

# Notice of Licensing Sub-Committee

Date: Tuesday, 17 March 2020 at 10.00 am

Venue: Committee Suite, Civic Centre, Poole BH15 2RU



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## Membership:

### Chairman:

### Vice Chairman:

Cllr D Butler

Cllr J J Butt

Cllr D A Flagg

Reserve: Cllr R Burton

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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: Democratic Services or email [democratic.services@bcpcouncil.gov.uk](mailto:democratic.services@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

9 March 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  
([tanya.coulter@bcpcouncil.gov.uk](mailto:tanya.coulter@bcpcouncil.gov.uk))

### 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 requested to declare any interests on items included in this agenda. Please refer to the workflow on the preceding page for guidance.

Declarations received will be reported at the meeting.

**4. Application for Review of Premises Licence - Xchange Bar, 4 The Triangle, Bournemouth**

5 - 32

To consider an application by Dorset Police to review the Premises Licence relating to the prevention of crime and disorder and public safety Licensing Objectives.

**5. Application to Vary a Premises Licence - Bistro on the Beach, Southbourne, Promenade, Bournemouth, BH6 4BE**

33 - 62

To consider an application to vary the Premises Licence for Bistro on The Beach of Solent Promenade, Southbourne, to increase the licensable area to include the existing take away area, to add off sales for the supply of alcohol, and to identify the location of an outdoor temporary bar serverly area - all in accordance with the current licence schedule and conditions.

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>Review of Premises Licence - Xchange Bar, 4 The Triangle, Bournemouth</b>
Meeting date	17 March 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 and public safety.
Recommendations	<p><b>Members are asked to decide whether to:</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 (DPS).</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>When 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 & Communities
Report Authors	Sarah Rogers – Senior Licensing Officer
Wards	Bournemouth Central
Classification	For Decision

## Background

1. An application for the review of the premises licence, under Section 51 of the Licensing Act 2003, was made by Dorset Police on 28<sup>th</sup> January 2020. Dorset Police believe that the premises are involved in criminal activity that undermines the licensing objectives of the prevention of crime and disorder and public safety and they 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 premises licence and location plan is attached at Appendix 2.
3. The premises have had the benefit of a licence since November 2005 when it was successfully converted under transition of the Licensing Act 2003.
4. In December 2013 a minor variation was submitted, at the request of Dorset Police, following several incidents at the premises. The conditions suggested were to ensure that there was door supervision, upgraded CCTV and a sufficient drug policy approved by Dorset Police.
5. In September 2017 a further minor variation application was made to add conditions as suggested by Environmental Health under the prevention of public nuisance. In addition, a change to the layout was approved to include a lobby to the front door.
6. In November 2017 Environmental Health submitted a review application following receipt of complaints of music and people noise emanating from the premises. A further noise prevention condition was attached to the licence (current condition 3.1) as an appropriate action to take in this case for the promotion of the prevention of public nuisance.

## Consultation

7. Dorset Police submitted the application on 28<sup>th</sup> January 2020 and declared that a copy of the application had been served on the other responsible authorities and the licence holders on that day.
8. On 29<sup>th</sup> January 2020 Sarah Rogers of the Licensing Authority displayed a site notice to the front of the premises. A spare copy was handed to a male who came down from the upstairs flat to ask what was happening and he confirmed that he would inform Mr Kimber, the premises licence holder of the situation, as he was not in at the time.

9. 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's website.
10. The licence holders have not contacted the Licensing Authority or Dorset Police throughout the consultation period, neither directly or through a third party.

### **Options Appraisal**

11. Before making a decision, Members are asked to consider the following matters:
  - The application made by Dorset Police.
  - The submissions made by or on behalf of the licence holder.
  - The relevant licensing objectives, namely the prevention of crime and disorder and public safety.
  - The Licensing Act 2003, Regulations, Guidance and the Council's Statement of Licensing Policy.

### **Summary of financial implications**

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

### **Summary of legal implications**

13. The decision of the Licensing Sub-Committee can be appealed to Dorset Magistrates Court by the applicant or the licence holder 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**

14. N/A

### **Summary of sustainability impact**

15. N/A

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

16. N/A

### **Summary of equality implications**

17. N/A

### **Summary of risk assessment**

18. N/A

Bournemouth Borough Council's Statement of Licensing Policy

<https://www.bournemouth.gov.uk/Business/Licensing/LicensingAct/TheLicensingAct2003.aspx>

**Appendices**

1. Copy application for review by Dorset Police
2. Copy current premises licence and plan showing the location of the premises.



*[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 Licensing Officer 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>  Xchange Bar 4 The Triangle	
<b>Post town</b> Bournemouth	<b>Post code (if known)</b> BH2 5RY

<b>Name of premises licence holder or club holding club premises certificate (if known)</b>  Mr Martin Friend Mr Stuart Kimber
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<b>Number of premises licence or club premises certificate (if known)</b>  BH083617
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**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 Police Station 5 Madeira Road Bournemouth Dorset 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 checked="" 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 involved in criminal activity that undermines the licensing objective. Dorset Police no longer have confidence in the DPS or Premises Licence Holder.

Public Safety. Dorset Police have concerns regarding the widespread use of drugs at the premises and the risk that this poses to the community.

The Premises Licence Holders are not exercising the levels of control necessary over the premises to ensure that the Licensing Objectives are being upheld.

**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 *XCHANGE Wine Bar*, 4 The Triangle, Bournemouth, is being submitted by Dorset Police on the grounds of the licensing objectives of the *Prevention of Crime & Disorder and Public Safety*.

It is and always has been the intention of *Dorset Police Drug & Alcohol Harm Reduction Team* (DAHRT) to engage and support licensees throughout Dorset to promote the four licensing objectives of Preventing Crime & Disorder, Preventing Public Nuisance, Promoting Public Safety and Protecting Children from Harm.

It is our expectation that all licensees will endeavour to meet these objectives and fulfil their duty as licensees with responsibilities to uphold these objectives and meet the conditions of their premises licence.

In this instance, however, Dorset Police have received a series of reports of incidents and intelligence that suggest that the operators at *XCHANGE Wine Bar* are failing to meet these objectives, potentially facilitating criminal activity and failing in their duty to protect their patrons.

In advance of providing details of the incidents and concerns that have led to this Application to Review the Premises Licence, I will explain how Dorset Police structure our engagement towards attempting to achieve improvements to licensed premises in a collaborative approach to achieve efficient improvements and avoid bringing concerns before the Licensing Sub-Committee where possible.

Dorset Police are generally advised of an incident or intelligence linked to a specific premises. In the first instance, isolated incidents or intelligence may not be corroborated or may be unreliable and we would therefore consider a premises at this stage to be of *Interest* to us. This might necessitate a letter to be sent to the DPS or indeed a visit from the local Policing Team or a Police Licensing Officer.

In the event that our concerns are heightened in any way, either through corroborating the initial report/intelligence or we receive further reports from Police Officers or the public, then the premises will then be escalated and be of *Concern* to us. At this stage Licensing Officers and the Licensing Sergeant will discuss how it is most appropriate to manage the risk with the DPS and Premises Licence Holder during an arranged meeting. It is made clear at this time to the DPS/Premises Licence Holder that the premises is of concern.

In the event that the premises continues to underperform or is failing to act on the concerns of Dorset Police then the Licensing Officer will engage the support of the Licensing Authority and other agencies to determine a collaborative approach towards persuading the DPS/Premises Licence Holder to make improvements to their working practices. Whilst it remains the responsibility of the DPS/Premises Licence Holder to make improvements, suggestions are generally made by Dorset Police Licensing Officers and our partners as to the areas of particular concern to encourage improvement during this phase which we refer to as the *Problem Solving Profile* stage.

Having received significant engagement and having been offered advice by Dorset Police and our partners where appropriate, if the premises continue to underperform or continues to raise concerns then we will seek to escalate the premises to a phase we refer to as *Target*. This is overseen by the Drug & Alcohol Harm Reduction Team Inspector and is communicated to our partners and will include a period of collating evidence towards a *Review*. We will also meet with the DPS/Premises Licence Holder to ensure that they fully understand the position and that Dorset Police consider that their premises is not upholding the Licensing Objectives.

It is important to note that during any of the phases detailed above, Dorset Police seek to engage

the support and co-operation of the DPS/Premises Licence Holder to avoid the a Licensing Sub-Committee Hearing. In the event that this is not possible, then the premises will escalate to the final phase, referred to as *Review*, at which point the application is made to seek a Review of the Premises Licence.

There are occasions when the risk or nature of the concern does not allow all phases to be explored. This will generally be in serious cases where the Licensing Act 2003 supports an immediate escalation to a latter phase or where the nature of the incident casts immediate doubt over the ability of the premises to operate safely and lawfully. On these occasions, the evidence produced in support of the Review will generally be relatively current.

Due to the engagement that we undertake, where each or most of the phases of engagement have been explored in advance of the Review being submitted, it may be that some of the evidence being produced is up to 12 months (or in some cases longer) old. This should serve only to confirm that the premises has been underperforming over a sustained period of time despite structured engagement. We will endeavour to highlight the above phases of engagement chronologically throughout the document.

On the 14<sup>th</sup> March 2019 Dorset Police received a report that the DPS of the *XCHANGE*, Stuart Kimber, had been admitted to Royal Bournemouth General Hospital having taken a recreational substance known as GHB. He had then been reported as '*missing*' from the hospital having discharged himself without informing the staff prior to receiving necessary treatment.

This was of concern for Dorset Police as we were initially concerned for the welfare of Mr Kimber and we were also concerned that Mr Kimber would be unable to continue as the DPS of *XCHANGE* due to his apparent poor health and potential substance dependency. Thankfully Mr Kimber was safely located and spoken to by officers who were able to confirm that Mr Kimber was experiencing an unexpectedly difficult time in his personal life. At this stage the premises was recorded as being of *Interest* to the Dorset Police DAHRT.

On the 28<sup>th</sup> May 2019 Dorset Police received intelligence from a customer of *XCHANGE* that there was a male who was selling cocaine and "G", a liquid drug, at the premises. The male's name was not known, however, a description was provided by Dorset Police.

At this stage the DAHRT considered this premises to be of *Concern* given that the intelligence regarding drug use at the premises could be corroborated.

In August 2019 a visit was conducted by Licensing Officer Sarah Dutton following receipt of intelligence relating to the drug use at the premises. Licensing Officer Sarah Dutton met Mr Kimber who seemed rather blasé when asked whether drugs were a concern for him at the *XCHANGE*.

Mr Kimber advised that '*Carl*', the SIA officer at the time of the visit, would conduct searches of patrons upon entry and any items found would be placed within the on-site drug safe. The drug safe was emptied during the visit and there were no items present other than a metal chain and an unused syringe.

Mr Kimber advised during the same visit that staff training was not up-to-date, however, he assured Licensing Officer Sarah Dutton that he would put training in place immediately.

Mr Kimber advised Licensing Officer Sarah Dutton that the business was struggling financially and whilst he was trying to save money, he was encouraged and accepted that he should not be undermining the Licensing Objectives when doing so.

Mr Kimber advised that there were some issues with the security contractor that he was using, however, he would be seeking to make changes to the company being used in order to improve their reliability and performance. Mr Kimber advised that he had been employing two SIA staff

on Saturday evenings, however, the Incident Log Book reflected only one SIA member of staff working on Saturday evenings over the previous 4 weekends.

On the 15<sup>th</sup> November 2019 Dorset Police received a third party report that a male had been 'spiked' at *XCHANGE*. 'Spiked' is a term generally associated with perpetrators deliberately contaminating the drink of another, without their knowledge, in order to increase their intoxication and reduce their ability to defend themselves and make clear decisions to protect themselves.

The drink that the victim had consumed had been handled only by the serving member of staff, identified only as 'Stuart' and most alarmingly, the informant had been discouraged by SIA staff from calling an Ambulance when the victim had become unconscious. Instead, the SIA member of staff had said words to the effect, "*Your friend will be fine, he's just been given 'G', but he'll be awake in a minute*". The same member of staff also discouraged calling any emergency service as this would result in the premises "*being under investigation*".

Further investigations by Dorset Police led to a copy of the Report of attendance being obtained from South Western Ambulance Trust (SWAST) which states that a Paramedic reported on arrival, "*Initially security guard reluctant to let crew in to club saying that they can wake patient up. Then friend came out saying that they can't wake him so security let crew in*". This behaviour from the SIA staff is of concern and the delay in permitting entry may have had far more serious implications for the victim.

Dorset Police requested CCTV from *XCHANGE* as part of the investigation into this matter, however, were advised that there was a fault with the CCTV and there was therefore no CCTV available to produce as requested. This was a breach of their licence conditions.

At this stage, having begun to corroborate concerning activity at *XCHANGE*, the premises was escalated to being of such a concern that we escalated the premises to *Problem Solving Profile*.

On the 1<sup>st</sup> December 2019 Police received a report of a Rape that had occurred in Bournemouth Town Centre in the early hours of the morning. This report remains a 'live' investigation and we are therefore unable to provide any further details relating to the incident.

As part of this investigation CCTV was requested from *XCHANGE*. Detectives from Bournemouth CID made numerous enquiries to the premises for the CCTV, however, despite numerous calls and visits, experienced significant delays before eventually receiving the CCTV from the premises.

Any delays such as those experienced in this case frustrates any investigation, however, delays to serious investigations do impact significantly on the investigation due to the number of lines of enquiry that are required to be completed within strict timescales.

Later that same day Police were informed of a 'concern for welfare' reported by Mr Kimber relating to a member of staff working at *XCHANGE*. This member of staff, who was accommodated in the flats above *XCHANGE*, under the control of Mr Kimber, was identified by Mr Kimber as being a known drug user. Upon gaining entry to the accommodation, the member of staff was discovered in a state of distress and intoxication through drink or drugs at a time when they had been responsible for opening *XCHANGE* to the public.

On the 5<sup>th</sup> December 2019 Licensing Officer Louise Busfield and DC Loader of Bournemouth visited *XCHANGE* in response to the report regarding the report of a Rape in Bournemouth Town Centre. On attendance Louise Busfield and DC Loader met with SIA staff Cormac Georgiou and Mr Stuart Kimber.

It was during this visit that CCTV was produced to DC Loader as requested, however, the portable record of the footage later transpired as being unreadable and a further copy was requested. That further copy of the CCTV footage revealed that of the 8 CCTV cameras present at the premises

only 2 were operational. There were problems with the hardware required to download the footage which resulted in issues creating copies of the footage.

An engineer was later arranged and the hardware issues resolved. It had been apparent that the 6 cameras that had not been operational had been disconnected by persons unknown and this was rectified by the engineer.

Also highlighted during the visit by Licensing Officer Louise Busfield and DC Loader was that there continued to be no staff training records as had been highlighted by Licensing Officer Sarah Dutton during a previous visit.

On the 20<sup>th</sup> December 2019 Licensing Officer Louise Busfield eventually managed to speak with Mr Kimber after numerous attempts to reach him via telephone who advised that he had been difficult to contact due to being a victim of a fraud offence. Mr Kimber reported that he had arranged for a new CCTV system to be installed at *XCHANGE* and that he had increased SIA staff to two operatives on Saturday evenings during the Christmas period. Mr Kimber also advised that he had applied to remove Martin Friend as a Premises Licence Holder whilst offering reassurance that he intended to improve the operation of the premises. He also advised that he had introduced staff training logs to the premises.

On the 22<sup>nd</sup> December 2019 Dorset Police received anonymous information that males were seen taking cocaine in the toilets at *XCHANGE*. Caller details were obtained, however, the informant wished only to pass the information for intelligence purposes only.

In the early hours of New Year's Day 2020 Police received calls from a confused and distressed male who eventually informed Police that he was at 4A The Triangle, the flat above *XCHANGE*. A short time later Police received a further call from Ambulance control advising that they had received a report of a male who had fallen from height from a flat in the area of The Triangle.

On arrival, Ambulance discovered a male who was experiencing a drug-induced episode and who had fallen from a second-floor window on to the pavement below. This male had sustained a significant amount of physical trauma as a result of the fall.

Whilst there are no further investigations being conducted in relation to this matter and no indication of third party involvement, this incident is of concern to DAHRT.

In addition to the above flats being strictly for the use as accommodation for staff and their guests, *XCHANGE* had allegedly been operational until 0600hrs and the accommodation above *XCHANGE* is reported by Mr Kimber as having been used as a venue for a staff celebration once the premises had been closed to the public, using alcohol from *XCHANGE*.

Whilst assurances have been given that the victim had not been inside *XCHANGE* during the evening of New Year's Eve, a request for CCTV footage of the evening could not be produced by Mr Kimber or his partner, Mr Friend, upon request due to a problem with the CCTV hard drive.

On the 2<sup>nd</sup> January 2020 officers from the Bournemouth Neighbourhood Policing Team attended 4A The Triangle in response to a '*concern for welfare*' for a male who is known to frequent the address. Upon conducting a brief search of the flat in company with Mr Kimber, officers noted that a room within the flat, identified by Mr Kimber as being the 'Dressing Room' for entertainers for *XCHANGE* and the room where the CCTV system was stored for *XCHANGE*, also showed signs of being a room used for drug use. Officers noted several syringes and other drug paraphernalia consistent with recreational drug use was present and suspected due to Mr Kimber's demeanour that he was heavily involved in drug abuse.

On the 8<sup>th</sup> January 2020 Dorset Police were advised by Sarah Rogers of BCP Council Licensing Authority that they had received intelligence from a former member of staff and occasional visitor to *XCHANGE* that '*it is commonplace for the bar and security staff to intoxicated (either by*



*alcohol or drugs) whilst on duty*'. At the time of submission of this application we have been unable to make contact with the original informant, however, we are hopeful that we will be able to provide further details to the Licensing Sub-Committee in due course.

On the 9<sup>th</sup> January 2020 Sergeant Gareth Gosling and Licensing Officer Louise Busfield reviewed the Town Centre CCTV footage which captured the incident of the male falling from a second floor window above *XCHANGE*. The footage clearly shows the male fall from some height and details the support received from persons who originate from 4A The Triangle but who also move freely in and out of *XCHANGE*.

On Monday 13<sup>th</sup> January 2020 a visit was conducted at *XCHANGE* by Sergeant Gareth Gosling and Licensing Officer Louise Busfield as due to the severity of the incident and the suggestion from attending officers that the premises was open for business at the time of the incident, the premises had been escalated to *Target* as there was concern that proper control was not being exercised over the premises.

The CCTV was requested from Mr Kimber for the 1<sup>st</sup> January 2020, however, the system was unable to recall the footage from the hard drive. This footage would have been able to clearly identify whether the premises was open to the public during the incident on the 1<sup>st</sup> January 2020. Despite the request being made only 12 days later, and the premises licence stating that the footage should be available for 31 days, the CCTV was irretrievable.

Sergeant Gareth Gosling and Licensing Officer Louise Busfield discussed concerns with Mr Kimber, and later, Mr Friend. Both understood the concerns being raised and were requested to determine whether they consider that they can continue to deliver a safe and lawful venue going forward as it was clear from the incidents and intelligence being received that they were failing to achieve both to a satisfactory standard. As Premises Licence Holders, Mr Friend and Mr Kimber were asked to consider the measures that they believe to be appropriate to introduce to the premises in order to address the concerns of Dorset Police and to provide the proposals during a meeting in a future meeting.

Sergeant Gareth Gosling and Licensing Officer Louise Busfield met with Mr Friend and Mr Kimber at Bournemouth Police Station at 2.00pm on Wednesday 15<sup>th</sup> January 2020.

During that meeting Mr Kimber was asked to provide details of the improvements and changes that are being proposed by them to the current operating schedule to improve the safety and compliance of the premises. The proposals made were as follows –

1. Change of Manager for *XCHANGE*. It is proposed that a member of staff who had been the DJ at the premises but who has a good understanding of the premises would be promoted to be the Manager.
2. Introduction of Staff uniform to help distinguish staff from customers.
3. Prevention of staff from drinking whilst on duty. The premises has always operated as a 'family' which permitted staff to enjoy alcoholic drinks alongside customers. It was accepted by Mr Kimber that this policy needed to be changed to improve the performance of the staff.
4. Introduction of '501' Town Centre Radio to the Premises. This would help to connect the premises to other premises in the area.
5. Regular internal staff meetings.
6. Toilet Attendant to be introduced at peak times.
7. Potentially seeking to open earlier in the evening and then consideration to be given to closing earlier dependant on commercial factors.
8. Introduction of ID scanner to the premises to improve connectivity with other premises. Mr Kimber advised that the ID Scanner would be used for new or unfamiliar customers, however, would not be used for regular customers.
9. Improved CCTV. This has already been introduced, however, concerns remain regarding the ability of the CCTV storage to retain footage for the conditioned period.

10. Mr Friend advised that he is seeking to introduce drink spiking detection 'stirrers' to the premises to provide reassurance to customers that they can be alerted to their drink being contaminated. No changes or reassurances were proposed as to how the premises might prevent drink spiking from occurring.
11. The numbers of SIA trained staff would be increased to two on Saturday evenings to meet the peak demand.

Sergeant Gareth Gosling explained that the above measures being introduced to the premises are considered to be basic measures that should be in place at any late-night vertical drinking venue in this area.

Following the meeting with Mr Friend and Mr Kimber, due to the lack of significant changes being proposed to meet the level of concern, the premises was upgraded to *Review* following discussions with Inspectors Matt Baxter (DAHRT) and Jon Wasey (Bournemouth South Neighbourhood Policing).

The Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 states at 11.24 that in cases such as this the Licensing Authority should '*ensure the promotion of the crime prevention objective*'.

In doing this, Section 182 Guidance states at 11.26 that it is the Licensing Authority's role to solely '*determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective*'.

Consideration should also be given to circumstances where activity has taken place '*despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence*'. We have illustrated above that it is indeed the two Premises Licence Holders that are employed at the premises and who are also in daily control of the business with oversight over all aspects of the business. There is also concern that it is indeed staff at the premises that may be complicit in the criminality at the premises.

The Guidance envisages at section 11.28 that '*where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered*'.

There can be no excuse for licensees failing to act to tackle crime within their premises, particularly where the crime leads to significant harm and vulnerability. 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 are working tirelessly to improve standards within our licensed community and consider that the operating standards at *XCHANGE* are falling far short of the level expected.

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 meet the concerns that we have regarding this premises.

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

Please tick ✓ yes

☐

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**

yes

Please tick ✓

- 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



Date **27<sup>th</sup> November 2019**

Capacity **Police Sergeant**

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

**Post town**

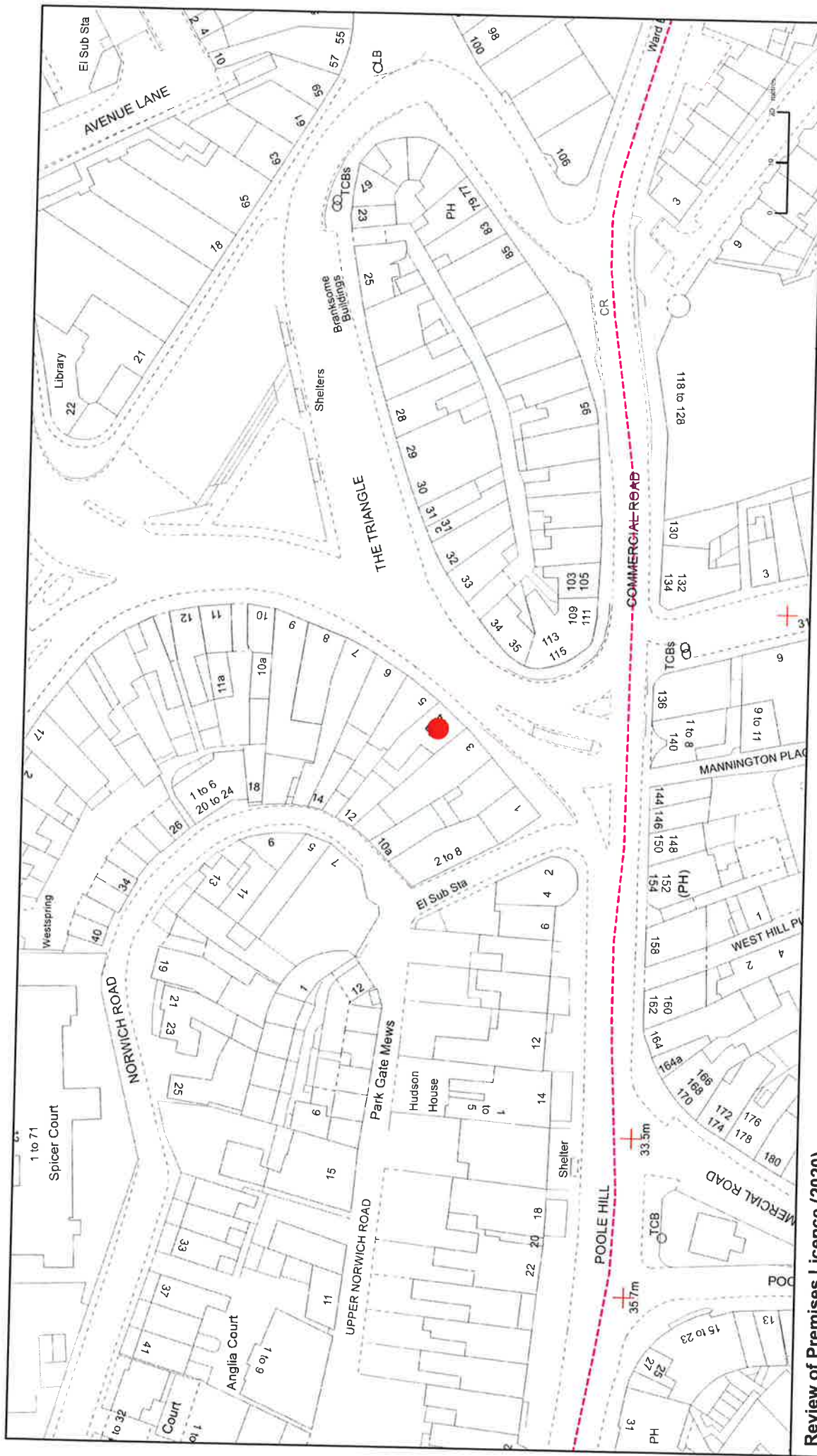
**Post Code**

**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.



Scale: 1:1000 @ A4  
 Date: 04 March 2020  
 Creator: Sarah Rogers-Senior Licensing Officer

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 BCP Council Licence: 10000019825 2019

## Review of Premises Licence (2020)

### Xchange Bar, 4 The Triangle, Bournemouth

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# Premises Licence Part A

Premises licence number: BH083617

<b>Postal address of premises, or if none, ordnance survey map reference or description:</b>	
Xchange Wine Bar - 4 The Triangle	
<b>Post town:</b> Bournemouth	<b>Post Code:</b> BH2 5RY
<b>Telephone number:</b> 01202 294321	

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

<b>The times the licence authorises the carrying out of licensable activities:</b>
<b>Films</b> Monday - 10:00 to 06:00 Tuesday - 10:00 to 06:00 Wednesday - 10:00 to 06:00 Thursday - 10:00 to 06:00 Friday - 10:00 to 06:00 Saturday - 10:00 to 06:00 Sunday - 10:00 to 06:00 Exhibition of films will take place indoors. <b>Live Music</b> Monday - 10:00 to 06:00 Tuesday - 10:00 to 06:00 Wednesday - 10:00 to 06:00 Thursday - 10:00 to 06:00 Friday - 10:00 to 06:00 Saturday - 10:00 to 06:00 Sunday - 10:00 to 06:00 Performance of live music will take place indoors. <b>Recorded Music</b> Monday - 10:00 to 06:00 Tuesday - 10:00 to 06:00 Wednesday - 10:00 to 06:00 Thursday - 10:00 to 06:00 Friday - 10:00 to 06:00 Saturday - 10:00 to 06:00 Sunday - 10:00 to 06:00 Playing of recorded music will take place indoors. <b>Performances of Dance</b> Monday - 10:00 to 06:00 Tuesday - 10:00 to 06:00 Wednesday - 10:00 to 06:00 Thursday - 10:00 to 06:00 Friday - 10:00 to 06:00 Saturday - 10:00 to 06:00 Sunday - 10:00 to 06:00 Performance of dance will take place indoors.

**Late Night Refreshment**

Monday - 23:00 to 05:00

Tuesday - 23:00 to 05:00

Wednesday - 23:00 to 05:00

Thursday - 23:00 to 05:00

Friday - 23:00 to 05:00

Saturday - 23:00 to 05:00

Sunday - 23:00 to 05:00

Late night refreshment will take place indoors.

**Supply of Alcohol**

Monday - 10:00 to 06:00

Tuesday - 10:00 to 06:00

Wednesday - 10:00 to 06:00

Thursday - 10:00 to 06:00

Friday - 10:00 to 06:00

Saturday - 10:00 to 06:00

Sunday - 10:00 to 06:00

**The opening hours of the premises:**

Monday - 10:00 to 06:30

Tuesday - 10:00 to 06:30

Wednesday - 10:00 to 06:30

Thursday - 10:00 to 06:30

Friday - 10:00 to 06:30

Saturday - 10:00 to 06:30

Sunday - 10:00 to 06:30

**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 Stuart Kimber  
7 Pembroke Road  
Poole  
BH12 2HS  
07816 910812  
xchangeclub@hotmail.com

Mr Martin Friend  
The Kings Head  
Church Square  
Shepperton  
Middlesex  
TW17 9JY  
07804 602107

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

Mr Stuart Kimber  
7 Pembroke Road  
Poole  
BH12 2HS  
07816 910812

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

DH/PER/660/2006  
Dartford Borough Council



## **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, 2.4 and 2.17 below must be licensed by the Security Industry Authority.
- 1.4. Admission of children (under the age of 18) to any exhibition of films must be restricted in accordance with the film classification body designated as the authority under Section 4 of the Video Recordings Act 1984.
- 1.5. Where the film classification is not specified or the relevant licensing authority has notified the premises licence holder under Section 20 (3)(b) of the Licensing Act 2003, the admission of children must be restricted in accordance with any recommendation made by the Licensing Authority.

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

- 1.6.
  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).
- 1.7. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

1.8.

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.

1.9. 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

1.10.

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.

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

### Prevention of Crime and Disorder

- 2.1. The premises shall comply with the recommendations of the Dorset Police Crime Prevention Officer.
- 2.1.1. Recorded images from the CCTV system shall be maintained for a period of at least 31 days.
- 2.1.2. Recordings shall be made immediately available to a Police Officer on request.
- 2.1.3. At all times the premises is open for licensable activities at least one member of staff shall be on duty who is trained and able to access the CCTV system to view and download footage.
- 2.2. The premises shall comply with the current report of the Dorset Police Crime Prevention Officer dated 10th May 2004 (attached at Appendix 2).
- 2.3. Door supervisors shall carry out drug searches on a minimum of one in ten customers entering the premises, in addition to where suspicion of drug use is present, and notices shall be displayed at the entrance to this effect.
- 2.3.1 A record of all searches shall be maintained and made available for inspection by a Police or Authorised Officer on request.
- 2.3.2 Any drugs found shall be confiscated and stored in the certified drugs safe or by any other means approved by Dorset Police.
- 2.3.3 A record of all drugs found shall be kept on the premises and made available for inspection by the Police on request.
- 2.4 Door supervisors shall be instructed to maintain orderly queuing outside the premises and to constantly monitor the queue and the smoking area for disorderly persons or alcoholic drinks. Any individual found with an alcoholic drink or behaving in a disorderly manner in the queue or smoking area shall be refused admission or readmission to the premises.

- 2.5 Whenever the premises are open for licensable activities either to the public or for a private booking, staff shall be instructed to undertake floor walks of the premises at least once every 30 minutes to identify customers who may be intoxicated.
- 2.5.1 Such customers shall be identified to the duty manager who shall ensure that the individual(s) concerned are not served further alcoholic beverages.
- 2.5.2 A written record shall be made of all floor walks and a refusal register maintained, which shall be made available for inspection by a Police or Authorised Officer on request.
- 2.6. At all times the premises is open for licensable activities, regular toilet checks, of at least 30 minute intervals, shall be undertaken to check for any signs of the misuse of drugs.
- 2.6.1 A record shall be maintained of such checks and made available for inspection by a Police Officer or Authorised Officer on request.
- 2.7. All staff shall be trained in and comply with relevant aspects of licensing laws.
- 2.7.1 Staff training records shall be retained for a period of 12 months.
- 2.7.2 Training records shall be made available to an authorised officer on request.
- 2.7.3 The training shall encompass relevant aspects of the Licensing Act 2003 and the Challenge 21 Policy (SWERCOTS) or such other policy that may supersede it.
- 2.7.4 Refresher training to take place at least every 12 months.
- 2.8. The operators of the premises shall be members of Townwatch and participate in initiatives such as 'Banned from One, Banned from All.'
- 2.9. The premises shall maintain an accurate incident book that shall be available to an authorised officer on request.
- 2.10. All persons appearing to be under the age of 18 shall be asked for ID before being allowed entry to the premises. The only forms of ID that shall be accepted are a passport, photo driving licence or those approved by PASS.

#### Prevention of Public Nuisance

- 2.11. All windows & doors shall be kept closed between 23:00 to 06:00 hours except for ingress & egress. At least one set of doors in the lobby shall be kept closed at all times.
- 2.12. Notices shall be prominently displayed at the exit requesting customers to respect the needs of local residents and businesses and leave the area quietly.
- 2.13. Notices shall be prominently displayed in the area used for smoking purposes requesting customers;
- (i) to respect the needs of local residents
  - (ii) to use the area quietly
  - (iii) to return indoors when they have finished smoking or leave the vicinity of the premises.
- 2.14. There shall be at least one designated and clearly identifiable member of staff supervising the outside area and actively taking action when dealing with noisy and/or disruptive behaviour.
- 2.15. The number of customers using the outside area shall be limited to 10.
- 2.16. Customers of the premises shall only use the outside area of the premises for the purposes of smoking, making telephone calls to arrange transport away from the venue and to await that transport.

- 2.17. The premises licence holders shall have a dispersal policy which shall include but not be limited to the following:
- 2.17.1 Door staff/premises staff shall be positioned at the exit particularly at closing times to ensure noise from customers leaving the premises is minimised.
  - 2.17.2 Door staff/premises staff shall be instructed to encourage customers to move on quietly and away from the vicinity of the premises.
  - 2.17.3 Customers shall be advised not to sit on steps/road/pavement in the vicinity of the premises.
  - 2.17.4 Details shall be made available of local taxi firms and/or the nearest taxi rank to prevent people loitering outside the premises when it is closed.
- 2.18. A written log shall be kept of incidents that occur outside in relation to noisy / disruptive behaviour along with details of action was taken.
- 2.18.1. The log book shall be made available at the request of Environmental Health and /or Licensing Officers.

#### Protection of Children form Harm

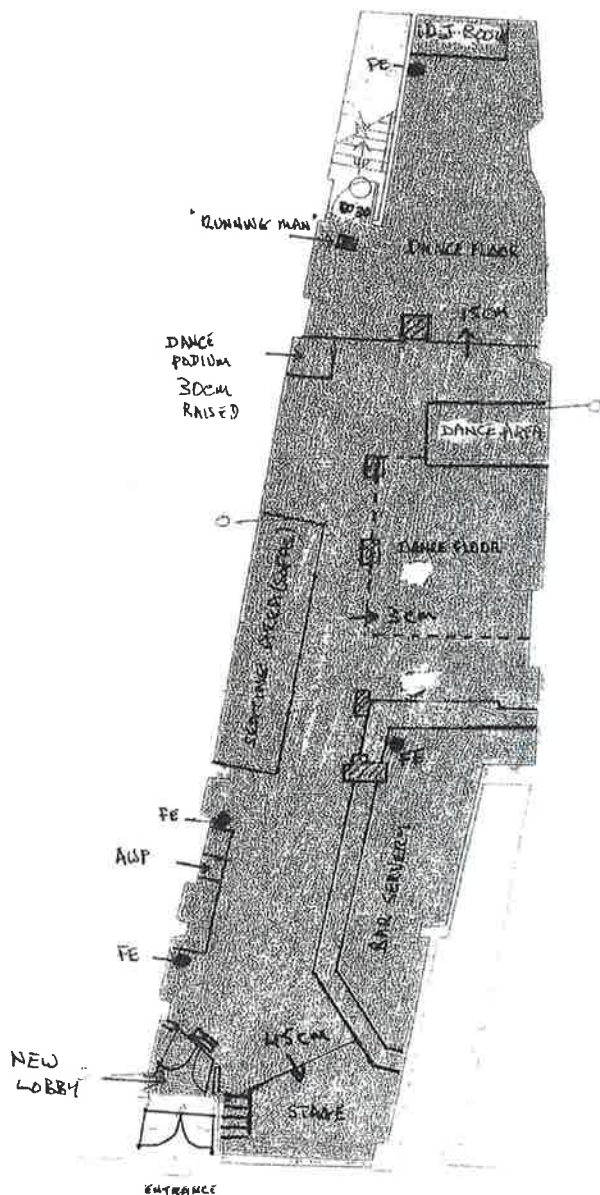
- 2.19. No admittance to under 18s shall be permitted.

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

- 3.1 A noise limiter shall be installed on the premises and operated at a level to be set in consultation with Environmental Health.

#### **Annex 4 – Plans**

This licence is issued in accordance with the plan M158290 dated 24 August 2017, as attached.



GROUND FLOOR :

XCHANGE BAR/CLUB - W THE TRIANGLE



FIRST FLOOR PLAN

BOURNEMOUTH BOROUGH COUNCIL  
LIFE USING SECTION  
24 AUG 2017  
APPROVED  
REF. No. M158290





**Premises Licence  
Part B**

Premises licence number: BH083617

<b>Postal address of premises, or if none, ordnance survey map reference or description:</b>	
Xchange Wine Bar - 4 The Triangle	
<b>Post town:</b> Bournemouth	<b>Post Code:</b> BH2 5RY
<b>Telephone number:</b> 01202 294321	

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

<b>The times the licence authorises the carrying out of licensable activities:</b>
<b>Films:</b> (Indoors) Monday to Sunday - 10:00 to 06:00
<b>Live Music:</b> (Indoors) Monday to Sunday - 10:00 to 06:00
<b>Recorded Music:</b> (Indoors) Monday to Sunday - 10:00 to 06:00
<b>Performances of Dance:</b> (Indoors) Monday to Sunday - 10:00 to 06:00
<b>Facility for Dancing:</b> (Indoors) Monday to Sunday - 10:00 to 06:00
<b>Late Night Refreshment:</b> (Indoors) Monday to Sunday - 23:00 to 05:00
<b>Supply of Alcohol:</b> Monday to Sunday - 10:00 to 06:00

<b>The opening hours of the premises:</b>
Monday to Sunday - 10:00 to 06:30


<b>Where the licence authorises supplies of alcohol whether these are on and/ or off supplies:</b>
Alcohol shall be consumed on the premises.

<b>Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:</b>
Mr Martin Friend, The Kings Head, Church Square, Shepperton, Middx TW17 9JY. 07804 602107
Mr Stuart Kimber, 7 Pembroke Road, Poole, BH12 2HS. 07816 910812, xchangeclub@hotmail.com

<b>Name of designated premises supervisor where the premises licence authorises the supply of alcohol:</b>
Mr Stuart Kimber

<b>State whether access to the premises by children is restricted or prohibited:</b>
See conditions 1.4, 1.5 & 2.19

Issued: 14 January 2014  
Revised: 11 February 2018 [Review]

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

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## LICENSING SUB-COMMITTEE



Report subject	<b>Application for a Full Variation of premises licence for Bistro on the Beach</b>
Meeting date	17 March 2020
Status	Public Report
Executive summary	<p>Mr Ian Meads made an application on behalf of Mr Peter Bruton to vary the Premises Licence for Bistro on The Beach of Solent Promenade, Southbourne on the 28<sup>th</sup> January 2020. The application seeks to:</p> <p>Increase the licensable area to include the existing take away area Add off sales for the supply of alcohol /</p> <p>Identify the location of an outdoor temporary bar server area - all in accordance with the current licence schedule and conditions.</p> <p>This is a resubmission of the application as the Licensing Authority rejected the original application due to a technical issue. It was not advertised correctly in accordance with the guidelines of the Licensing Act 2003.</p>
Recommendations	<p><b>Members are asked to decide whether to: -</b></p> <ul style="list-style-type: none"> <li><b>a) Grant the variation application as made;</b></li> <li><b>b) Refuse the variation application;</b></li> <li><b>c) Grant the application subject to additional conditions.</b></li> </ul> <p><b>Members of the Licensing Sub-Committee 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>The Licensing Authority has received a representation from Dorset Police under the licensing objectives of the prevention of crime and disorder, public safety and the prevention of public nuisance.</p> <p>The Licensing Authority may only consider aspects relevant to the application that have been raised in the representation.</p> <p>Where representations have been received in relation to an application by a responsible authority or any other person, and the</p>

	<p>concerns have not been resolved through mediation between all parties, the Scheme of Delegation set out in the Council's Constitution states that these applications should be dealt with by the Licensing Sub-Committee.</p>
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Portfolio Holder(s):	Councillor Lewis Allison - Tourism, Leisure and Communities
Corporate Director	Kate Ryan – Corporate Director for Environment & Community
Report Authors	Ms Michelle Fletcher  ☎ (01202) 451560  ✉ Michelle.fletcher@bcpcouncil.gov.uk
Wards	East Southbourne & Tuckton;
Classification	For Decision

## Background

- on the 28<sup>th</sup> January 2020 an application was resubmitted to vary the premises licence BH083711 for Bistro on the Beach under the Licensing Act 2003 as attached at Appendix 1. This application mirrors the one originally submitted in August 2019 with the added advantage of agreed conditions with the Responsible Authorities. The application is for:  
  
Removal of Transitional Grandfather rights conditions 1.8 to 1.18.  
Add conditions as agreed with Dorset Police and Environmental Health.  
Increase the licensable area in include the existing take away area.  
Add off sales for the supply of alcohol.  
Identify a temporary bar location– (technically this isn't required as the area is already licensed).  
All in accordance with the current Licence schedule and conditions.
- A plan is attached at Appendix 2 showing the location of the Premises.
- A copy of the current premises licence is attached at Appendix 3

## Consultation

- The original application was submitted in August 2019 and both Environmental Health and Dorset Police mediated conditions with the applicant. The application was then rejected by the Licensing Authority in September 2019 as the application had not been advertised in accordance with the Licensing Act 2003.  
  
At this time, it was agreed that the applicant would resubmit the application in the New Year as the changes were not required until the next season. They were advised that they should add any conditions agreed via mediation into the new application.
- On the 27<sup>th</sup> January 2020 Mr Meads made contact with the Licensing Authority for pre-application advice relating to the site notice and newspaper advert so that the application would not be rejected again. At this time again, Mr Meads was reminded

to include any previously agreed conditions in the proposed application to which he confirmed he had.

6. The application for a full variation was then received on the 28<sup>th</sup> January and served on all responsible authorities, the applicant confirmed that the statutory notices were displayed on the site and published in the local newspaper.
7. The following comments were received by Environmental Health:

*“On behalf of the Public Protection Team, please accept this e-mail as confirmation that I have corresponded with the applicant previously regarding this application and note that they have added the suggested conditions below to this application.*

  1. *Noise from amplified music and associated sources either generated within the premises or the external licenced area shall not be audible in noise sensitive premises at any time.*
  2. *The premises licence holder shall take all reasonable steps to ensure that patrons using any outside areas do so in a quiet and orderly fashion.*

*This will therefore satisfy the department that the Licensing Objective in relation to prevention of public nuisance would be sufficiently upheld and therefore I have no objections to this application being granted.”*
8. On the 7<sup>th</sup> February 2020 a representation was received from Dorset Police. A copy of this representation is attached at Appendix 4.
9. The Licensing Authority researched similar premises to gauge what other permissions have been previously granted for similar premises on the seafront. This information was shared with Dorset Police and they were also reminded that they had previously agreed conditions with the applicant and asked if they wished for their representation to remain. Dorset Police confirmed at that time that their representation was to remain.
10. No other representations were received from any of the other responsible authorities or any other person.

### **Options Appraisal**

11. Before making a decision, Members are asked to consider the following matters:
  - The representations made by Dorset Police.
  - The submissions made by or made on behalf of the applicant.
  - The relevant licensing objectives, namely the prevention of crime and disorder, public safety.
  - The Licensing Act 2003, Regulations, Guidance and the Council’s Statement of Licensing Policy.

**Summary of financial implications**

N/A

**Summary of legal implications**

12. The applicant has the right of appeal against the decision made by the committee 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**

13. N/A

**Summary of sustainability impact**

14. N/A

**Summary of public health implications**

15. N/A

**Summary of equality implications**

16. N/A

**Summary of risk assessment**

17. 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 application to vary a premises licence
2. Location plan of premises
3. Current Premises Licence
4. Licensing representation from Dorset Police

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175682

RECEIVED 28 JAN 2020

**Application to vary a premises licence 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/We Peter Bruton

*(Insert name(s) of applicant)*

**being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below**

<b>Premises licence number</b> BH083711
--

**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description			
Bistro On The Beach Solent Promenade Southbourne Coast Road			
Post town	Southbourne	Postcode	BH6 4BE

Telephone number at premises (if any)	01202 431473
Non-domestic rateable value of premises	£

**Part 2 – Applicant details**

Daytime contact telephone number			
E-mail address (optional)			
Current postal address if different from premises address	Mr P Bruton		
Post town		Postcode	

### Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes

If not, from what date do you want the variation to take effect?

DD		MM		YYYY			

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) No

**Please describe briefly the nature of the proposed variation** (Please see guidance note 2)

We would like to be able to house a temporary minimal bar outside the Bistro main entrance that can provide off sales to people on the beach directly in front of the premises.

We would also like to be able to have the option of off sales of alcohol from our takeaway facility (situated to the right of the Bistro main building.)

Any alcohol served outside will be done so in polycarbonate glasses and bottles. No glass wear will be allowed to leave the bistro premises.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

N/A



#### Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

**Provision of regulated entertainment (Please see guidance note 3)** **Please tick all that apply**

- a) plays (if ticking yes, fill in box A) ☐
- b) films (if ticking yes, fill in box B) ☐
- c) indoor sporting events (if ticking yes, fill in box C) ☐
- d) boxing or wrestling entertainment (if ticking yes, fill in box D) ☐
- e) live music (if ticking yes, fill in box E) ☐
- f) recorded music (if ticking yes, fill in box F) ☐
- g) performances of dance (if ticking yes, fill in box G) ☐
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) ☐

Provision of late night refreshment (if ticking yes, fill in box I) ☐

Supply of alcohol (if ticking yes, fill in box J) Yes

**In all cases complete boxes K, L and M**

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 8)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 9)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
Day	Start	Finish		Both	yes
Mon	10am	00.00am	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 6)  None: Same as previous licence		
Tue	10am	00.00am			
Wed	10am	00.00am			
Thur	10am	00.00am	<u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 7)  Same timings as on current licence		
Fri	10am	00.00am			
Sat	10am	00.00am			
Sun	12pm	11.30pm			

K

<p><b>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children</b> (please read guidance note 10).</p> <p>N/A</p>
---

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 8)			<b>State any seasonal variations</b> (please read guidance note 6)
Day	Start	Finish	
Mon			<b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 7)
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

We would like the following removed:-

1.8, 1.9, 1.10, 1.11, 1.12, 1.13, 1.14, 1.15, 1.17, 1.18

2.1, 2.2, 2.3, 2.4, 2.6, 2.11

We would like to replace 1.17 with the attached information and change the wording on 2.11 with the attached updated wording (see next page)

# AGREED CONDITIONS

Delete 1.17 but offer the following in the prevention of crime and disorder section

- 2.1 A CCTV system, shall be installed to cover all entry and exit points enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record and cover areas where alcohol is kept for selection and purchase by the public, whilst the premises is open for licensable activities. It shall operate during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with correct date and time stamping.
- 2.1.1 Cameras for the system shall be positioned in at least the locations identified on the approved plan.
- 2.1.2 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. Subject to the tests provided for in the Data Protection Act being met, this staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.
- 2.1.3 Subject to the tests provided for in the Data Protection Act being met, CCTV shall be downloaded on request of the Police or authorised officer of the council. Appropriate signage advising customers of CCTV being in operation, shall be prominently displayed in the premises.
- 2.1.4 A documented check of the CCTV shall be completed weekly to ensure all cameras remain operational and the 31 days storage for recordings is being maintained.
- 2.2 An incident log shall be kept at the premises. The log shall include the date and time of the incident and the name of the member of staff who has been involved, and made available on request to an authorised officer of the Council or the Police, which shall record the following:
- (a) any complaints received
  - (b) any incidents of disorder
  - (c) any faults in the CCTV system / or searching equipment / or scanning equipment
  - (d) any refusal of the sale of alcohol
  - (e) any visit by a relevant authority or emergency service
  - (f) all crimes reported to the venue
  - (g) all ejections of patrons
  - (h) all seizures of drugs or offensive weapons
- 2.2.1 This log to be checked on a weekly basis by the licence holder or a responsible person that is nominated in writing.

Replace the wording of 2.11 in the protection of children from harm with the following additional two conditions:-

- 2.11 All staff involved in the sale of alcohol shall receive training on the law relating to prohibited sales, the age verification policy adopted by the premises and the conditions attaching to the premises licence. Refresher training shall be provided at least once every 6 months. A record shall be maintained of all staff training and that records shall be signed by the person receiving the training and the trainer. The records shall be kept for a minimum of 12 months and made available for inspection by Police, Licensing or other authorised officers.
- 2.12 A Challenge 25 scheme shall be adopted in compliance with the age verification condition. Customers who appear to be under 25 years of age shall be required to prove their age when purchasing alcohol.

2.12.1 Suitable forms of identification shall be a Passport, holographic PASS scheme card or other identification recognised by the Licensing Authority in its Statement of Licensing Policy.

2.12.2 Challenge 25 posters shall be displayed at the premises.

Please tick as appropriate

- I have enclosed the premises licence yes
- I have enclosed the relevant part of the premises licence ☐

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

**M** Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)**

Plastic/Polycarbonate glass wear  
Confined area of sales  
Staff controlling waste management  
Age verification  
Low noise levels  
Management presence

**b) The prevention of crime and disorder**

All staff are trained on age verification and we will refresh this training within all outlets  
A manager is on duty throughout every shift, with more than one on busy shifts and will observe the areas where alcohol is consumed

**c) Public safety**

This has always been paramount and will continue to be the case. As above, age verification will be strictly enforced and by using plastic or polycarbonate glasses, there will be no issues with breakages.

**d) The prevention of public nuisance**

1. Noise from amplified music and associated sources either generated within the premises or the external licensed area shall not be audible in noise sensitive premises at any time.
2. The premises license holder will take all reasonable steps to ensure that patrons using any outside areas do so in a quiet and orderly fashion.

**e) The protection of children from harm**

We will only use plastic or polycarbonate glasses and so there will be no risk of injury from breakages. We will also employ staff who will maintain the cleanliness of the outside areas, especially the beach

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or ☐
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy. ☐
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☐
- I understand that I must now advertise my application. yes
- I have enclosed the premises licence or relevant part of it or explanation. yes
- I understand that if I do not comply with the above requirements my application will be rejected. yes

**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 5 – Signatures** (please read guidance note 12)

**Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent** (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	Ian Meads
Date	27 <sup>th</sup> January 2020
Capacity	General Manager

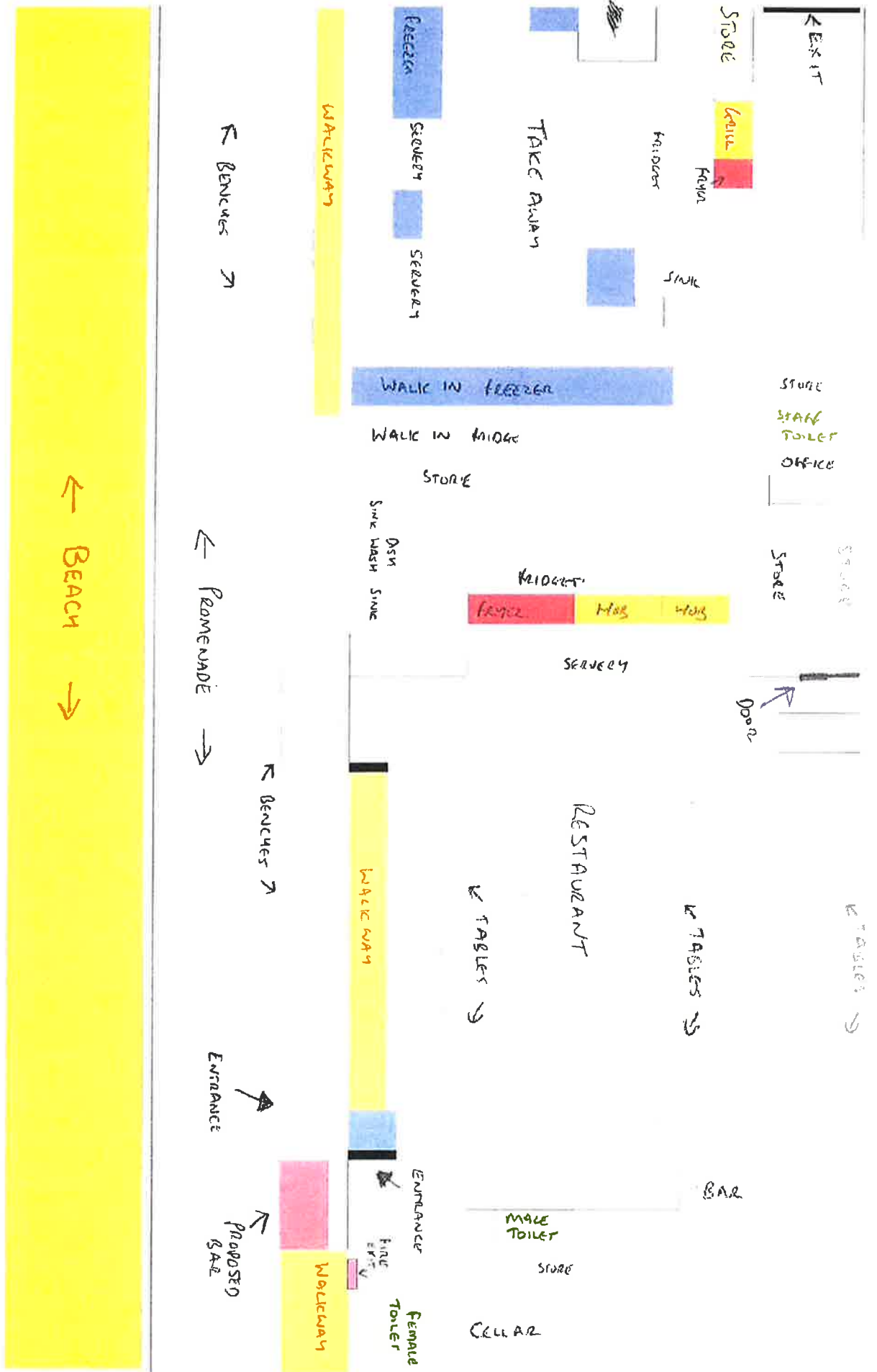
**Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent** (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

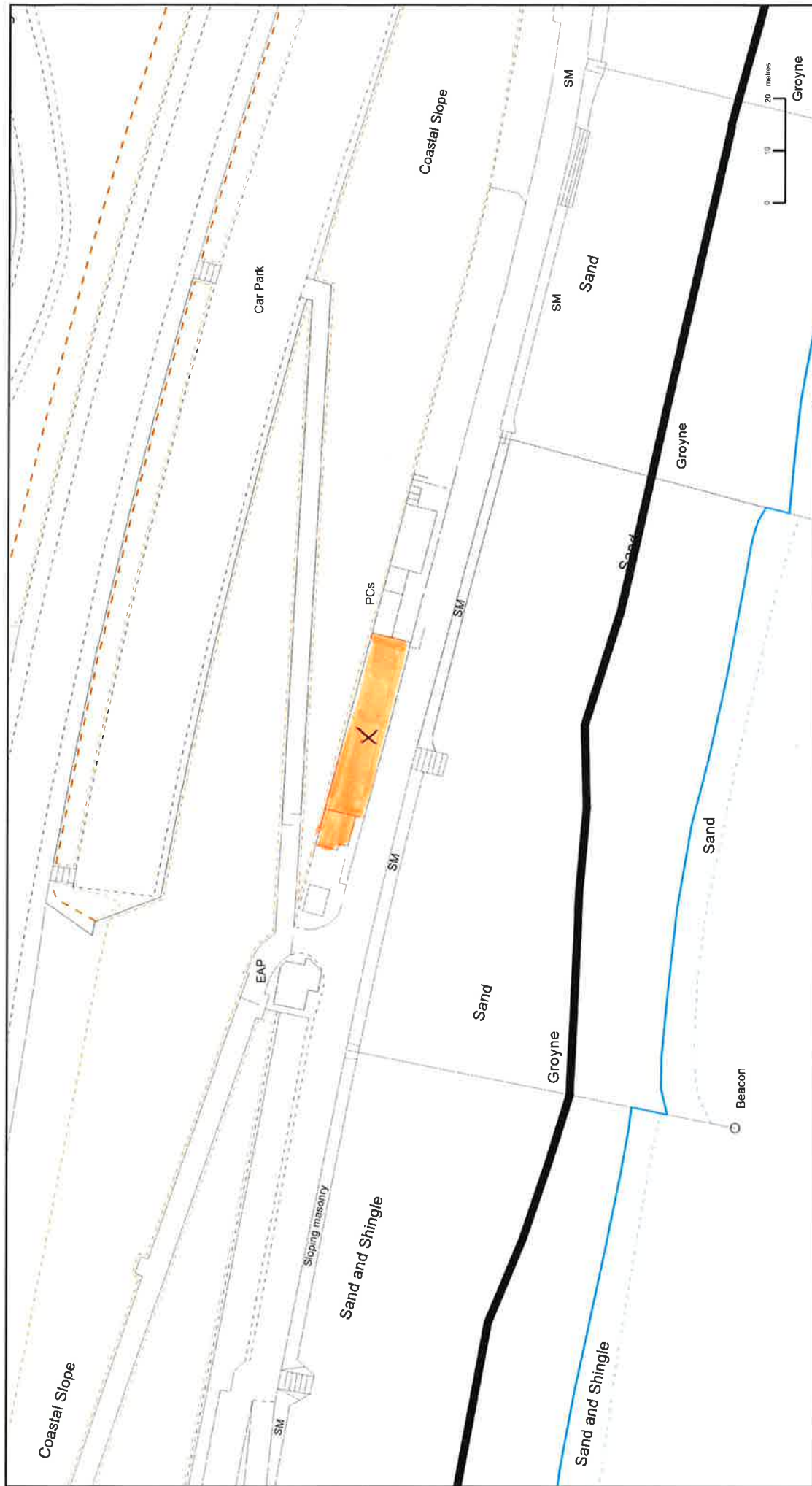
**Contact name (where not previously given) and address for correspondence associated with this application** (please read guidance note 15)

Ian Meads,  
Bistro on the Beach, Solent Promenade, Southbourne Coast Road, Bournemouth BH6 4BE

Post town	Bournemouth	Post code	BH6 4BE
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			







Scale: 1:1000 @ A4

Date: 04 March 2020

Creator: USER NAME


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 BBC\_PRIORITY\_2017

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 BBC\_SUSPECT\_2017

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**Premises Licence  
Part A**

**Premises licence number: BH083711**

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

Bistro on the Beach Solent Promenade Southbourne

**Post town:** Bournemouth

**Post Code:** BH6 4BE

**Telephone number:** 01202 431473

**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 - Saturday - 15:00 to 00:00

Sunday - 15:00 to 23:30

**Recorded Music: (Indoors)**

Monday - Saturday - 15:00 to 00:00

Sunday - 15:00 to 23:30

**Performances of Dance: (Indoors)**

Monday - Saturday - 15:00 to 00:00

Sunday - 15:00 to 23:30

**Activity like Music / Dance: (Indoors)**

Monday - Friday - 15:00 to 00:00

Sunday - 15:00 to 23:30

Non standard timings for all Licensable Activities listed above

New Year's Eve - From start of permitted hours 31st December to end permitted hours 1st January

**Late Night Refreshment: (Indoors)**

Monday - Saturday - 23:00 to 00:30

Sunday - 23:00 to 00:00

Non standard timings for provision of late night refreshments

Good Friday - 23:00 to 00:00

Christmas Day - 23:00 to 00:00

New Year's Eve - From start of permitted hours 31st December to end permitted hours 1st January

**Supply of Alcohol:**

Monday - Saturday - 10:00 to 00:00

Sunday - 12:00 to 23:30

Non standard timings for the supply of alcohol

Good Friday - 12:00 to 23:30

Christmas Day - 12:00 to 15:00 & 19:00 to 23:30

New Year's Eve - From start of permitted hours 31st December to end permitted hours 1st January

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

Alcohol will be consumed on the premises

## Part 2

<b>Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:</b>
Mr Peter John Bruton

<b>Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:</b>
Mr Peter John Bruton

<b>Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:</b>
2005/00412/025SPEC Southampton City Council

## Annex 1 - Mandatory conditions

### Mandatory Conditions (Sections 19,20,21 LA2003)

- 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.

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

- 1.3 (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).
- 1.4 The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 1.5 (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

1.6 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: 1/2 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

- 1.7
- 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.

Mandatory Conditions - (Embedded Restrictions) - Attached as part of Conversion Application under Transitional Grandfather Rights Restaurants/Hotels

- 1.8 The abovementioned restrictions on the times permitted to sell alcohol do not prohibit the supply to, or consumption by, any person of alcohol in any premises where they are residing.
- 1.9 The abovementioned restrictions on the times permitted to sell alcohol do not prohibit the sale of alcohol to a trader or club for the purposes of the trade or club.
- 1.10 The abovementioned restrictions on the times permitted to sell alcohol do not prohibit the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of persons so supplied.
- 1.11 The abovementioned restrictions on the times permitted to sell alcohol do not prohibit the supply of alcohol for consumption on premises to persons employed there for the purposes of the businesses carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.
- 1.12 The abovementioned restrictions on the times permitted to sell alcohol do not prohibit the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces.
- 1.13 No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
  - 1.13.1 He is the child of the holder of the premises licence;
  - 1.13.2 He resides in the premises, but is not employed there;
  - 1.13.3 He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
  - 1.13.4 The bar is in premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary;
- 1.14 The licensee shall have regard and comply with any relevant provisions of the following enactments during any licensable activities taking place on the premises:
  - 1.14.1 Children and Young Persons Act 1933
  - 1.14.2 Cinematograph (Safety) Regulations 1955
  - 1.14.3 Sporting Events (Control of Alcohol Etc) Act 1985
- 1.15 Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available for consumption with or otherwise as an ancillary to meals served in the licensed premises.

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

- 1.16 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. It shall not increase the ambient noise levels in the locality and there shall be no dominant frequencies.

- 1.17 There shall be compliance with the recommendations contained within Dorset Police Crime Prevention Officers report, dated 2<sup>nd</sup> December 2003, at all times.
- 1.18 The STANDARD TERMS AND CONDITIONS prescribed by the Council under paragraph 11 of Schedule 1, Local Government (Miscellaneous Provisions) Act 1982

## **Annex 2 - Conditions consistent with the operating schedule**

### General

- 2.1 Maximum number of persons to be on the premises including staff shall be limited to 84.

### The Prevention of Crime and Disorder

- 2.2 Save for private or corporate events and when the ordinary public are admitted the applicant shall:
- 2.2.1 Ensure that no customers carrying open or sealed bottles shall be admitted to the premises at any time that the premises are open to the public
- 2.2.2 Apply a policy requiring sight of evidence of age from any person appearing to those selling or supplying alcohol to be under the age of 18 and who is attempting to buy alcohol
- 2.2.3 Display at the premises notices:
- (i) that members of the public should be aware of pickpocket or bag snatchers, and to guard their property
  - (ii) giving the name of a contact for customers if they wish to report concerns
  - (iii) the normal hours under the terms of the premises licence at which licensable activities are permitted to take place to be displayed on or immediately outside the premises.

### Public Safety

- 2.3 As to exits, when disabled people are present, adequate arrangements exist to enable their safe evacuation in the event of an emergency.
- 2.3.1 Disabled people on the premises are made aware of those arrangements.
- 2.3.2 All emergency exits doors are easily open able, without the use of a key, card, code or similar means.
- 2.3.3 Doors at such exits are regularly checked to ensure that they function satisfactorily and a record of the check kept.
- 2.3.4 Any removable security fastenings are removed whenever the premises are open to the public or occupied by staff.
- 2.3.5 All fire doors are maintained effectively self-closing and shall not be held open other than by approved devices (for example electromagnetic releases operated by smoke detectors) fire resisting doors to ducts, service shafts, and cupboards shall be kept locked shut.
- 2.4 Any capacity limits for licensed premises shall be observed.
- 2.5 Ensure that adequate and appropriate supply of first aid equipment and materials is available on the premises.
- 2.5.1 If necessary, at least one suitably trained first aider shall be on duty when the public are present; and if more than one suitably trained first aider that their respective duties are defined.



2.6 In the absence of adequate daylight, the lighting in any area accessible to the public, members or guests shall be in operation when they are present.

- (i) fire safety signs adequately illuminated
- (ii) emergency lighting is not altered
- (iii) emergency lighting batteries are fully charged before the admission of the public, members or guests; and in the event of the failure of normal lighting, where the emergency lighting battery has a capacity of one hour, arrangements are in place to ensure that the public, members or guests leave the premises within 20 minutes unless within the time normal lighting has been restored and the battery is being re-charged; and, if the emergency lighting battery has a capacity of three hours, the appropriate period by the end of which the public should have left the premises is one hour.

#### Prevention of Public Nuisance

- 2.7 Prominent, clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
- 2.8 The placing of refuse, such as bottles, into receptacles outside the premises takes place at times that shall minimise disturbance to nearby properties.
- 2.9 Noxious smells from licensed premises are not permitted so as to cause a nuisance to nearby properties and the premises are properly vented.
- 2.10 Flashing or particularly bright lights on or outside licensed premises do not cause a nuisance to nearby properties.

#### Protection of Children from Harm

- 2.11 A requirement for the production of proof of age cards before any sale of alcohol is made.

#### **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 07- T556/020, as attached.



**Premises Licence  
Part B**

**Premises licence number: BH083711**

<b>Postal address of premises, or if none, ordnance survey map reference or description:</b>	
Bistro on the Beach Solent Promenade Southbourne	
<b>Post town:</b> Bournemouth	<b>Post Code:</b> BH6 4BE
<b>Telephone number:</b> 01202 431473	

<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>
Live Music: (Indoors) Monday - Saturday - 15:00 to 00:00, Sunday - 15:00 to 23:30 Recorded Music: (Indoors) Monday - Saturday - 15:00 to 00:00, Sunday - 15:00 to 23:30 Performances of Dance: (Indoors) Monday - Saturday - 15:00 to 00:00, Sunday - 15:00 to 23:30 Activity like Music / Dance: (Indoors) Monday - Friday - 15:00 to 00:00, Sunday - 15:00 to 23:30 <u>Non standard timings for all Licensable Activities listed above</u> New Year's Eve - From start of permitted hours 31st December to end permitted hours 1st January Late Night Refreshment: (Indoors) Monday - Saturday - 23:00 to 00:30, Sunday - 23:00 to 00:00 <u>Non standard timings for provision of late night refreshments</u> Good Friday - 23:00 to 00:00, Christmas Day - 23:00 to 00:00 New Year's Eve - From start of permitted hours 31st December to end permitted hours 1st January Supply of Alcohol: Monday - Saturday - 10:00 to 00:00, Sunday - 12:00 to 23:30 <u>Non standard timings for the supply of alcohol</u> Good Friday - 12:00 to 23:30, Christmas Day - 12:00 to 15:00 & 19:00 to 23:30 New Year's Eve - From start of permitted hours 31st December to end permitted hours 1st January

<b>Where the licence authorises supplies of alcohol whether these are on and/ or off supplies:</b>
Alcohol will be consumed on the premises

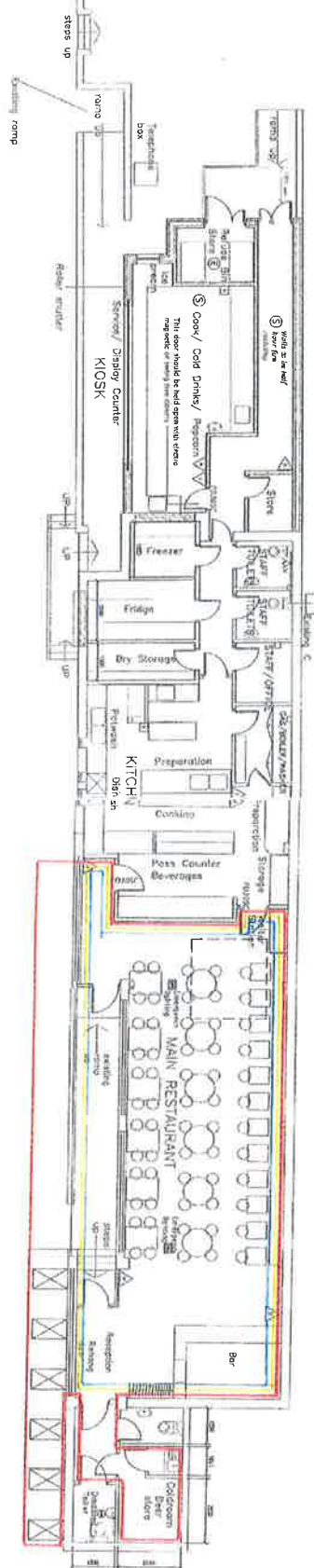
<b>Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:</b>
Mr Peter John Bruton,

<b>Name of designated premises supervisor where the premises licence authorises the supply of alcohol:</b>
Mr Peter John Bruton

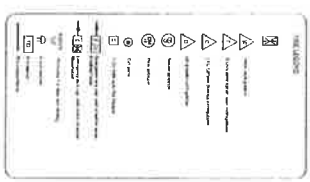
<b>State whether access to the premises by children is restricted or prohibited:</b>
See condition 1.13

Issued: 24 November 2005  
Revised: 26 April 2016 [Transfer & Vary DPS]

Mrs Nananka Randle  
Licensing Manager



- KEY**
- Alcohol
  - Entertainment
  - Late Night
  - Amusements
  - Office floor



- NOTES**
1. Do not scale from this drawing.
  2. Use of the drawing is subject to the terms and conditions of the contract.
  3. The drawing is for the use of the client and is not to be used for any other purpose without the written consent of the architect.
  4. Any discrepancy in the drawing is to be resolved by the architect.
  5. This drawing and the design are the property of Greenward Associates and may not be reproduced without written permission.

**GREENWARD ASSOCIATES**  
RICS Designers and Surveyors

100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

**CLIENT** Bisto on the Beach  
**PROPERTY** Bisto on the beach  
Solent Promenade  
Southampton  
Floor Plans

**Scale** 1:100  
**Drawn By** Tom Green  
**Date** 13th January 2007  
**Drawn By** Tom Green  
**Date** 13th January 2007  
**07-1556/020 A**

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Licensing Team  
Bournemouth Borough Council  
Town Hall  
Bournemouth

Drug & Alcohol Harm Reduction Team  
Bournemouth Police Station  
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Date: 07/02/2020

Ref – FV Application – Bistro on the Beach, Solent Promenade, Southbourne Coast Road, Bournemouth

I am writing to object, on behalf of the Chief Officer of Police, to the recent application for a Variation of Premises Licence at *Bistro on the Beach Solent Promenade, Southbourne Coast Road, Bournemouth*, to provide a 'temporary minimal bar' and off sales from this and the takeaway facility to people on the beach 'directly in front of the premises'.

The applicant states that 'a manager will observe the areas where alcohol is consumed' and that 'they will take reasonable steps to ensure patrons using the outside area do so in a quiet and orderly fashion'; however there are no assurances as to how the operator proposes to maintain such control over its customers who can purchase alcohol for consumption in what is an expansive public environment that is not demarcated in any way.

The premises is situated in an attractive part of the promenade and beach, which naturally appeals to a wide demographic of beach users. There is further concern that alcohol could be accessible to children, disappointingly the applicant has omitted to detail any controls that would be in place to mitigate the risk of proxy sales.

As with any licensed premises, the operator has a duty of care towards their customers, and this is of particular significance due to the location of this premises. Given the national statistic that 1 in 8 coastal deaths in the UK involves alcohol, it is of concern that the applicant has not detailed any measures that would be in place to safeguard their customers.

It is therefore the opinion of Dorset Police that to grant the licence for the provision of off sales of alcohol would undermine the Licensing Objectives to Prevent Crime and Disorder, Public Safety and Public Nuisance.

Louise Busfield 8952  
Licensing Officer  
Drug and Alcohol Harm Reduction Team  
Prevention Department Bournemouth Police Station Dorset Police

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