more likely to operate safely whilst not adversely impacting the local community.

Dorset Police draw the attention of the Sub-Committee members to the fact that no representation has been submitted by Dorset Police in respect of the time when the premises open to customers. Whilst matters of a fiscal nature are not the concern of the Sub-Committee, the applicant may wish to amend their proposal to enable earlier operating hours that may be utilised to generate additional income.

3. The number of SIA staff engaged on Friday, Saturday and Bank Holiday Sunday will be six (6)

Dorset Police are grateful for this clarity and accept this condition.

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.

Dorset Police are concerned by this approach; not least that the Licensing Act 2003 discourages probationary approaches given that the Licensing Act 2003 promotes the use of Review applications where concerns are raised regarding the operating schedule of a licensed premises.

It is the view of Dorset Police that the members of the Licensing Sub-Committee should be satisfied that the conditions imposed on the Premises Licence should support the Licence Holder to consistently promote the licensing objectives.

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.

Accredited training within licensed premises consistently results in premises promoting the licensing objectives and is always encouraged. Dorset Police welcome this condition.

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).

Dorset Police remain of the view that training should take place at least every 6 months and preferably be delivered by an accredited training company. Offering regular training provides an opportunity for the staff to be refreshed in basic rules and procedures of alcohol provision and to be kept informed of the dynamic threats and concerns in the night-time economy, some of which were identified by Mr Wright during the initial hearing.

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.

Dorset Police were informed during our site visit that there were no immediate plans for staff to be accommodated within the building, which would remain vacant. Dorset Police proposed a condition reflecting this position to ensure that all staff and customers had left the site no later than 0330hrs to mitigate problems experienced previously with staff making use of the licensed premises after the terminal hour for licensable activities had passed.

Mr Wright and the applicant were vague in their proposed use of the residential area above this premises during the hearing in December.

My understanding following that hearing is that the accommodation is not currently being used, however, will most likely be utilised by staff from this business and the applicant's food business on Old Christchurch Road.

Dorset Police are concerned as to how this space will be utilised if a Premises Licence is granted. It is not within the scope of the Licensing Act 2003 to apply conditions to the Premises Licence that apply to space which is not covered within the licensed area of the plan and there are no opportunities to apply conditions preventing / restricting the use of a licensed space when the Premises Licence is not being utilised for a licensable activity.

Mr Wright has acknowledged the above in his most recent correspondence and Dorset Police remain concerned that the accommodation above the licensed premises will be operationally linked to the premises. Dorset Police would be grateful for the applicant to confirm that there will be no link between the premises and the accommodation above. This should include stock storage, CCTV storage etc.

8. The Premises Licence Holder shall be a member of Pub Watch and shall attend meetings regularly.

Whilst Dorset Police were concerned that the applicant had failed to commit themselves to membership of the local Townwatch scheme in their initial application, Dorset Police accept that Mr Wright has now offered a condition which requires the applicant to be an active member of Townwatch.

The Sub-Committee can be assured that Dorset Police will monitor compliance of this condition if the Sub-Committee are inclined to grant a Premises Licence and impose this condition.

9. An additional CCTV camera shall be fitted inside the lobby facing the front entrance.

Mr Wright has offered a condition which requires the applicant to have a CCTV camera located at the front entrance to the premises which will capture and record a facial image of anyone entering the premises through a 'motion-detection' capability.

If the Sub-Committee are inclined to grant a Premises Licence, this condition should apply 24 hours a day, 7 days a week.

10. A fully developed Drugs Policy shall be included as part of the operating schedule. See below.

The use and distribution of recreational drugs in our night-time economy continues to be a concern in Bournemouth Town Centre. Most operators are working hard to tackle this issue in partnership with Dorset Police and it is imperative that any new premises share this objective through the implementation and enforcement of a robust drugs prevention policy.

It is for the applicant and Mr Wright to draw upon their experience to produce an appropriate and legible policy, to the required standard, which they are confident that they can incorporate into the operating schedule should they be granted a Premises Licence by the Sub-Committee.

11. A Personal Licence Holder shall be present on the premises at all times during trading hours.

Dorset Police welcome the condition offered by the applicant to ensure that there is a Personal Licence Holder at the premises whilst licensable activities are taking place.

Whilst concerns remain regarding the use of the accommodation above the licensed premises, the members of the Sub-Committee may wish to consider whether it would be acceptable to them for the Personal Licence Holder to be 'within the building' or whether they should be present within the licensed area.

Should the members of the Sub-Committee consider that the Personal Licence Holder should be present within the licensed area whilst licensable activities were taking place, this would be supported by Dorset Police.

12. All drinking receptacles will be polycarbonate.

Dorset Police welcome and accept the condition that has been offered by Mr Wright to ensure that all drinking vessels are polycarbonate, without exception, ensuring that all glass is decanted and is not accessible to the customers.

13. A Dispersal Policy will be implemented and regularly reviewed. See below.

Dorset Police continue to welcome the proposed condition, offered during the initial hearing, to include SIA provision for 30 minutes beyond the terminal operating hours for the premises. This condition has unfortunately not been included in the most recent document submitted by Mr Wright.

If the Sub-Committee grant a Premises Licence, it would be reassuring for a condition to be included which requires a Dispersal Policy to be implemented and regularly reviewed.

The safe and responsible dispersal of customers at closing time for the premise is imperative to avoid conflict and disturbances that will affect residents and likely cause unnecessary demand on Police and other public services

Dorset Police are concerned that Mr Wright, in his submission, stated that the applicant was sympathetic to the challenges faced by Dorset Police and our partners and that they would be willing to be responsible for disorder at the premises and in the immediate vicinity of their premises, however, implied that they would not be held responsible for any issues or concerns beyond their premises.

The Statutory Guidance supports this statement in placing accountability on individual customers leaving the premise, however, does also recognise that there is a responsibility for those premises operating during the early hours of the morning to make efforts, including the provision of effective signage, to deter and discourage anti-social behaviour.

Dorset Police suggest that these additional measures should also be included within an effective Dispersal Policy for the premise if the Sub-Committee were inclined to grant a Premises Licence.

14. Drinks Promotions

Dorset Police understand that Mr Wright has now withdrawn the offer for 'No Drinks Promotions' and has reverted to reliance on the Mandatory Condition requiring that no irresponsible drinks promotions take place at the premises.

Members of the Licensing Sub-Committee are invited to seek clarity as to why this change has now been offered.

The above proposed conditions, in the view of Dorset Police, continue to meet all *General Principles* as required by Paragraph 1.16 of the Licensing Act 2003 Section 182 Guidance. We would be willing to assist with the wording of these conditions if required.

Remaining Concerns following the initial Sub-Committee hearing.

Dorset Police continue to have concerns following the initial hearing of the 21st December 2022. Those concerns are listed as follows –

➤ First Aid / Welfare

No further discussion, undertaking or conditions have been offered in respect of this concern.

Without wishing to repeat the information provided within the initial Supplementary Evidence document, it is imperative that every new late-night premises considers and implements appropriate measures to manage the welfare and safety needs of those enjoying the night-time economy.

- Understanding what are to be considered as 'undertakings' and what are proposed conditions within the document produced by Mr Wright

Dorset Police have revisited the information contained within the document provided by Mr Wright in advance of the initial hearing. Dorset Police are unclear whether this document continues to be included as part of the application and have the following comments to submit for consideration of the members of the Sub-Committee –

- Advice and Information for Staff
This is not relevant to this application and relevant information within this section should be a separate document intended for the attention and information of all staff and management, in conjunction with their ongoing training.
- Security
Subject to some considerable amendments, aspects of this information could and should form conditions to be attached to any Premises Licence granted. Dorset Police encourage caution when intending to use non-SIA accredited staff in front line positions as is suggested.

Once again, much of the information within this section relates to internal procedures and are not relevant to this application.

- Promotions
As highlighted above, Dorset Police welcomed this undertaking not to have any promotions for alcohol, which is relevant and capable of being included as a condition to any Premises Licence, however, understand that the applicant has now reverted to the Mandatory Conditions on this subject.
- Protection of Children from Harm information and policy
Whilst Dorset Police are grateful for the adoption of a 'Challenge 25' policy, much of this information should be confined to training manuals for staff and is not relevant to this application.

Dorset Police are concerned that there are contradictions in advice in the first two paragraphs of Page 8 which should be addressed to confirm whether children are permitted in the premises.

- The Licensing Act 2003 including link to S.182 Statutory Guidance
This is known to members of the Sub-Committee and Responsible Authorities and should once again be confined to a training manual for staff and management if appropriate.
- Proposed Licence Conditions inc. description of 'Licensing Activities'
Dorset Police do not intend to comment on each one of these conditions, however, would be grateful for the opportunity to interpret the intention of these conditions into enforceable conditions should the Sub-Committee grant a Premises Licence.

The statement encouraging staff to obtain their Personal Licence is welcomed, however, as this is not offered as a condition, should be excluded from this document.

- Who is authorised to sell alcohol?
- Interim Authority information for staff
- Duration of the licence
- Annual fee information
All of the above information is not relevant to this application and should be contained within any training documentation if appropriate.
- Statement of Policy on Drugs
 - Prevention

- Drug Dealers & Abusers
- Welfare & Treatment
- Legal Highs Policy

Many of the 'undertakings' detailed in these sections are capable of being incorporated into conditions that would then be enforceable by the Licensing Authority and other Responsible Authorities if not met.

Dorset Police are encouraged by the undertaking/condition requiring the presence of Toilet attendants at the premises, however, ask that any 'Banning' process is aligned to that of the local Townwatch to ensure consistency.

- Violence Disorder Policy

This policy clearly states that '*A plan of the premises will be maintain that clearly indicate specific locations which require static security staff; 3 on ground floor, 2 on the main entrance, 1 supervising the queue or, one SIA and management at the entrance.*'

The applicant should confirm that this is no longer applicable given the conditions recently offered.

- Record of Security Meetings

This document should be confined to the Staff/management training materials.

- Prevention of Theft Policy

Whilst the management of theft should be a priority, these undertakings are not relevant to the licensable activities being applied for and cannot be applied as enforceable conditions to the Premises Licence.

- Recording of Lost or Found Items inc. Report of Lost or Found items

Once again, the information in this section should be confined to the Training materials.

- Duty of Care Policy

Much of the information contained within this section should either be removed as it not relevant to the Licensing Act 2003 or applied to a Welfare Policy, which should be created because of a condition to any Premises Licence that may be issued by the Sub-Committee.

- Free Drinking Water poster

Not relevant to this application as this detailed within the Mandatory Conditions.

- Crime Scene Preservation

- Securing the Crime Scene
- Recording Actions at the Crime Scene
- A Note about Photographing the Scene
- Recovering Evidence at the Crime Scene
- Packaging and Labelling the Evidence
- After Crime Scene Investigation

Dorset Police have concerns regarding the advice being provided in this section, which places far too much emphasis on management and staff carrying out investigative roles, including requiring a Manager to 'carefully walk through the scene', and not enough emphasis on carrying out basic actions and seeking immediate support from Police.

If an incident of such severity occurs which requires a scene to be established, this will be directed by Police officers in attendance. In advance of their attendance, the preservation – not seizure – of the scene is necessary. This is best achieved by removing all staff and customers from a specific area or closing the premise altogether, maintaining the most sterile area possible.

No other investigative actions will be required by anyone other than actions directed by Dorset Police.

- Emergency Procedures

There is no Fire Risk Assessment or Fire Log Book included in this document.

As this document appears to contain training-orientated information, this would be an appropriate section for instructions on how staff and management are expected to manage incidents within the venue. Further advice should be sought in compiling this policy.

- Glass Management Policy

Clarification should be sought as to whether this fully meets the new condition being proposed.

- Spillage Policy

Spillage is of no concern to Dorset Police and the concern regarding glass breakages has now been resolved by removing customer access to glass within the venue.

- Transport

Facilitating the safe transport of customers from a premise is welcomed, however, Dorset Police do not propose that this information is attached to any Premises Licence as a condition.

- Noise Management Policy

Dorset Police will refer to the concerns and expertise of our partners from the BCP Council Environmental Health Team to comment on this policy and determine what aspects should be considered appropriate for inclusion as conditions to any Premises Licence.

Dorset Police support any measures that Environmental Health consider appropriate to minimise the disruption caused to the local community. Residents will often report matters of noise as Anti-Social Behaviour to Police and conflict can often occur, which requires Police resolution, where problems of noise and anti-social behaviour persist.

- Dispersal Policy

Dorset Police appreciate that there is now a new Dispersal Policy being proposed.

➤ No issues with applicant's other premises in Bournemouth Town Centre

Dorset Police intend to focus solely on the merits of this application in their considerations, as is required by the Licensing Act 2003.

In his submission to the Sub-Committee during the initial hearing, Mr Wright has referred to the applicant operating a business 'without issue' elsewhere in Bournemouth Town Centre. This verbal submission is now a matter of public record and was provided in support of the application to provide credibility and reassurance of ability to the members of the Sub-Committee.

This comment is inaccurate, and whilst the issues experienced have now been resolved and are not relevant to this application, it is important that the Sub-Committee are updated to this effect. In the interests of maintaining focus on this application, Dorset Police do not intend to elaborate further and do not wish for any past dealings between Dorset Police and the applicant to impact on the decision of the Sub-Committee in this matter.

Available Outcomes to the Sub-Committee

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

Grant the Premises Licence as applied for

Dorset Police continue to be of the view that to grant the application as proposed would likely result in a significant increase in demand for Police and other public services' support during peak periods.

Dorset Police do not, therefore, consider this to be an appropriate outcome as this would risk undermining the licensing objectives to prevent crime and disorder and maintain public safety.

The Sub-Committee are reminded that Paragraph 2.1 of the Licensing Act 2003 Section 182 Guidance produced by the Home Office states that, "*Licensing authorities should look to the police as the main source of advice on crime and disorder*". We believe that we have provided an evidence-based summary of our concerns above, as required by Paragraph 9.43 of the Section 182 Guidance, in support of our submission.

Modification of the Conditions of the Premises Licence it considers appropriate for the promotion of the licensing objectives

Dorset Police have comprehensively detailed above the concerns that remain in respect of this application for the attention and consideration of the Sub-Committee members.

If the Sub-Committee are inclined to grant a Premises Licence, Dorset Police are willing to support the Sub-Committee and the Licensing Authority to formulate conditions that are appropriate to meet the concerns, if required.

Exclusion of a licensable activity from the scope of the Premises Licence

It is the understanding of Dorset Police that this licence has applied for the following –

- Supply of Alcohol for consumption ON the premises
 - o Monday, Tuesday, Wednesday, Thursday and Sunday (excluding Bank Holiday Sundays) – 2200 – 0300
 - o Friday, Saturday and Bank Holiday Sunday – 2200 - 0500
- Live Music
 - o Monday, Tuesday, Wednesday, Thursday and Sunday (excluding Bank Holiday Sundays) – 2200 – 0300
 - o Friday, Saturday and Bank Holiday Sunday – 2200 - 0500
- Recorded Music
 - o Monday, Tuesday, Wednesday, Thursday and Sunday (excluding Bank Holiday Sundays) – 2200 – 0300
 - o Friday, Saturday and Bank Holiday Sunday – 2200 - 0500
- Performances of Dance
 - o Monday, Tuesday, Wednesday, Thursday and Sunday (excluding Bank Holiday Sundays) – 2200 – 0300
 - o Friday, Saturday and Bank Holiday Sunday – 2200 - 0500
- Hours Open to the Public – Monday – Sunday 2100 – 0530 (*previously offered but no update provided*)

The applicant has suggested reducing these hours during the initial hearing, however, the document produced by Mr Wright as at 7th February 2023 offers the above hours.

Dorset Police draw the attention of the Sub-Committee to the above concerns regarding the provision of alcohol and the operating hours.

Refuse to specify a person in the licence as the Designated Premises Supervisor

There continues to be no concerns regarding the DPS proposed to justify any objection on these grounds.

Refuse the Application for a Premises Licence

Dorset Police continue to support the view that this option should always 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 and draw on our expertise to encourage applicants to adopt proportionate measures to ensure that the licensing objectives can consistently be promoted.

Whilst Dorset Police are keen to support responsible and appropriate licensable activities, we remain of the view that this application, given its location and the challenges faced in the area, should be granted cautiously and only where the Sub-Committee can be satisfied that the Premises Licence Holder can uphold the Licensing Objectives. Dorset Police continue to have concerns that this premise, under the conditions proposed by the applicant, will lead to additional demand on Police resources and undermine the Licensing Objectives.

Note in Respect of Mediation between Dorset Police and the Applicant

Paragraph 9.34 of the S182 Licensing Act 2003 Statutory Guidance published by the Home Office and updated in December 2022 states, "*Applicants should be encouraged to contact responsible authorities and others, such as local residents, who may be affected by the application before formulating their applications so that the mediation process may begin before the statutory time limits come into effect after submission of an application.*" And Paragraph 9.32 states that "*Responsible authorities should try to conclude any discussions with the applicant in good time before the hearing.*"

Dorset Police have met with the applicant at the proposed site for this Premises Licence in advance of the initial hearing to discuss and recommend measures and conditions that we consider would be appropriate to promoting the licensing objectives.

In response to the several questions raised by Mr Wright in respect of Dorset Police Licensing Officers meeting with him and his client to further 'discuss' this application, Dorset Police are firmly of the view that written correspondence, particularly given the complex nature of this application, is necessary to ensure that all parties have a clear understanding of the concerns. Dorset Police have demonstrated above that verbal assurances have not been transcribed into written conditions, which has led to confusion and misunderstanding, undermining the credibility of the applicant.

Furthermore, Dorset Police respectfully ask that Mr Wright and the applicant understand that Dorset Police's Drug & Alcohol Harm Reduction Team must balance and prioritise a variety of competing demands associated with the 3,500+ existing licensed premises and events, new applications and Sub-Committee hearings which are frequently attended throughout Dorset.

Dorset Police consider that this document, in addition to the original 12-page document produced to the applicant in advance of the initial hearing, succinctly details the concerns that remain unresolved through mediation for the consideration of determination by the members of the Sub-Committee.

Dorset Police will continue to respond to any further correspondence from Mr Wright and the applicant as promptly as possible. No mediation has taken place since the initial hearing, with the exception of the document received by Mr Wright on the 7th February 2023, offering amended conditions.

Dorset Police are conscious that this document was provided for the attention of members of the Sub-Committee, without Dorset Police being approached in advance, suggesting that this is a final position rather than being considered an opportunity for further discussion/mediation. Due to competing demands, this is the first opportunity that Dorset Police have had to respond to that document.

Conclusion

Paragraph 1.17 of the Licensing Act 2003 Section 182 Guidance requires that each premises application be assessed according to its own merits and in accordance with the Licensing Authority's Statement of Licensing Policy.

Dorset Police have clearly listed and described the concerns that we have in respect of this application.

To assist the Sub-Committee if they were inclined to grant the Premises Licence, we have drawn on our knowledge and expertise to assist the Sub-Committee in imposing conditions which are likely to promote the licensing objectives to prevent crime and disorder and improve public safety should the members be inclined to grant a Premises Licence.

These conditions are not unnecessarily burdensome or disproportionate for the reasons explained above and are solely intended to support the Licence Holder if a Premises Licence is granted by the Sub-Committee.

Dorset Police do not intend to repeat our concerns that have already been presented to the members of the Sub-Committee during the Sub-Committee hearing, however, as the Licensing Authority's main source of advice on matters relating to crime and disorder, we will be happy to answer any further questions that you may have during the forthcoming hearing.

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HAVANA BAR – LICENCE REVIEW

Response on behalf of the Premises Licence Holder (agreed with the Police)

WARNING – IT MAY NOT BE APPROPRIATE TO PUT THIS ENTIRE DOCUMENT INTO THE PUBLIC DOMAIN – PARTS REFER TO A POTENTIAL PROSECUTION AND MAY BE REGARDED AS DEFAMATORY – THE RELEVANT SECTIONS ARE HIGHLIGHTED IN RED

Introduction

This is a slightly unusual case in that we do not propose to respond to the detail of incidents reported by the Police in their application for review. If the sub-committee chooses to explore these in more detail, Mr Halabi will be available to answer questions at the hearing.

For the purposes of this document, suffice it to say that it is accepted that there have been shortcomings but to an extent, it is not accepted that the incidents referred to have been entirely the fault of the premises.

Rather, the situation here is that early in the process, the police indicated that they did not seek a revocation or suspension of the licence but would be content with modifications to the licence conditions – they provided the premises licence holder with what can be described as a “wish list” of changes that they sought to the licence.

There followed a long exchange of emails and meetings as a consequence of which I, on behalf of the licence holder submitted a minor variation to add conditions and restrictions to the licence. A copy of that application is included within the agenda papers and by the time the hearing takes place, the licence will have been amended accordingly. The amended licence will take effect immediately rather than after the end of the usual “appeal period” i.e. not until either a period of 21 days has elapsed or, in the event of an appeal, until the appeal was determined – a process that would likely take a number of months.

The (minor) variation did not go as far as the police had originally suggested in their “wish list” but following further discussions and meditation, the police have indicated that they are content and would not now seek any further changes to the licence – this on the basis that it is clearly understood that should there be any further issues with the premises, a further application might be forthcoming.

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Given the steps that the Premises Licence Holder has already taken, it is respectfully submitted that the Licensing Authority should not take any further steps with regard to this application.

Philip Day
Partner – Laceys Solicitors LLP
9 Poole Road
Bournemouth BH2 5QR

[Redacted]

By virtue of paragraph(s) 3, 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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