

# Notice of Licensing Sub-Committee

Date: Tuesday, 4 February 2020 at 10.00 am

Venue: HMS Phoebe, Town Hall, Bournemouth BH2 6DY



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## Membership:

### Chairman:

### Vice Chairman:

Cllr B Dunlop

Cllr G Farquhar

Cllr D A Flagg

Reserve: Cllr D Kelsey

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All Members of the Licensing Sub-Committee are summoned to attend this meeting to consider the items of business set out on the agenda below.

The press and public are welcome to attend.

There is a [Protocol for Public Speaking at Licensing Committee and Sub Committees](#)

If you would like any further information on the items to be considered at the meeting please contact: Michelle Cutler 01202 633017 or email [michelle.cutler@bcpcouncil.gov.uk](mailto:michelle.cutler@bcpcouncil.gov.uk)

Press enquiries should be directed to the Press Office: Tel: 01202 454668 or email [press.office@bcpcouncil.gov.uk](mailto:press.office@bcpcouncil.gov.uk)

This notice and all the papers mentioned within it are available at [democracy.bcpCouncil.gov.uk](http://democracy.bcpCouncil.gov.uk)

GRAHAM FARRANT  
CHIEF EXECUTIVE

27 January 2020



## Maintaining and promoting high standards of conduct

### Declaring interests at meetings

Familiarise yourself with the Councillor Code of Conduct which can be found in Part 6 of the Council's Constitution.

Before the meeting, read the agenda and reports to see if the matters to be discussed at the meeting concern your interests

Do any matters being discussed at the meeting relate to your registered interests?

Disclosable Pecuniary Interest

Yes

Declare the nature of the interest

Do NOT participate in the item at the meeting. Do NOT speak or vote on the item EXCEPT where you hold a dispensation

You are advised to leave the room during the debate

Local Interest

Yes

Declare the nature of the interest

Applying the bias and pre-determination tests means you may need to refrain from speaking and voting

You may also need to leave the meeting. Please seek advice from the Monitoring Officer

No

Do you have a personal interest in the matter?

Yes

Consider the bias and pre-determination tests

You may need to refrain from speaking & voting

You may also need to leave the meeting. Please seek advice

No

You can take part in the meeting speak and vote

What are the principles of bias and pre-determination and how do they affect my participation in the meeting?

Bias and predetermination are common law concepts. If they affect you, your participation in the meeting may call into question the decision arrived at on the item.

#### Bias Test

In all the circumstances, would it lead a fair minded and informed observer to conclude that there was a real possibility or a real danger that the decision maker was biased?

#### Predetermination Test

At the time of making the decision, did the decision maker have a closed mind?

If a councillor appears to be biased or to have predetermined their decision, they must NOT participate in the meeting.

For more information or advice please contact the [Monitoring Officer](#)

### Selflessness

Councillors should act solely in terms of the public interest

### Integrity

Councillors must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships

### Objectivity

Councillors must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias

### Accountability

Councillors are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this

### Openness

Councillors should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing

### Honesty & Integrity

Councillors should act with honesty and integrity and should not place themselves in situations where their honesty and integrity may be questioned

### Leadership

Councillors should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs

# AGENDA

Items to be considered while the meeting is open to the public

**1. Election of Chairman**

To elect a Chairman of this meeting of the Licensing Sub-Committee.

**2. Apologies**

To receive any apologies for absence from Members.

**3. Declarations of Interests**

Councillors are required to comply with the requirements of the Localism Act 2011 and the Council's Code of Conduct regarding Disclosable Pecuniary Interests.

Councillors are also required to disclose any other interests where a Councillor is a member of an external body or organisation where that membership involves a position of control or significant influence, including bodies to which the Council has made the appointment in line with the Council's Code of Conduct.

Declarations received will be reported at the meeting.

**4. Application for Review of Premises Licence - Riviera Bar & Restaurant, 560 Christchurch Road, Bournemouth**

5 - 50

To consider an application by Dorset Police to review the premises licence relating to the prevention of crime and disorder licensing objective.

No other items of business can be considered unless the Chairman decides the matter is urgent for reasons that must be specified and recorded in the Minutes.

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## LICENSING SUB-COMMITTEE



Report subject	<b>Application for Review of Premises Licence - Riviera Bar &amp; Restaurant, 560 Christchurch Road, Bournemouth</b>
Meeting date	4 February 2020
Status	Public Report
Executive summary	To consider an application by Dorset Police to review the premises licence relating to the prevention of crime and disorder licensing objective.
Recommendations	<p><b>It is RECOMMENDED that Members:</b></p> <ul style="list-style-type: none"> <li><b>(a) Modify the conditions of the licence.</b></li> <li><b>(b) Exclude a licensable activity from the scope of the licence.</b></li> <li><b>(c) Remove the Designated Premises Supervisor.</b></li> <li><b>(d) Suspend the licence for a period not exceeding three months.</b></li> <li><b>(e) Revoke the licence.</b></li> <li><b>(f) Leave the licence in its current state.</b></li> </ul> <p><b>Members are asked to make a decision at the end of the hearing after all relevant parties have been given the opportunity to speak. Members must give full reasons for their decision.</b></p>
Reason for recommendations	<p>Where a review application by a responsible authority, or any other person, has been received the scheme of delegation set out in the Council's Constitution states that these applications should be dealt with by the Sub-Committee.</p> <p>The Licensing Authority may only consider aspects relevant to the application that have been raised in the application.</p>

Portfolio Holder(s):	Councillor Lewis Allison - Tourism, Leisure and Communities
Corporate Director	Kate Ryan – Corporate Director for Environment & Community
Report Authors	Sarah Rogers – Senior Licensing Officer (01202) 454929 sarah.rogers@bcpcouncil.gov.uk
Wards	Boscombe West;
Classification	For Decision

## Background

1. An application for review of the premises licence, under Section 51 of the Licensing Act 2003, was made by Dorset Police on the 18 November 2019. Dorset Police believe the premises are being operated in contravention of the licence conditions and that there are incidents occurring as a result of mismanagement which have led to significant disorder. Dorset Police no longer have confidence in the DPS or premises licence holder. A copy of the review application is attached at Appendix 1.
2. A copy of the current premises licence and plan showing the location of the premises is attached at Appendix 2.
3. The premises have been licensed since 24 November 2005 when they successfully converted and varied their licence under the Licensing Act 2003.
4. Dorset Police submitted the application on 18 November 2019 and declared that a copy of the application had been served on the other responsible authorities and the licence holder on that day.
5. On 19 November 2019 Sarah Rogers of the Licensing Authority attended the premises and delivered the site notice for display. Two further notices were placed in the main offices of the Town Hall (Customer Services Reception at St Stephen's Road and the main public noticeboard in Bourne Avenue). A notice was also published on the BCP Council website.
6. A representation from the Licensing Authority has been submitted in support of the review application. A copy of this representation is attached at Appendix 3.
7. No other representations were received from any of the other responsible authorities or any other person, but Dorset & Wiltshire Fire and Rescue Service have issued an Enforcement Notice following a visit to the premises upon receipt of the review application. A copy of this is attached for information at Appendix 4.

## Options Appraisal

8. Before making a decision, Members are asked to consider the following matters:
  - The representations made by Dorset Police and the Licensing Authority.
  - The submissions made by or made on behalf of the applicant.

- The relevant licensing objectives, namely the prevention of crime and disorder.
- The Licensing Act 2003, Regulations, Guidance and the Council's Statement of Licensing Policy.

#### **Summary of financial implications**

9. An appeal may be made against the decision of members by the applicant or the holder of the premises licence to the Magistrates' Court which could have a financial impact on the Council.

#### **Summary of legal implications**

10. If Members decide to refuse the application or attach conditions to the licence which the applicant does not agree to, the applicant may appeal to the Magistrates' Court within a period of 21 days beginning with the day that the applicant is notified, in writing, of the decision.

#### **Summary of human resources implications**

11. N/A

#### **Summary of sustainability impact**

12. N/A

#### **Summary of public health implications**

13. N/A

#### **Summary of equality implications**

14. N/A

#### **Summary of risk assessment**

15. N/A

#### **Background papers**

Bournemouth Borough Council's Statement of Licensing Policy:

<http://www.bournemouth.gov.uk/Business/Documents/StatementofLicensingPolicyLA2003.pdf>

#### **Appendices**

- 1 – Copy of the Review Application
- 2 – Copy of Current Premises Licence and Location Plan
- 3 – Representation in Support of the Review by the Licensing Authority
- 4 – Copy of Dorset & Wiltshire Fire and Rescue Enforcement Notice

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[Insert name and address of relevant licensing authority and its reference number (optional)]

**Application for the review of a premises licence or club premises certificate under the  
Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form.  
If you are completing this form by hand please write legibly in block capitals. In all cases ensure  
that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.  
You may wish to keep a copy of the completed form for your records.

**I Louise Busfield on behalf of the Chief Officer of Dorset Police**

(Insert name of applicant)

**apply for the review of a premises licence under section 51 / apply for the review of a club  
premises certificate under section 87 of the Licensing Act 2003 for the premises described in  
Part 1 below (delete as applicable)**

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> 560 Christchurch Road	
<b>Post town</b> Bournemouth	<b>Post code (if known)</b> BH1 4BH
<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Riviera Bar and Restaurant	
<b>Number of premises licence or club premises certificate (if known)</b> BH083719	

**Part 2 - Applicant details**

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible  
authority (please read guidance note 1, and complete (A)  
or (B) below)

☐

2) a responsible authority (please complete (C) below)

☒

3) a member of the club to which this application relates  
(please complete (A) below)

☐

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

Please tick ✓ yes

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other title  
(for example, Rev)

**Surname**

**First names**

**I am 18 years old or over**

Please tick ✓ yes  
☐

**Current postal  
address if  
different from  
premises  
address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address  
(optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

<b>Name and address</b>  Drug & Alcohol Harm Reduction Team Bournemouth Divisional Headquarters 5 Madeira Road Bournemouth BH1 1QQ
<b>Telephone number (if any)</b> 01202 227824
<b>E-mail address (optional)</b> licensing@dorset.pnn.police.uk

**This application to review relates to the following licensing objective(s)**

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

**Please state the ground(s) for review (please read guidance note 2)**

The Prevention of Crime and Disorder. Specifically that the premises is being operated in contravention of licence conditions and that there are incidents occurring as a result of mismanagement which have led to significant disorder. Dorset Police no longer have confidence in the DPS or Premises Licence Holder.

**Please provide as much information as possible to support the application (please read guidance note 3)**

This application for a review of the premises licence for Riviera Restaurant & Bar (Riviera) is being submitted by Dorset Police on the grounds of the licensing objective of the Prevention of Crime & Disorder.

This application has been made following a prolonged period of engagement which has extended from December 2017 until very recently following a serious incident of disorder which occurred on the 28<sup>th</sup> October 2019 and led to Dorset Police and our partners discovering, once again, a number of significant breaches at the premises.

It has always been and will continue to be the intention of Dorset Police Drug & Alcohol Harm Reduction Team to engage and support the DPS and Management in a consistent attempt to improve the operation of Riviera, however, this latest incident in particular evidences that, despite this extensive support and engagement, the Licensing Objective to Prevent Crime and Disorder is not being promoted.

Dorset Police Licensing Officers have documented their engagement with this premises since 2016, however for the purpose of this application I will refer only to the specific involvement that we have had since December 2017.

It is important to note that only incidents that result in Dorset Police being contacted can be relied upon. We are aware from speaking with members of the community that there are further incidents of concern that are also not reported to Dorset Police or other partner authorities.

There now follows a summary of the engagement that has taken place at Riviera which resulted in concerns, engagement, support and ultimately, the decision to seek a review of the premises licence -

#### 29<sup>th</sup> December 2017

Licensing Officer Louise Busfield attended the premises to request sight of CCTV as a result of an incident that was reported by a local resident who had 'heard shouting' from the premises. This request was made in accordance with Condition 2.2.2.

The DPS, Mr Tomasz JODLOWIEC, informed Licensing Officer Louise Busfield that a male injured during this incident was his SIA Door Supervisor, who is regularly employed on Friday and Saturday evenings but on the day of the incident had been at the premises as a customer. Each of the four CCTV cameras displayed a different, incorrect time in contravention of condition 2.2.1. Licensing Officer Louise Busfield requested a copy of the CCTV, however, despite making two attempts to provide the CCTV, the CCTV was unable to be provided by the DPS in a readable format. This contravened condition 2.2.2.

On the 4<sup>th</sup> January 2018 Licensing Officer Louise Busfield visited the premises again in company with PC 1937 LEMON to make a further request for a copy of the CCTV. Once again, the CCTV could not be provided. A further visit was conducted on the 10<sup>th</sup> January 2018 and the CCTV was eventually provided in a readable format.

The CCTV captured a fight between two males which resulted in the Co-Manager, Mariusz BOLKA intervening and ushering the males outside of the premises and out of view of the premises CCTV. The Town Centre CCTV captures one of the males laying on the ground following the altercation. This male is assisted by two members of the public who are unrelated to the premises, who assist the male to his feet before he wanders off away from the premises holding his head in his hands. It is unknown what injuries had been sustained by this male.

The second male involved in this incident, who is in a clear intoxicated state, is permitted re-entry to the premises having urinated nearby within sight of the public. After a short period of being back inside the premises, the male falls off a bar stool through intoxication and is cared for by a fellow customer. This male is eventually removed from the premises by two customers within sight of the managers contrary to Mandatory Condition 1.3 and placed on a bench adjacent to a nearby restaurant where he remained until he fell from the bench. This male was clearly extremely vulnerable due to his state of intoxication and there were no actions from the DPS or his Co-Manager to intervene and enhance the safeguarding of this male.

An officer that had attended this incident summarised his view on the Crime Record as *'I have not seen a pub in this much disarray in my career and was very hostile and unpleasant'*.

The incident had been recorded as a *'Fight between 2 people'* in the Incident Log for the premises. There were evidently more factors linked to this incident and whilst the Incident Book had been kept, it is the view of Dorset Police that this Incident Book had not been 'maintained' as is required by Condition 2.6.

Recommendations were made to the DPS to document all CCTV checks in support of Condition 2.2.3. In addition, a discussion was held with the DPS concerning Welfare and First Aid which should always be offered where vulnerability or potential vulnerability exists. It was made clear that it was unacceptable to have left the drunk male or the injured male alone both following the altercation and having identified that they were heavily intoxicated.

#### 24<sup>th</sup> January 2018

A visit was conducted at the premises by Licensing Officer Louise Busfield, PC 1937 Lemon and Local Authority Licensing Officer Michelle Fletcher following reports of two incidents of concern.

The first incident on the 18<sup>th</sup> January 2018 related to a male who had behaved inappropriately towards two females inside the premises and had been refused service as a result of this behaviour. On discussing this incident with the DPS it was determined that the incident had not been recorded in the Incident Book or Refusals Book in contravention of Condition 2.5 and 2.6. The response from the DPS was that '*It was a very small incident*'. The DPS was reminded that all incidents and refusals should be recorded appropriately.

The second incident on 20<sup>th</sup> January 2018 involved a fight inside the premises involving several persons which was only resolved through the intervention of other customers. The DPS stated that he had been in the staff area at the time of the incident. This was given as the reason why the incident reflected this significant disturbance in the Incident Book as '*2 drunk guys tried to fight*' with no further detail. The DPS was advised to demonstrate better control over the premises and to ensure robust promotion of the licensing objectives and ensuring that his actions in preventing reoccurrence of these incidents with the same individuals was recorded appropriately. The DPS was also recommended to consider undertaking a Conflict Management Course due to concerns that the DPS may have deliberately removed himself from the incident.

#### 30<sup>th</sup> June 2018

Visit conducted at the premises by Licensing Officer Louise Busfield, PS 2551 Gareth Gosling, PC 2810 Dave Buchanan and PC 2737 Paul Harding following an increase in the number of minor reports of incidents at the premises.

At the time of the visit officers spoke with the sole SIA staff member on duty who reported that they had worked alone the previous evening and that they were employed directly by the DPS. The DPS was advised that Condition 2.3.2 required that a minimum of two SIA accredited staff should be on duty at that time and that he had been in breach of the same condition the previous evening.

The records at the premises suggested that as a result of a lack of support regular checks were not being made of the toilets as is best practice. DPS was advised to seek an appropriate SIA accreditation to permit the direct employment of SIA staff in the future. DPS advised that he would seek the services of an accredited SIA contractor to meet the requirements of the Premises Licence.

#### 5<sup>th</sup> December 2018

Police Licensing Officer Louise Busfield conducted a visit to the premises in company with PC 2737 Paul Harding and Local Authority Licensing Officers Tania Jardim and Michelle Fletcher relating to two incidents of concern which took place on the 25<sup>th</sup> November 2018.

The first incident related to a female customer who had been ejected from the premises and whereby no record of the ejection had been recorded in the incident log in contravention of Condition 2.6 of the Premises Licence.

The second, more significant incident of that night, involved a large altercation immediately outside the premises which involved customers of the premises, ejected persons and SIA staff in addition to other passing members of the public. During this large disturbance, which had not been reported to Dorset Police by the staff at the premises, persons were seen on CCTV being restrained by the neck and pushed forcefully into nearby shop windows during an incident which could very easily have resulted in far more significant injuries.

It was most concerning that the DPS initially denied all knowledge of the incident, however, CCTV footage captured the attention of the DPS being drawn to the incident, demonstrated when he clearly looks up and observes the incident outside the premises before returning to continue to play Pool with other customers.

When asked again whether he had been aware of the incident, the DPS did then admit to knowing that the incident took place, however, he then stated words to the effect, *"I did not want to get involved as the door staff had everything under control"*. It was clear from the CCTV that not only would the SIA staff have benefitted from support, but that the DPS would also have been the most appropriate person to manage any welfare concerns, including injuries, to diffuse the situation where possible, and to also call for the support of the Ambulance and Police services as appropriate.

This incident highlighted continued ongoing concern for the welfare of customers inside and within the vicinity of this premises and the reluctance of staff, including the DPS, to record incidents appropriately.

Advice and support was further offered to the DPS to accurately and comprehensively record details of incidents, to be robust and remain in control of the operation of the premises and to take action to ensure the welfare of the customers and staff whilst assuming responsibility for incidents when they occur in his presence at the premises.

Further to that incident and following a thorough examination of the CCTV available to Dorset Police a decision was made to report the conduct of both door staff to the Security Industry Authority due to concerns that they had not met the high standards of conflict resolution expected by the SIA. The decision was made by the SIA to revoke the licence of one of the males and to suspend the licence of the other pending a full investigation.

#### 17<sup>th</sup> December 2018

A meeting was held between Police Licensing Officer Louise Busfield, Local Authority Licensing Officer Michelle Fletcher, the Premises Licence Holder, Mr Taranjeet Singh and the DPS, Mr Tomasz Jodlowiec following concerns of ongoing mismanagement at the premises.

Mr Singh was shown footage of the incident of the 25<sup>th</sup> November 2018 in addition to new footage that been discovered showing a customer propelling 'BB' pellets through a drinking straw towards another customer. This behaviour was witnessed by and remained unchallenged by staff who were present.

Mr Singh was clear in his criticism of Mr Jodlowiec as the DPS and sought reassurance from Mr Jodlowiec that his performance would improve. Mr Jodlowiec appeared contrite and assured all that were present that he would introduce improvements to the operational standards of the premises to include, enhanced recording of incidents, better engagement with the local Pubwatch scheme and more effective staff training.

Mr Jodlowiec further assured those present that he would seek to obtain an SIA accreditation to enable him to employ the SIA staff required in order to fulfil the Premises Licence conditions as he continued to employ SIA staff in contravention of the SIA standard requirements. In addition to being compliant with SIA requirements, this accreditation would also enhance the knowledge of Mr Jodlowiec and enable him to better manage those working in an SIA accredited role and whom act under his instruction.

#### 14<sup>th</sup> January 2019

Visit conducted at the premises by Police Licensing Officer Louise Busfield and Local Authority Licensing Officer Michelle Fletcher.

The DPS confirmed that he continued to employ SIA staff without the appropriate SIA accreditation. DPS advised that this is unacceptable and that the matter would be reported to the SIA for any action deemed appropriate.

The DPS further advised that the business is scarcely profitable and that he would be seeking advice to change the premises into a grocery store from the Local Authority in due course.

#### 21<sup>st</sup> July 2019

An incident occurred of serious assault at the premises which is currently being investigated. At least one person involved in the incident is known to be linked to the premises, however, as this forms part of an ongoing investigation it is not possible to provide further details of the incident at this time.

#### 28<sup>th</sup> October 2019

Shortly after 4am on Monday 28<sup>th</sup> October 2019, 3.5 hours after the permitted operating hours of the premises, officers were called to a disturbance in the area of this premises.

As this remains an ongoing investigation we are unable to disclose the details of this incident at this time.

At the time of attendance at this incident Police officers observed that the majority of persons present, including the DPS, were under the influence of alcohol.

The following day, whilst making CCTV enquiries with the DPS, the officer investigating the incident was told that the CCTV footage between midnight and 0635hrs had been deleted. No explanation could be provided and the DPS stressed that he was surprised that this had occurred.

Later that same day, Police Licensing Officer Louise Busfield and colleagues from Local Authority Licensing and Environmental Health attended the premises. The DPS advised that he had closed the premises at approximately 11pm the following evening and permitted a few friends to remain at the premises to celebrate the birthday of one of the regular customers with some beer and 'shots' which they enjoyed until approximately 3.45am.

The DPS then discussed the incident that had taken place the previous evening and denied knowledge of the identity of the 3 males, stating only that he recognised them as previous customers and believed that the first name of one of the males was 'Elliott'.

Upon checking the Incident Book there was a member of SIA staff whose first name was recorded as 'Elliott'. When asked whether the male involved in the incident had previously worked at the premises the DPS initially denied that he had before eventually admitting that the male involved in the incident was the same male known to him as a regular member of door staff.

#### 30<sup>th</sup> October 2019

DPS attends Bournemouth Enquiry Office and produces a copy of the CCTV footage of the incident dated 28<sup>th</sup> October 2019. The format of the footage is such that due to a fault with the CCTV system the DPS could only use his mobile phone camera to record the screen of the CCTV monitor. This has resulted in the footage being distorted which may undermine some aspects of the investigation.

#### 8<sup>th</sup> November 2019

A further visit was conducted at the premises by Police Sergeant 2551 Gareth Gosling and Police Licensing Officer Louise Busfield following concerns raised regarding the apparent mismanagement of the premises and the risk believed to be posed to the public from the premises.

Whilst discussing the incident the DPS was asked whether he had called Police to attend the incident as the report received suggested a member of the public calling Police to a report of a disturbance. The DPS categorically stated that he had called Police using his own mobile phone, however, could not recall what number he had dialled, simply stating words to the effect, *"I tried to call Police, but couldn't get through..."*.

Concerned that the DPS could not reach Dorset Police in an emergency, Police Sergeant 2551 Gareth Gosling asked the DPS to ensure that the DPS called 999 if a similar incident were to recur and asked to see whether the DPS could show the call history to ascertain what number he had dialled.

On showing the call records on his mobile phone, there were no records made of calling Police and the DPS had to quickly concede that he had not made an attempt to contact Police. The DPS did not provide any explanation as to why he had stated that he had called Police, however, it was reiterated to the DPS that early reporting of the incident to Police may have prevented the injuries sustained and safeguarded himself and others whom were at risk.

It was noted that there was no record of the incident recorded, however, this may have been due to the DPS not operating within the Premises Licence at the time of the incident.

During this visit the DPS stated that the Officer investigating this incident has advised him not to make a statement at this time, however, further enquiries with that officer has confirmed that no such advice has been given and that the DPS should be encouraged to co-operate with the investigation in order to provide Dorset Police with the best possible prospect of success.

When considering the relevance of the review and the potential sanctions, if any, that the Sub-Committee may choose, it should be emphasised that Dorset Police and other partner agencies have engaged significantly with the DPS and Premises Licence Holder, as demonstrated above, in an attempt to resolve our concerns.



Dorset Police invite the Sub-Committee to consider all of the options available to them under the Licensing Act 2003 with particular consideration to be given to revocation of the Premises Licence as we do not consider at this time that the other options available to the Sub-Committee would sufficiently address our concerns.

**Please tick ✓ yes**

Have you made an application for review relating to the premises before

☐

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

**If you have made representations before relating to the premises please state what they were and when you made them**

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**Part 3 – Signatures** (please read guidance note 4)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature L.Busfield

Date 18<sup>th</sup> November 2019

Capacity Police Licensing Officer

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 6)

**Post town**

**Post Code**

**Telephone number (if any)**

**If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)**

**Notes for Guidance**

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

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## Premises Licence Part A

Premises licence number: BH083719

<b>Postal address of premises, or if none, ordnance survey map reference or description:</b>	
Riviera Bar & Restaurant 560 Christchurch Road	
<b>Post town:</b> Bournemouth	<b>Post Code:</b> BH1 4BH
<b>Telephone number:</b> 01202 301333	

<b>Licensable activities authorised by the licence:</b>
Live Music Recorded Music Performances of Dance Activity like Music / Dance Late Night Refreshment Supply of Alcohol

<b>The times the licence authorises the carrying out of licensable activities:</b>
<b>Live Music</b> Monday - 10:30 to 01:00 Tuesday - 10:30 to 01:00 Wednesday - 10:30 to 01:00 Thursday - 10:30 to 01:00 Friday - 10:30 to 02:00 Saturday - 10:30 to 02:00 Sunday - 12:00 to 00:00 Performance of live music will take place indoors. <u>Non-standard timings for Live Music</u> On a Thursday and Monday of a Bank Holiday weekend until 02:00 On a Friday and Saturday of a Bank Holiday weekend until 03:00 On a Sunday of a Bank Holiday weekend until 01:00 <b>Recorded Music</b> Monday - 10:30 to 01:00 Tuesday - 10:30 to 01:00 Wednesday - 10:30 to 01:00 Thursday - 10:30 to 01:00 Friday - 10:30 to 02:00 Saturday - 10:30 to 02:00 Sunday - 12:00 to 00:00 Playing of recorded music will take place indoors. <u>Non-standard timings for Recorded Music</u> On a Thursday and Monday of a Bank Holiday weekend until 02:00 On a Friday and Saturday of a Bank Holiday weekend until 03:00 On a Sunday of a Bank Holiday weekend until 01:00 <b>Performances of Dance</b> Monday - 10:30 to 01:00 Tuesday - 10:30 to 01:00 Wednesday - 10:30 to 01:00 Thursday - 10:30 to 01:00 Friday - 10:30 to 02:00 Saturday - 10:30 to 02:00 Sunday - 12:00 to 00:00 Performance of dance will take place indoors.

Non-standard timings for the Performance of Dance

On a Thursday and Monday of a Bank Holiday weekend until 02:00

On a Friday and Saturday of a Bank Holiday weekend until 03:00

On a Sunday of a Bank Holiday weekend until 01:00

**Activity like Music / Dance**

Monday - 10:30 to 01:00

Tuesday - 10:30 to 01:00

Wednesday - 10:30 to 01:00

Thursday - 10:30 to 01:00

Friday - 10:30 to 02:00

Saturday - 10:30 to 02:00

Sunday - 12:00 to 00:00

Entertainment will take place indoors of anything of a similar description that falls within live music, recorded music and performance of dance.

Non-standard timings for Entertainment

On a Thursday and Monday of a Bank Holiday weekend until 02:00

On a Friday and Saturday of a Bank Holiday weekend until 03:00

On a Sunday of a Bank Holiday weekend until 01:00

**Late Night Refreshment**

Monday - 23:00 to 01:00

Tuesday - 23:00 to 01:00

Wednesday - 23:00 to 01:00

Thursday - 23:00 to 01:00

Friday - 23:00 to 02:00

Saturday - 23:00 to 02:00

Sunday - 23:00 to 00:00

Provision of late night refreshments will take place indoors.

Non-standard timings for Late Night Refreshment

On a Thursday and Monday of a Bank Holiday weekend until 02:00

On a Friday and Saturday of a Bank Holiday weekend until 03:00

On a Sunday of a Bank Holiday weekend until 01:00

**Supply of Alcohol**

Monday - 10:30 to 01:00

Tuesday - 10:30 to 01:00

Wednesday - 10:30 to 01:00

Thursday - 10:30 to 01:00

Friday - 10:30 to 02:00

Saturday - 10:30 to 02:00

Sunday - 12:00 to 00:00

Non-standard timings for Supply of Alcohol

On a Thursday and Monday of a Bank Holiday weekend until 02:00

On a Friday and Saturday of a Bank Holiday weekend until 03:00

On a Sunday of a Bank Holiday weekend until 01:00

From start of permitted hours on New Year's Eve to end of permitted hours on New Year's Day.

**The opening hours of the premises:**

Monday - 09:00 to 01:30

Tuesday - 09:00 to 01:30

Wednesday - 09:00 to 01:30

Thursday - 09:00 to 01:30

Friday - 09:00 to 02:30

Saturday - 09:00 to 02:30

Sunday - 09:00 to 00:30

Non-standard timings

On a Thursday and Monday of a Bank Holiday weekend until 02:30

On a Friday and Saturday of a Bank Holiday weekend until 03:30

On a Sunday of a Bank Holiday weekend until 01:30

From start of permitted hours on New Year's Eve to end of permitted hours on New Year's Day.

**Where the licence authorises supplies of alcohol whether these are on and/ or off supplies:**

Alcohol will be consumed on and off the premises.

## Part 2

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:**

Mr Taranjeet Singh  
41 Lonsdale Road  
Southall  
UB2 5LS

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:**

Mr Tomasz Jodlowiec

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:**

028446

London Borough of Richmond

## **Annex 1 – Mandatory conditions**

### Mandatory Conditions (Sections 19,20,21 LA 2003)

- 1.1. There shall be no sale or supply of alcohol when there is no designated premises supervisor in respect of this premises licence or at a time when the said premises supervisor does not hold a personal licence or when his/her licence is suspended.
- 1.2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 1.3. Any person used to carry out a security activity as required under condition 2.3 below must be licensed by the Security Industry Authority.

### The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014

- 1.4.
  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).
- 1.5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 1.6.
  1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  2. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.



3. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -
  - (a) a holographic mark, or
  - (b) an ultraviolet feature.

1.7. The responsible person must ensure that -

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
  - (i) beer or cider: ½ pint;
  - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

The Licensing Act 2003 (Mandatory Conditions) Order 2014

1.8.

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1 -
  - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
  - (b) “permitted price” is the price found by applying the formula —

$$P = D + (D \times V)$$

Where —

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence -
  - (i) the holder of the premises licence,
  - (ii) the designated premises supervisor (if any) in respect of such a licence, or
  - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.  
  
(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Conditions on Public Entertainment Licence – Attached as Part of Conversion Application under Transitional Grandfather Rights

- 1.9. Condition 19 of Part 1 of the Standard Terms and Conditions applies to the premises in compliance with the recommendations of the Dorset Police Crime Prevention Officer. In addition to the requirements of condition 19 the licensees must ensure that the system is annually maintained and produce a certificate of maintenance by a competent engineer. Tapes used in respect of the system must be replaced annually.
- 1.10. Noise from within the premises shall not be audible at noise sensitive properties between the hours of 23:00 and 07:00 the following day.
- 1.11. It shall not increase the ambient noise levels in the locality and there shall be no dominant frequencies.

**Annex 2 – Conditions consistent with the operating schedule**

Prevention of Crime and Disorder

- 2.1. There shall be a cooling down period of 30 minutes after last sales of alcohol when music shall be turned off.
- 2.2. The Licensee shall maintain the existing CCTV system to the reasonable standard acceptable to the Dorset Police Crime Prevention Officer and in conjunction with which the system is installed.
  - 2.2.1 All recordings shall be stored for a minimum period of 31 days with correct date and time stamping.
  - 2.2.2 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. Recordings shall be made available immediately upon the request of the police or an authorised officer of the council throughout the preceding 31- day period.
  - 2.2.3 A check of the CCTV shall be completed and recorded weekly to ensure all cameras remain operational and the 31days' storage for recordings is being maintained.
  - 2.2.4 Appropriate signage advising customers of CCTV being in operation shall be prominently displayed in the premises.
- 2.3. On Fridays and Saturdays, SIA registered door supervision shall be required after 19:00 hours.
  - 2.3.1 All door staff must sign a register when performing their duties at the premises. This register is to contain the full names, SIA badge numbers and contact details of that person. These records are to be made available on request to any relevant authority for the purposes of investigating or preventing crime or apprehending or prosecuting an offender.

2.3.2 Two SIA registered door supervisors shall be provided if one floor is open or four SIA registered door supervisors shall be provided if both floors are open.

2.4. On Friday and Saturday after 19:00 hours, plastic drinking vessels shall only be used in the outside area only.

2.5. A refusal register shall be kept at the premises and signed off by the DPS/Manager at least once a week to ensure that all members of staff are using it. The register shall be made available for inspection by an authorised officer on request.

2.6. A log for incidents shall be kept and maintained and must be available for inspection by an authorised officer on request.

2.6.1 Relevant offences shall be reported to the Police in good time.

2.7. Staff training shall be provided and recorded. All training records shall be made available immediately upon the request of the police or an authorised officer of the council.

2.7.1 Refresher training shall be provided on a six-monthly basis.

#### Prevention of Public Nuisance

2.8 Customers shall be asked to leave quietly at closing time by members of staff.

2.9. There shall be signs at exits reminding customers to leave quietly.

2.10. Soft drinks and/or hot drinks shall be available during cooling down period.

2.11. The premises shall ensure that doors (excepting egress from an access to) and windows are closed by 23:00 hours.

#### Protection of Children from Harm

2.12. Children shall be supervised by an accompanying adult at all times.

#### **Annex 3 – Conditions attached after a hearing by the licensing authority**

N/A

#### **Annex 4 – Plans**

This licence is issued in accordance with the plan M083719, dated 24 November 2005 as attached.





**Premises Licence  
Part B**

Premises licence number: BH083719

**Postal address of premises, or if none, ordnance survey map reference or description:**

Riviera Bar and Restaurant 560 Christchurch Road

**Post town:** Bournemouth

**Post Code:** BH1 4BH

**Telephone number:** 01202 301333

**Licensable activities authorised by the licence:**

Live Music, Recorded Music, Performances of Dance, Activity like Music / Dance, Late Night Refreshment, Supply of Alcohol

**The times the licence authorises the carrying out of licensable activities:**

**Live Music:** (Indoors) Monday to Thursday - 10:30 to 01:00, Friday to Saturday - 10:30 to 02:00, Sunday - 12:00 to 00:00

**Recorded Music:** (Indoors) Monday to Thursday - 10:30 to 01:00, Friday to Saturday - 10:30 to 02:00, Sunday - 12:00 to 00:00

**Performances of Dance:** (Indoors) Monday to Thursday - 10:30 to 01:00, Friday to Saturday - 10:30 to 02:00, Sunday - 12:00 to 00:00

**Activity like Music / Dance:** (Indoors) Monday to Thursday - 10:30 to 01:00, Friday to Saturday - 10:30 to 02:00, Sunday - 12:00 to 00:00

**Late Night Refreshment:** (Indoors) Monday to Thursday - 23:00 to 01:00, Friday to Saturday - 23:00 to 02:00, Sunday - 23:00 to 00:00

**Supply of Alcohol:** Monday to Thursday - 10:30 to 01:00, Friday to Saturday - 10:30 to 02:00, Sunday - 12:00 to 00:00

Non-standard timings for all the above licensable activities:

On a Thursday and Monday of a Bank Holiday weekend until 02:00, on a Friday and Saturday of a Bank Holiday weekend until 03:00, on a Sunday of a Bank Holiday weekend until 01:00. From start of permitted hours on New Year's Eve to end of permitted hours on New Year's Day.

**The opening hours of the premises:**

Monday to Thursday - 09:00 to 01:30, Friday to Saturday - 09:00 to 02:30, Sunday - 09:00 to 00:30

Non-standard timings

On a Thursday and Monday of a Bank Holiday weekend until 02:30, On a Friday and Saturday of a Bank Holiday weekend until 03:30, On a Sunday of a Bank Holiday weekend until 01:30.

From start of permitted hours on New Year's Eve to end of permitted hours on New Year's Day.

**Where the licence authorises supplies of alcohol whether these are on and/ or off supplies:**

Alcohol will be consumed on and off the premises.

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:**

Mr Taranjeet Singh, 41 Lonsdale Road, Southall, UB2 5LS, "

**Name of designated premises supervisor where the premises licence authorises the supply of alcohol:**

Mr Tomasz Jodlowiec

**State whether access to the premises by children is restricted or prohibited:**

See Condition 2.12

**Issued:** 24 November 2005

**Revised:** 26 October 2018 [Change of DPS Address]

**Mrs Nananka Randle**  
**Licensing Manager**

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Mrs Rogers  
Licensing Authority  
Town Hall Annexe  
St Stephens Road  
Bournemouth  
BH2 6EA

Date: 11 December 2019  
Our Ref: 5VEv2: Misc. Act.: 174560:  
MRF02421  
Contact: Ms Michelle Fletcher  
Email: [michelle.fletcher@bcpcouncil.gov.uk](mailto:michelle.fletcher@bcpcouncil.gov.uk)  
Tel: 01202 451180

Dear Mrs Rogers

Please accept this Email as a representation in support of the Review Application submitted by Dorset Police on the 18<sup>th</sup> November 2019.

The Licensing Authority have been involved with the premises since February 2017 when the Premises Licence was originally transferred to Mr Singh. Mr Singh is the Landlord of the building and not involved with the day to day management / running's of the premises. Mr Jodlowiec is the Designated Premises Supervisor who leases the premises from Mr Singh and he is responsible for day to day management and running of the premises.

It has always been the intention of the Licensing Authority to support Mr Singh and Mr Jodlowiec to improve their operation and operate in compliance with their Premises Licence however this has proven to be difficult for them to achieve and any improvements that may have been made have not been maintained.

The Licensing Authority have previously advised both Mr Singh and Mr Jodlowiec to submit a transfer application making Mr Jodlowiec the Premises Licence Holder as he is responsible for the day to day running and management of the premises, to date this application has not been submitted.

The Licensing Authority concur with Dorset Police that the Licensing Objectives are not being promoted in particular the prevention of crime and disorder. The premises are not being managed effectively. Therefore, I feel that removing the Designated Premises Supervisor as part of the review would not change the management of the premises and therefore not remedy the Polices concerns.

Both Authorities have provided extensive support and advice to Mr Singh and Mr Jodlowiec (see accompanying documents) yet the premises still continue to be in a state of poor repair with breaches of the conditions on their Premises Licence and failing to promote the Licensing Objectives.

Yours sincerely

A handwritten signature in black ink, appearing to be "Michelle Fletcher", written over a horizontal line.

**Ms Michelle Fletcher**  
Licensing Officer

Any personal information you provide us with, will be held and used in accordance with the law and the Data Protection Act 2018. If you would like to find out more information about how we use your information, please see our Privacy Notice here: [bcpcouncil.gov.uk/privacy](http://bcpcouncil.gov.uk/privacy)

Please find attached a list of general interactions with the premises.

**24.02.17** The Premises Licence was transferred to Mr Singh.

**16.03.17** Mr Singh submitted a Minor Variation in conjunction with Dorset police – Embedded and Public Entertainment Conditions were removed, and conditions agreed by Dorset police were added.

**18.01.18** – Joint visit between Dorset Police and the Licensing Authority to the Premises, breaches found.

**23.01.19** – Telephone contact with Mr Singh advising of breaches.

**24.01.18** – Joint visit between Dorset Police and the Licensing Authority to the Premises, breaches found.

**25.01.19** – Letter with findings/instruction sent to Mr Singh and Mr Jodlowiec to assist. See exhibit MF1

**09.02.18** – Out of Hours Visit took place with positive findings.

**19.02.18** – Letter re closing smoking area at 19:00 hours as requested by Dorset Police.

**05.12.18** – Joint visit between Dorset Police and the Licensing Authority to the Premises, breaches found.

**05.12.18** - Email sent to Mr Jodlowiec with findings/instructions to assist. See exhibit MF2

**06.1.2.18** – Email sent to Mr Singh bring him up to date and requesting he attend Joint Visit. See exhibit MF3.

**17.12.2018** – Joint visit between Dorset Police and the Licensing Authority to the Premises Mr Singh also attended.

**14.01.19** – Joint visit between Dorset Police and the Licensing Authority to the Premises, breaches found. Police provided L10.

**24.09.19** – Enquiry from Riviera about Transferring the Licence and extending hours. See exhibit MF4.

**04.10.19** – Dorset Fire visited with Housing due to complaints regarding the Residential Premises above the Premises. This then lead the Fire Officer's to the Premises. This has since lead to Enforcement notice being issued. The Premises have until the 10.01.2020 to resolve this matter.

**28.10.19** – As a combined result of the information from Dorset Fire and an incident reported to us by Dorset Police a Multi-Agency Visit took place between Dorset Police, the Licensing Authority and Environmental Health – Breaches were found. See exhibit MF5

**18.11.19** - Review submitted by Dorset Police.

On reviewing our system, I have also found the following complaints:

**07.03.17** - Intelligence Reporting from the Police - ASB - male broke a snooker cue and ran outside after another male.

**22.03.17** - Intelligence Reporting from the Police - Alcohol Related Incident - Drunk male causing problems in and around the Premises.

**06.06.17** – Environmental Health Noise compliant - Noise from people drinking, vile behaviour, fighting.

**24.08.17** - Licensing Complaint Verbal abuse from customers sat at front in smoking area.

**06.09.17** - Licensing Complaint - A wooden shelter has appeared overnight at to the front of the premises – No permission.

**07.07.18** - Environmental Health OOH Noise compliant – Very loud music in the pub customers having to leave as levels so high.



Direct line: 01202 451180

This matter is being dealt with by: Ms Michelle Fletcher

Our Ref: 5VEv1: Ins Visits: 042861: MRF01924 Email: michelle.fletcher3@bournemouth.gov.uk

Sent via Email

25 January 2018

Dear Mr Singh and Mr Jodlowiec

**LICENSING ACT 2003**

**Riviera Bar and Restaurant – 560 Christchurch Road Bournemouth BH1 4BH**

Further to our visit on the 24 January 2018, I have attempted to put together a brief list below of our findings.

The Operation Protect Team (Dorset Police Licensing) and myself (Licensing Authority) cannot express enough how important these changes are and that they need to be implemented without further delay. We are all happy to assist where we can and answer any questions you may have.

Visits to the premises shall continue until officers are satisfied that the appropriate measures are in place. Failure to comply and continued breaches to the licence will result in a review of the Premises Licence or even prosecution.

Findings from visit on the 24.01.2018.

\*Inaccurate information being documented in the Security Door Supervisors Logbook.

*Ensure SIA staff continue to use log book ensuring all details are accurate. Check what's being recorded, offer more guidance around your expectations of them.*

\*Incidents not being logged by Bar staff or Management.

*I can see from today's visit that you have put a log book in place since my last visit on the 18.1.18 for incidents and refusals but I don't think this style of book is giving you enough room to document adequate details and does not currently meeting the requirements of your licence.*

*I have attached some templates for you to look at.*

\*Still no evidence of ID checks and or refusals taking place.

*As I previously explained ID checks, refusals, should be taking place at the bar as well as the door. Not just for age but conduct and intoxication levels. Some premises keep a log of how many IDs are checked even if a refusal doesn't taken place. The Licensing Authorities see this as good practice as it evidences that your staff are checking ID.*

\*Front doors are not being supervised at all time on a Friday and Saturday night.

\*Unsupervised dogs wandering around the premises.

*Look at a creating policy around dogs within the premises.*

\*Rear outside area unsupervised, drinks being taken outside and the rear door open late at night.

*Come up with ways of making the rear smoking area compliant and controllable especially in an evening. (Closing it early, using the front where Door staff and or Bar staff/Management can better supervise customers.)*

\*Blind spots around the premises regarding CCTV coverage.

*Install more CCTV cameras to reduce blind spots, record CCTV checks and requests.*

\*Lack of management/intervention when incidents arise

- Not providing staff with clear instructions
- Intervention at time of incidents
- Failing to review incidents
- No communication with emergency services

\*Staff and Management training - Record it all and refresh every six months.

- *Challenge 25 and related subjects*

*ID Checks / Types of ID / consequences of underage sale for the Licence Holder / Proxy sales.*

- *Conflict Management / Ejecting / Problematic customers*

- *Emergency evacuations (Not just Fire)*

Please find attached several templates for you to use or take ideas from.

Should you have any questions please do not hesitate in contacting myself.

Yours sincerely

**Ms Michelle Fletcher**

Cc Pc Lemon, Louise Busfield

**Michelle Fletcher - Licensing**

---

**From:** ".com>  
**Sent:** 05 December 2018 14:49  
**To:** Michelle Fletcher - Licensing  
**Subject:** Re: RIVIERA  
**Attachments:** image001.jpg

Received, I'll see on 17th December at 12.

Thank you.

Tomasz

On Wed, Dec 5, 2018 at 2:41 PM Michelle Fletcher - Licensing <[Michelle.Fletcher3@bournemouth.gov.uk](mailto:Michelle.Fletcher3@bournemouth.gov.uk)> wrote:

Thank you Tomasz

Further to our visit this morning, please find attached a list of suggested training records, It should all be recorded and refreshed every six months.

- *Challenge 25 and related subjects*

*ID Checks / Types of ID / consequences of underage sale for the Licence Holder / Proxy sales.*

- *Conflict Management / Ejecting / Problematic customers*

- *Emergency evacuations (Not just Fire)*

To confirm I will be re visiting on the 17<sup>th</sup> December at 12:00 hours.

Please ensure that you and all your staff continue to update and keep refusals and incident logs.

Kind Regards

Michelle Fletcher

Environmental & Licensing Support Technician

Planning, Transport & Regulation

T: 01202 451560

**Michelle Fletcher - Licensing**

---

**From:** Michelle Fletcher - Licensing <Michelle.Fletcher@Bournemouth.gov.uk>  
**Sent:** 06 December 2018 14:14  
**To:** [redacted]  
**Subject:** Riviera Bar and Restaurant – 560 Christchurch Road Bournemouth BH1 4BH

Mr Singh

**LICENSING ACT 2003****Riviera Bar and Restaurant – 560 Christchurch Road Bournemouth BH1 4BH**

As the Premises Licence Holder of the above named Premises the Licensing Authority would like to inform you of recent events.

As you know joint visits took place between myself on behalf of the Licensing Authority and Dorset Police earlier in the year as there were concerns at this time with the management of the premises and breaches to the Licence Conditions. After a series of visits we were satisfied that the Premises were running in a compliant manner in line with the Premises Licence.

At the request of Dorset Police I attended a further joint visit to the above premises on the 05<sup>th</sup> December 2018, to find some conditions on the Licence are no longer being complied with and that no official staff training is taking place. I have arranged a revisit with Mr T Jodlowiec for 12noon on the 17<sup>th</sup> December 2018 where I am expecting to be presented with a training manual for staff at the premises.

Separately to our Licensing concerns, Dorset Police have great concern around Crime and Disorder relating to the Premises and after reviewing CCTV footage and the conditions of the Licence both Dorset Police and the Licensing Authority think it only appropriate that you as the Licence Holder attend the above mentioned meeting on the 17<sup>th</sup> December 2018.

I am contactable this afternoon until 16:00 hours, failing that I will be back in the office as of the 11<sup>th</sup> December should you wish to discuss this further.

Kind Regards

Michelle Fletcher  
Environmental & Licensing Support Technician  
Planning, Transport & Regulation  
T: 01202 451560  
E: [Michelle.fletcher3@Bournemouth.gov.uk](mailto:Michelle.fletcher3@Bournemouth.gov.uk)



**Building a Better Bournemouth**

## Michelle Fletcher - Licensing

---

**From:** Michelle Fletcher - Licensing  
**Sent:** 24 September 2019 14:40  
**To:** Tomasz Jodlowiec  
**Cc:** 'police'; Andrew Hill  
**Subject:** RE: Enquiry about Extending the Licensed Hours  
**Attachments:** Blue Notice (Variation).doc; Full variation application 2017.docx; Newspaper Ad (Variation).doc; Variation Guidance.doc; PremisesTransfer Application Form 01.19.docx; Transfer Consent 7.1.11.doc

Mr Jodlowiec

Your enquiry has been passed to myself to deal with. As we have previously discussed your looking at two applications. The first being a Transfer Application completed by yourself as the applicant and a signed Consent Form from Mr Singh, confirming he is happy to sign the Licence over.

You then as the Licence Holder would need to submit a Full Variation Application to make changes to the existing Licence, we always advise that you consult with the Responsible Authorities in this case Environmental Health and Dorset Police to get an idea if they would support the application.

I have attached a Transfer and Variation applications to this email, these would need to be returned to [Licensing@bcpcouncil.gov.uk](mailto:Licensing@bcpcouncil.gov.uk) with payment.

I have also copied this email to Police and Environmental Health for their information.

Regards



**Michelle Fletcher**  
**Licensing Officer**  
**Communities**  
 T. 01202 45 1560  
[michelle.fletcher@bcpcouncil.gov.uk](mailto:michelle.fletcher@bcpcouncil.gov.uk)  
[bcpcouncil.gov.uk](http://bcpcouncil.gov.uk)

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**From:** Tomasz Jodlowiec <>  
**Sent:** 09 September 2019 20:09  
**To:** Licensing Com <[licensing@bcpcouncil.gov.uk](mailto:licensing@bcpcouncil.gov.uk)>  
**Subject:** Enquiry about Extending the Licensed Hours

Hello,

We would like to enquire about the possibility of extending the licensed hours of the premises of Riviera Bar & Restaurant, 560 Christchurch Road, Bournemouth, BH1 4BH.

We feel the venue has got a lot of potential and we would like to transform it into a hub to support the local talent and community activities as well as start working with many local artists, charities and closely work with the Bournemouth Arts University students

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**DORSET & WILTSHIRE  
FIRE AND RESCUE**

## Appendix 4

**Dorset & Wiltshire Fire and Rescue  
Service**

Five Rivers Community Health & Wellbeing  
Centre, Hulse Road, Salisbury, Wiltshire

Direct Line: (01722) 691717

Switchboard: (01722) 691000

Website: [dwfire.org.uk](http://dwfire.org.uk)

Email: [alan.jones@dwfire.org.uk](mailto:alan.jones@dwfire.org.uk)

Your ref: -

My ref: L0001522\69781

Ask For: Alan Jones

FAO: Mr Taranjeet Singh

Date: 10 October 2019

### URGENT – ACTION REQUIRED

Dear Sir

#### **Enforcement Notice Number 115**

#### **The Regulatory Reform (Fire Safety) Order 2005: Article 30**

**Address of Premises: Riviera, 558 - 560, Christchurch Road, Bournemouth, BH1 4BH**

An authorised inspector visited your premises on 4th October 2019 and evaluated the fire safety provided. The Dorset & Wiltshire Fire and Rescue Authority is of the opinion that you have failed to comply with a provision / provisions of the Regulatory Reform (Fire Safety) Order 2005 because people were unsafe in case of fire. The schedule to this Notice further explains the provision(s), with which you have not complied.

The serving of this Notice number 115 is necessary to ensure that you adequately protect people in case of fire. This authority has to make sure that you provide safety. The attached schedule sets out what you must do.

#### **Timescale for Completion**

You are required to take steps to remedy the matters in the schedule by 10/01/2020. My officer will contact you prior to this date to arrange a further visit. You may apply for an extension to the period of time within which you need to remedy the failure(s). The authority will grant / deny additional time according to the efforts you have made. If you require additional time, please contact my officer at your earliest opportunity.



### **Penalty for Non-compliance**

If you do not comply with this Notice, you will have committed an offence and this authority will consider a prosecution against you. A prosecution could lead to you being liable to a fine, imprisonment or both, subject to the Courts.

### **Route to Appeal**

You can legally appeal this Notice. To do so, you must appeal 'by way of complaint for an order to the Clerk to the Magistrates' Court in the area in which the premises are situated', within 21 days from the day on which this notice was served.

The bringing of an appeal has the effect of suspending the operation of this Enforcement Notice until the appeal is finally disposed of or (if the appeal is withdrawn), until the withdrawal of the appeal.

You can clarify or challenge what you need to do. You can also comment on the inspection. Our '[Compliments and Complaints procedure](#)', tells you how.

### **Fire Safety Management**

The schedule sets out what you need to do to improve fire safety. Taking the additional advice under this heading will help you to sustain those improvements.

Undertaking a fire risk assessment will identify the safety measures you have in place and any further measures you might need to take. If additional safety is required in consequence of the assessment, you must provide it.

### **Alternative Solutions**

If you prefer to use a different solution to bring about safety from fire please contact my officer. If your solution is agreed, this Notice will be withdrawn and another Notice served in its stead. An alternative approach might enable you to apply an equally appropriate safety solution to better meet your needs. Any alternative you propose must meet the 'outcome(s)' stated in the schedule.

Yours faithfully



Station Manager Blizzard  
Fire Safety Manager  
On behalf of the Dorset & Wiltshire Fire and Rescue Authority  
cc Licensing Authority  
cc Mr Tomasz Jodlowiec



## **Important Information – schedule referred to in Enforcement Notice Number 115**

Notes to this schedule:

The government guidance most suitable to your premises can be found at <http://www.cfoa.org.uk/19512>

Before you make certain changes to the premises, you may have to apply for approval from statutory bodies and/or others having interest in them. If you have doubt about the need for approval, you should ask the relevant body. For example, you may have to apply for approval from a Building Control Body to make '[material alterations](#)'. You might also need to apply for the property owners' permission or for '[listed building consent](#)', among others.

This schedule comprises of 9 items

Item number 1

### **Outcome**

This work is necessary to detect fire and raise an alarm.

### **Action**

Ensure that the music is muted when the fire alarm sounds.

Ensure the correct detectors are installed in the system

The changes should be carried out and commissioned by a competent person.

### **Reason**

The fire detection and alarm system is not suitable because Detectors are not compatible with the fire alarm panel and music does not mute on activation of the fire alarm.

This is contrary to Articles 8(1), 13(1)(a).

## Item number 2

### **Outcome**

This work is necessary to provide sufficient escape routes (corridors, stairs and doors) for people.

### **Action**

Ensure that everyone can evacuate quickly and safely by clearing the music equipment, storage and sand bags from the basement rear escape route.

### **Reason**

The escape route from basement rear exit was restricted by equipment and storage.

This would delay or prevent people escaping quickly and safely from fire.

This is contrary to Articles 8(1), 14, 19(1) and 21(2).

### Item number 3

#### **Outcome**

This work is necessary to make sure that escape routes (corridors, stairs and doors) can be safely used whenever they are needed.

#### **Action**

Carry out an audit of all your fire doors to ensure that they can resist fire and smoke for 30 minutes and are fitted with intumescent strips and smoke seals. Doors should also be fitted with a self-closing device that closes door fully to latch (cupboard doors do not need a self-closing device but should be locked shut).

#### **Reason**

Doors were not capable of preventing the spread of fire for long enough to enable people to escape because they were damaged, wedged open, self-closer removed or they didn't close fully to latch.

This is contrary to Articles 8(1) and 14(2)(b).

#### Item number 4

##### **Outcome**

This work is necessary to make sure that escape routes (corridors, stairs and doors) can be safely used whenever they are needed.

##### **Action**

Ensure that escape routes are illuminated by emergency lighting that will operate if the local lighting circuit fails.

The system should conform to BS 5266 2016.

##### **Reason**

People in premises may not be able to find the way out in an emergency due to inadequate coverage and some emergency lights are not working .

This is contrary to Articles 8(1) and 14(2)(h).

## Item number 5

### **Outcome**

This work is necessary to make sure that escape routes (corridors, stairs and doors) can be safely used whenever they are needed.

### **Action**

Ensure that all doors on exit routes are available and can be easily and immediately opened, without the use of a key, by anyone who might need to use them in an emergency.

### **Reason**

The escape doors at the rear of the ground floor were difficult to open because they were fitted with draw bolts and rear basement exit doors had a missing push bar. This means that people trying to use the escape doors, during an evacuation, might be trapped in the building.

This is contrary to Articles 8(1) and 14(2)(b).

## Item number 6

### **Outcome**

This work is necessary to help people understand what to do if fire breaks out.

### **Action**

Ensure that sufficient numbers of employees are able to understand and interpret the fire alarm panel.

### **Reason**

No employee present was able to interpret the fire alarm panel. This means that effective evacuation of people nearest the fire could be delayed.

This is contrary to Articles 8(1), 15(3), 19(1)(c) and 21.

## Item number 7

### **Outcome**

This work is necessary to help people understand what to do if fire breaks out.

### **Action**

- Carry out fire drills; to practice the procedures you have in place for people to follow in case of fire.

### **Reason**

People do not understand what to do in case of fire and may behave inappropriately if fire breaks out. When people are familiar with what to do, their safety is more assured.

This is contrary to Articles 8(1), 15(1)(a) and 21.

## Item number 8

### **Outcome**

The fire alarm, emergency lights and the firefighting equipment should be tested weekly / monthly as recommended in the relevant British Standard. I also recommend these tests are recorded in a suitable log book.

### **Action**

Ensure that fire alarm, emergency lights and the firefighting equipment are properly tested and maintained.

### **Reason**

The fire alarm, emergency lights and the firefighting equipment were not properly tested and maintained. This means that they could fail without warning or at the moment it is needed most and that people would be at risk in case of fire.

This is contrary to Articles 8(1) and 17(1).



Item number 9

**Outcome**

This work is necessary to help people understand what to do if fire breaks out.

**Action**

Provide your employees with instruction and training, so that they know the fire precautions you have put in place. They must also be familiar with what they need to do in case of fire to ensure that they are safe and can keep other people safe.

**Reason**

Employees were unaware of their responsibilities and of the fire safety measures in the premises, which you have taken to keep them and others safe.

This is contrary to Articles 8(1), 19(1), 21(1) and 21(2).

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