

**BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL**  
**LICENSING SUB-COMMITTEE**

Minutes of the Meeting held on 15 February 2023 at 10.00 am

Present: Cllr S C Anderson, Cllr J J Butt and Cllr D Kelsey

10. Election of Chair

**RESOLVED that Councillor Judes Butt be elected Chairman of the Sub-Committee for the duration of the meeting.**

Voting: Unanimous

11. Apologies

No apologies for absence were received.

12. Declarations of Interests

There were no declarations of interest.

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

Present:

From BCP Council:

Sarah Rogers – Senior Licensing Officer  
Linda Cole – Legal Advisor to the Sub-Committee  
Michelle Cutler – Clerk to the Sub-Committee

The Chair made introductions and explained the procedure for the hearing which was agreed by all parties.

The Chair explained that the hearing for this application was adjourned by the Sub-Committee during its meeting on 21 December 2022, to be reconvened on 15 February 2023, in order for the applicant's acoustic consultant to consult with specialist companies, in relation to nightclub specific sound attenuation provision, to resolve the various issues raised.

The following persons attended the hearing and addressed the Sub-Committee to expand on the points made in written submissions:

Mr Steve Wright – Acting on behalf of the Applicant

Mr William Mouhana - Applicant

Sargant Gareth Gosling – Dorset Police, objecting

Louise Busfield – Dorset Police, Drug and Alcohol Harm Reduction Team (observing)

Mr Andrew Hill – Environmental Health Officer, objecting

The Chair confirmed that the Sub-Committee had received a supplementary document on 8<sup>th</sup> February 2023 from Mr Wright, acting on behalf of the Applicant. A supplementary document had also been received from Dorset Police on 13<sup>th</sup> February in response to Mr Wright's document.

The Sub-Committee heard from Mr Andrew Hill, Environmental Health Officer. Mr Hill confirmed that he had now received an Acoustic Report, which provided a detailed outline of the measures proposed. Mr Hill was satisfied that the proposed control measures would mean that residents would not be impacted by noise nuisance from the premises, and he had subsequently withdrawn his representation.

Sergeant Gosling then addressed the Sub-Committee to highlight the conditions that were still in dispute between Dorset Police and the Applicant.

The Sub-Committee asked various questions of all parties present and was grateful for the responses received.

All parties had the opportunity to ask questions. All parties were invited to sum up before the Sub-Committee retired to make its decision. Before concluding the hearing, the Legal Advisor advised all parties of the right of appeal.

**RESOLVED that the application for a new premises licence, under Section 17 of the Licensing Act 2003, for the premises known as Ratio Bar (formerly known as Xchange), 4 The Triangle, Bournemouth, made on 28<sup>th</sup> October 2022, to permit regulated entertainment and the supply of alcohol be GRANTED between the hours of 21:00 and 03:00 each day of the week, with all patrons and staff to have left the premises by 03:30 on each day of the week.**

This Premises Licence is granted subject to the following conditions offered in the operating schedule in part M of the Application

Part M (b) – Prevention of crime and disorder – Conditions numbered 1 to 9 inc and 12, 15 and 16

Part M (d) – Prevention of public nuisance – All conditions numbered 1 to 9 inc

Part M (e) – Protection of children from harm - All conditions numbered 1 to 4 inc

In addition, the following condition was agreed between the applicant and Environmental Health after consideration of the Msafe Acoustic Consultancy Report submitted on the 9 February 2023 to the

Environmental Health Officer, who subsequently withdrew his representation against the application.

- *Prior to opening, a report shall be submitted demonstrating that the works outlined in acoustic report Msafe Acoustic Consultancy Report ref 11499, or equally effective works, have been carried out to the satisfaction of the Environmental Health Officer. A sound report shall be submitted to demonstrate that the stated noise reduction at 63Hz and 125Hz has been achieved and that the sound levels outlined in BS 8233:2014 have been met.*

Between the opening hearing taking place on the 21 December 2022 and the adjourned hearing on 15 February 2023, the applicant confirmed and clarified conditions offered at the opening hearing to address concerns raised during that hearing. Dorset Police had been encouraged to consider the further conditions offered and highlight if there were any remaining points of concern.

The following conditions were imposed by the Sub-Committee on deliberation and shall be attached to the Licence in addition to those outlined above:

- All staff on the premises, including SIA staff, shall be issued with handheld radio communicators that will be maintained in full working order and be always operational when the premises is open to the public.
- Customers should not be admitted or re-admitted to the premises after 02:00 hours on any day of the week, save for customers who have temporarily left the premises to smoke, or make a phone call or for any other legitimate reason.
- When the premises are open to the public, a minimum of 6 SIA registered door staff shall be deployed on Friday, Saturday and Bank Holiday Sundays and a minimum of 4 SIA registered door staff shall be deployed on Monday, Tuesday, Wednesday, Thursday, and non-Bank Holiday Sundays from opening until 30 minutes after all customers have left the premises. The DPS will assess the need for any further door staff on any day, and any further numbers of door staff will be provided in such numbers as determined by the outcome of the risk assessment.
- All staff will receive induction training prior to engaging in their role. To include prohibited sales, proxy sales and the conditions attached to the premises licence. This training will be carried out by a company or individual accredited by the BII or Highfield. All training will be signed off by the accredited company and/or individual. All training records will be available for inspection upon request.
- All staff will receive on-going refresher training, at least every 6 months. A record of the ongoing training will be recorded following delivery and be available for inspection upon request. A summary of

all training delivered during a 6-month period will be available for inspection upon request.

- The Premises Licence Holder shall be a member of Pub Watch and shall attend meetings regularly.
- An additional CCTV camera shall be fitted inside the lobby facing the front entrance and shall be operational 24 hrs a day 7 days a week. This camera should capture and record a facial image of anyone entering the premises through a 'motion-detection' capability. Recordings shall be made available to authorised officers upon request.
- A Personal Licence Holder shall be present within the licensed area at all times the premises are open to the public.
- Polycarbonate drinking vessels shall be used throughout the premises. However, where drinks are provided in plastic bottles the drink may be served in the plastic bottle.
- The following policies will be produced by the Premises Licence Holder and must be submitted to BCP Licensing and Dorset Police and agreed with both parties prior to the Premises opening.
  - a. A Welfare Policy
  - b. Dispersal Policy
  - c. A Drugs Policy
  - d. A Crime and Disorder Policy
  - e. A Weapons Policy
  - f. Drunkenness and Disorder Policy
  - g. A Challenge 25 Policy
  - h. A Capacity Management Policy
  - i. A Customer Search Policy
  - j. A Drink Spiking Policy
  - k. Noise and Public Nuisance Policy
- Door Staff Induction information;
- Lost and Found Policy.

#### Reasons for Decision

The Sub-Committee gave detailed consideration to all of the information which had been submitted before the original hearing and contained in the report and appendices for Agenda Item 5, in particular the written evidence provided by Dorset Police, that had made a representation under the prevention of crime and disorder and Environmental Health Services, that had made a representation under the prevention of public nuisance. They also considered the further written submission made by Mr Wright on the 7 February 2023 and Dorset Police on the 13 February 2023. They listened to the verbal submissions made at both hearings by Sergeant Gosling on behalf of Dorset Police, by Mr Andrew Hill, Senior Environmental Health Officer and by Mr Steve Wright, Agent acting on behalf of the applicant, Mr William Mouhana and considered the responses given to all questions asked at both hearings.

The Sub-Committee noted that at the hearing which took place on 21 December, Mr Wright had sought assurance from Sgt Gosling, that Dorset Police would be happy with the application should the terminal hour be 03:00hrs, 7 days a week. Dorset Police had advised that this would be subject to other issues raised in their representation and at the hearing being addressed, not only by an assurance but through conditions. The Sub-Committee noted the concerns raised by Dorset Police because of their experience dealing with large numbers of individuals moving between premises, many of whom are under the influence of alcohol and dealing with crime and disorder emanating from licensed premises and accepted the premises were located in a hot spot area.

The Sub-Committee were of the view that issues become more difficult to deal with as the numbers of individuals increase and behaviour deteriorates into the early hours of the morning, with later opening hours contributing significantly to this. They accepted that the number of people in the locality of the premises would increase on Friday and Saturday nights and therefore thought it both proportionate and appropriate to only allow licensable activities to 03:00hrs on all days of the week. The Sub-Committee accepted Mr Wright's offer to condition a last entry time to the premises and felt this would assist the premises in promoting the licensing objectives as it would prevent a large influx of intoxicated individuals entering the premises after another licensed premises closed. The Sub-Committee agreed with Dorset Police and deemed it appropriate for the last entry time to be 02:00am (one hour before the closure of the premises).

The Sub-Committee was grateful to the premises for acknowledging Dorset Police' concerns, shared by the Sub-Committee regarding numbers of SIA door staff. The increased offer to condition 4 door staff Sunday to Thursday and 6 on Friday and Saturday gave the Sub-Committee confidence that the applicant understood the environment he would be operating in.

The Sub-Committee heard from Andrew Hill, Senior Environmental Health Officer that he was satisfied with the detailed acoustic report submitted by the applicant prior to the reconvened hearing. The Acoustic Consultant had provided a detailed outline of proposed measures that needed to be undertaken at the premises and Mr Hill was satisfied that with the implementation of the proposed control measures, residents would not be impacted. Mr Hill's main concern had been that the low frequency noise had not been correctly calculated, but this had now been addressed. The Sub-Committee had confidence that providing that the premises did not open until works were carried out to the satisfaction of Environmental Health Services, in line with the proposed content of the Sound Engineers Report, the premises should not cause a noise nuisance.

The Sub-Committee was satisfied that if the premises was operated in accordance with the licence conditions, then the licensing objectives should not be undermined by the operation of this premises. A review of the premises licence could be applied for at any time by a Responsible Authority or any other person should there be any issues associated with the premises in the future that undermined the licensing objectives.

In making this decision the Sub-Committee have had regard to the Bournemouth, Christchurch and Poole Council Licensing Policy, the revised guidance, as set out by the Secretary of State and the licensing objectives, as set out in the Licensing Act 2003.

Right of appeal

An appeal against the review decision may be made to a Magistrates Court within 21 days of the appellant being notified of the Licensing Authority's determination on the review. An appeal may be made by the premises licence holder, the Chief Officer of Police and/or any interested person who made relevant representations.

Voting: Unanimous

14. Ratio Bars - Licensing Sub, Dorset Police and Environmental Health response.
15. Review of Premises Licence - Havana Wine Bar, 61 Charminster Road, Bournemouth, BH8 8UE

Present:

From BCP Council:

Sarah Rogers – Senior Licensing Officer  
Linda Cole – Legal Advisor to the Sub-Committee  
Michelle Cutler – Clerk to the Sub-Committee

The Chair made introductions and explained the procedure for the hearing which was agreed by all parties.

The Licensing Officer presented a report, a copy of which had been circulated and a copy of which appears as Appendix A to these minutes in the Minute Book.

The Sub-Committee was asked to consider an application Made by Dorset Police to review the premises licence for 'Havana Wine Bar', 61 Charminster Road, Bournemouth, BH8 8UE, in relation to concerns that the premises was not upholding the prevention of crime and disorder licensing objective.

The following persons attended the hearing and addressed the Sub-Committee to expand on the points made in written submissions:

Sergeant Gareth Gosling – representing the Applicant, Dorset Police  
Louise Busfield – Dorset Police, Drug and Alcohol Harm Reduction Team (observing)

Philip Day, Lacey's Solicitors – Acting on behalf of Mr Tarek Halabi, Premises Licence Holder

The Sub-Committee asked various questions of all parties present and was grateful for the responses received.

All parties had the opportunity to ask questions. All parties were invited to sum up before the Sub-Committee retired to make its decision. Before concluding the hearing, the Legal Advisor advised all parties of the right of appeal.

**RESOLVED that having considered the application to review the premises licence, submitted by Dorset Police under Section 51 of the Licensing Act 2003, for the premises known as 'Havana Wine Bar', 61 Charminster Road, Bournemouth, BH8 8UE, received by the Licensing Authority on the 22nd of December 2022, in relation to the prevention of crime and disorder licensing objective, the Sub-Committee has decided to leave the licence in its current state, that being the licence that was amended via a minor variation on 11 February 2023.**

#### Reasons for Decision

The Sub-Committee gave detailed consideration to all of the information which had been submitted before the hearing and contained in the report and appendices for Agenda Item 6, in particular the written evidence provided by Dorset Police in support of the application for review and the verbal submissions made at the hearing by Sergeant Gosling on behalf of Dorset Police, by Mr Philip Day, Lacey's Solicitors, acting on behalf of Mr Tarek Halabi, the Premises Licence Holder and the responses given to all questions asked at the hearing.

In determining the review, the Sub-Committee considered the options available as set out in the recommendations of the report and the Licensing Act 2003.

The Sub-Committee heard from Sergeant Gosling that more recently, there had been a period of significant crime and disorder and violence associated with 'Havana Wine Bar', which in the past had generally operated well. Sergeant Gosling informed the Sub-Committee that since Dorset Police had submitted its application for review, a significant amount of communication had taken place between Dorset Police and Mr Day on behalf of the Premises Licence Holder, to find a way forward and agree conditions, which would promote the prevention of the crime and disorder licensing objective.

Mr Philip Day, Solicitor, representing the Premises Licence Holder, had informed the Sub-Committee that following mediation with Dorset Police, the Premises Licence Holder had applied for a minor variation of the Premises Licence, as shown at Appendix 1 of the Report, and that the minor variation with a slight reduction in hours and newly attached conditions sought to 'tidy up' the licence and comply with the requests

made by Dorset Police. The application for a minor variation took effect on 11 February 2023.

Sergeant Gosling confirmed that the concerns raised by Dorset Police had been met by the amended premises licence. The only point not agreed was a last entry time. The Premise Licence Holder had proposed a last entry time of 03:30hrs and Dorset Police would have preferred an earlier time of 03:00hrs, however, Dorset Police were prepared to accept a last entry time of 03:30hrs and will continue to monitor the premises going forward. The Licensing Sub-Committee was satisfied that Dorset Police would continue to monitor the premises and that Dorset Police had opened an additional line of communication for neighbours, through a local resident's group, who have been encouraged to report any ongoing issues.

The Sub-Committee was grateful for the discussions that had taken place between Dorset Police and the Premises prior to the hearing and felt that the conditions covered by the minor variation were very comprehensive. Given that the minor variation had already taken effect and the concerns of Dorset Police had been met, the Sub-Committee determined that no further action needed to be taken. The Sub-Committee was assured that the Premise Licence Holder had learned his lesson and was satisfied that if the Premises operated in accordance with the conditions now on the premises licence and as described at the hearing, that the premises should not undermine the licensing objectives and could operate in a safe and compliant manner.

It was noted that a further review of the premises licence could be applied for at any time by a Responsible Authority or any other person should there be any issues associated with the premises in the future that undermined the licensing objectives.

In making this decision the Sub-Committee have had regard to the Bournemouth, Christchurch and Poole Council Licensing Policy, the revised guidance, as set out by the Secretary of State and the licensing objectives, as set out in the Licensing Act 2003.

#### Right of appeal

An appeal against the review decision may be made to a Magistrates Court within 21 days of the appellant being notified of the Licensing Authority's determination on the review. An appeal may be made by the premises licence holder, the Chief Officer of Police and/or any interested person who made relevant representations.

Voting: Unanimous



The meeting ended at 12.10 pm

CHAIRMAN