

# Notice of Licensing Sub-Committee

Date: Wednesday, 14 August 2024 at 10.15 am

Venue: HMS Phoebe, BCP Civic Centre, Bournemouth BH2 6DY



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## Membership:

Cllr C Matthews

Cllr J Richardson

Cllr L Williams

## Reserves:

Cllr A Keddie (1)

Cllr A Chapmanlaw (2)

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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 view the live stream of this meeting at the following link:

<https://democracy.bcpCouncil.gov.uk/ieListDocuments.aspx?MId=5848>

If you would like any further information on the items to be considered at the meeting please contact: Louise Smith on 01202 096660 or email [democratic.services@bcpCouncil.gov.uk](mailto:democratic.services@bcpCouncil.gov.uk)

Press enquiries should be directed to the Press Office: Tel: 01202 118686 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](https://democracy.bcpCouncil.gov.uk)

GRAHAM FARRANT  
CHIEF EXECUTIVE

6 August 2024

**DEBATE  
NOT HATE**



Available online and  
on the Mod.gov app



## 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



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  
([janie.berry@bcpcouncil.gov.uk](mailto:janie.berry@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 Chair**

To elect a Chair 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. Protocol for Public Speaking at Licensing Hearings**

5 - 10

The protocol for public speaking at Licensing Sub Committee hearings is included with the agenda sheet for noting.

**5. The Governor, 364 Lymington Road, Highcliffe, BH23 5EY**

11 - 66

To consider an application by BCP Council Environmental Health for the review of the premises licence for the premises known as 'The Governor', 364 Lymington Road, Highcliffe, BH23 5EY.

This matter is brought before the Licensing Sub-Committee for consideration.

**6. The Bell, 915 Christchurch Road, Bournemouth, BH7 6AX**

67 - 100

To consider an application by Dorset Police for the review of the premises licence for the premises known as 'The Bell', 915 Christchurch Road, Bournemouth, BH7 6AX.

This matter is brought before the Sub-Committee for consideration.

NOTE: In relation to this item of business, the Sub Committee may be asked to consider the following resolution depending on the course of discussions at the hearing and the content of any supplementary information submitted:

"That under Section 14 (2) of the Licensing Act 2003 (Hearings) Regulations 2005, and with regard to Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that the public interest in withholding the information outweighs such interest in disclosing the information and that it involves the likely disclosure of exempt information as defined in Paragraphs 1, 2 and 7 in Part I of Schedule 12A of the Act."

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.



## **LICENSING COMMITTEE AND SUB COMMITTEE – PROTOCOL FOR PUBLIC SPEAKING**

### **1. Introduction**

- 1.1 This protocol for public speaking applies to Licensing Committee and Sub Committee hearings in relation to matters including the licensing of alcohol, regulated entertainment, late night refreshment, gambling, sex establishments and hackney carriage and private hire drivers, vehicles and operators, as set out in Part 3.3 of the Council's Constitution.
- 1.2 These matters are considered in accordance with relevant legislation and associated regulations including the Licensing Act 2003 (as amended by the Police Reform and Social Responsibility Act 2011), the Gambling Act 2005, Part II and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by Section 27 of the Policing and Crime Act 2009) and the Local Government (Miscellaneous Provisions) Act 1976.

### **2. Conduct of Hearings**

- 2.1 Chair welcomes everyone, matters of general housekeeping are dealt with, notification that the hearing may be recorded for live and subsequent broadcast on the Council's website, reminder to switch mobile phones to silent, etc.
- 2.2 Chair asks everyone present to introduce themselves and state their role.
- 2.3 Chair checks that all persons who have given notice of their intention to speak and any person who wishes to withdraw a representation or wishes not to speak have been identified.
- 2.4 Chair explains proposed procedure and order of speaking for hearing as set out in Appendix A or B of this protocol as appropriate. All parties confirm agreement or make representations on procedure proposed.
- 2.5 Licensing Officer's report is presented.
- 2.6 Parties speak in the order agreed.
- 2.7 With the exception of hackney carriage and private hire hearings, parties who are speaking should not repeat the information which they have already given in writing in their representation. They will be able to expand on the written information given, provided the information remains relevant. Any additional information should be limited to the grounds of their representation(s). For example, if they are objecting on the grounds of Public Nuisance, then they should confine their comments to matters relating to Public Nuisance.

- 2.8 Members of the Licensing Committee or Sub Committee may ask questions after each party has spoken and once all parties have spoken. Parties will be allowed to ask questions through the Chair.
- 2.9 Once all parties have been heard, the parties will be given the opportunity to sum up. Party who spoke first to go last. The hearing will then conclude.
- 2.10 Members will deliberate in private with the clerk and legal representative as appropriate present.
- 2.11 The decision will be taken by the Committee and notification of the decision will be given as follows:
  - 2.11.1 For Licensing Act 2003 and Gambling Act 2005 hearings, determination must be within the period of five working days beginning with the day or the last day on which the hearing was held in accordance with the relevant Regulations, unless otherwise specified (for example, the issuing of a counter notice following objection to a TEN, in which case the determination must be at the conclusion of the hearing).
  - 2.11.2 For Sex Establishment and other hearings, where possible determination will be within the period of five working days beginning with the day or the last day on which the hearing was held.
  - 2.11.3 For Hackney Carriage and Private Hire hearings, notification of the decision will be given at the conclusion of the hearing, followed by a written decision letter where possible within the period of five working days beginning with the day or the last day on which the hearing was held.
- 2.12 Notification of the decision will include information for all parties of any right of appeal as appropriate.

### **3 General points**

- 3.1 Hearings convened under the Licensing Act 2003 and the Gambling Act 2005 and associated regulations may be held remotely as required, if the Chairman agrees it is expedient to do so in the circumstances.
- 3.2 The hearing may be adjourned at any time at the discretion of the Members.
- 3.3 Members may amend the procedure at any time if they consider it to be in the public interest or in the interest of a fair hearing.
- 3.4 The Sub Committee may decide to conduct all or part of a hearing in non-public session in accordance with the relevant Regulations and/or where exempt information is likely to be disclosed.

- 3.5 The Chair may exclude any person from a hearing for being disruptive.
- 3.6 Meetings of the Licensing Committee in public session are recorded by the Council for live and subsequent broadcast on its website.
- 3.7 The hearing will take the form of a discussion.
- 3.8 Only persons (or their representatives) who have made an application, are subject to an application or have submitted a written representation or objection to the Licensing Authority under the relevant Act are permitted to speak at the hearing.
- 3.9 Any further information to support an application, representation, objection or notice (as applicable) can be submitted before the hearing. It may only be submitted at the hearing with the consent of all parties in accordance with any relevant Regulations. Wherever possible the Licensing Authority encourages parties to submit information at the earliest opportunity to allow sufficient time for this to be considered before the hearing and avoid the need for adjournment.
- 3.10 If a party has informed the Authority that they do not intend to participate, or be represented at the hearing, or has failed to advise whether they intend to participate or not, the hearing may proceed in their absence.
- 3.11 For other matters which are the responsibility of the Licensing Committee and not included in this protocol, the Meeting Procedure Rules in Part 4D of the Council's Constitution in relation to public questions, statements and petitions shall apply. This includes such matters as making recommendations on relevant licensing policies, approving the level of fees charged by the Council, and making decisions on tariffs charged by the Public Carriage Trade.
- 3.12 The Council's Constitution can be accessed using the following link:  
<https://democracy.bcpccouncil.gov.uk/ieListMeetings.aspx?CommitteeID=151&Info=1&bcr=1>

For further information please contact [democratic.services@bcpcouncil.gov.uk](mailto:democratic.services@bcpcouncil.gov.uk)

## Appendix A

### **Proposed procedure and order of speaking for hearings (other than hackney carriage and private hire hearings)**

1. The Licensing Officer presents report.
2. Questions of the Licensing Officer on their report. Members of the Sub-Committee to go first, then the applicant/licence holder.
3. Applicant will make their Application.
4. Questions of the Applicant by all parties, Members of the Committee/Sub-Committee to go first.
5. Responsible Authorities and Other Persons will make their representations.
6. Questions of the Responsible Authorities and Other Persons. Members of the Committee/Sub-Committee to go first.
7. All parties will be given an opportunity to sum up (with the party who spoke last to go first). The hearing will then conclude.
8. Sub-Committee will deliberate in private with Legal Adviser and Clerk present. (Councillors new to Licensing may observe but will not take part in the decision making).
9. Notification of the Sub Committee's decision will be given in accordance with the requirements of the Licensing Act and Gambling Act regulations. For other hearings, where possible determination will be within the period of five working days beginning with the day or the last day on which the hearing was held.
10. The notification of decision will include information about the right of appeal as appropriate.

## Appendix B

### **Proposed procedure and order of speaking for Hackney Carriage and Private Hire hearings**

1. The Licensing Officer presents their report.
2. Questions of the Licensing Officer on their report. Members of the Sub-Committee to go first, then the applicant/licence holder.
3. Applicant/licence holder presents their case.
4. Questions of the applicant/licence holder by all parties, Members of the Committee/Sub-Committee to go first.
5. All parties will be given an opportunity to sum up (with the party who spoke last to go first). The Hearing will then conclude.
6. Sub-Committee will deliberate in private with Legal Adviser and Clerk present. (Councillors new to Licensing may observe deliberations but will not take part in the decision making).
7. Notification of the decision will be given following deliberations at the conclusion of the hearing, to be followed by a written decision letter where possible within the period of five working days beginning with the day or the last day on which the hearing was held.
8. The Legal Adviser will advise parties of any right of appeal as appropriate at the conclusion of the Hearing. Information about the right of appeal as appropriate will also be included in the written decision letter.

Adopted by the Licensing Committee on 7.12.23



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## LICENSING SUB-COMMITTEE



Report subject	<b>The Governor, 364 Lymington Road, Highcliffe, BH23 5EY</b>
Meeting date	14 August 2024
Status	Public Report
Executive summary	<p>To consider an application by BCP Council Environmental Health for the review of the premises licence as they can demonstrate that the premises are not upholding the prevention of public nuisance licensing objective.</p> <p>Dorset Police and BCP Council Licensing Authority have make representations in support of the review in addition to 4 other persons. A total of 8 representations have been received in support of the review.</p>
Recommendations	<p><b>It is RECOMMENDED that:</b></p> <p><b>Members consider the following options: -</b></p> <ul style="list-style-type: none"> <li><b>a) Modify the conditions of the licence; and/or</b></li> <li><b>b) Exclude a licensable activity from the scope of the licence; and/or</b></li> <li><b>c) Remove the Designated Premises Supervisor; and/or</b></li> <li><b>d) Suspend the licence for a period not exceeding three months; and/or</b></li> <li><b>e) Revoke the licence; or</b></li> <li><b>f) Leave the licence in its current state.</b></li> </ul> <p><b>Members are asked to make a decision at the end of the hearing after all relevant parties have been given the opportunity to speak. Members must give full reasons for their decision.</b></p>
Reason for recommendations	<p>Where a review application by a responsible authority, or any other person, has been received the scheme of delegation set out in the Council's Constitution states that these applications should be dealt with by the Sub-Committee.</p> <p>The Licensing Authority may only consider relevant aspects that have been raised in the application.</p>

Portfolio Holder(s):	Councillor Kieron Wilson – Portfolio Holder for Housing a Regulatory Services
Corporate Director	Jillian Kay – Corporate Director for Wellbeing
Report Authors	Sarah Rogers – Principal Licensing Officer
Wards	Highcliffe & Walkford
Classification	For Decision

## Background

1. The application for review of the premises licence, under Section 51 of the Licensing Act 2003, by Mr Andrew Hill, Senior Environmental Health Officer of BCP Council, was received on 6 June 2024.
2. Environmental Health believe that the premises are not upholding the prevention of public nuisance licensing objective.
3. A copy of the review application is attached at Appendix 1.
4. The premises have had the benefit of a premises licence since transition to the Licensing Act 2003 in November 2005. The original licence was issued by legacy Christchurch Borough Council when the premises were named “Napoleons”. No plan of the layout of the premises was supplied by Christchurch Borough Council following the merger into BCP Council so there is no current layout plan available.
5. An application to transfer the premises licence and vary the DPS into the current holder, Ms Syeda Ruzina Khatun, was made on 26 October 2023. The name of the premises to “The Governor” was changed at that time. There were no changes to the terms and conditions of the licence. A copy of the current premises licence is attached at Appendix 2.
6. Since these changes were made and the premises has been under the control and management of Ms Khatun complaints have started to be made as set out by Mr Hill in his review application.

## Consultation

7. A copy of the review application was served on all responsible authorities and the licence holder on 6 June 2024.
8. A Licensing Officer attended the premises on 7 June 2024 to display the site notice. The officer had to return on the 11 June 2024 after it was noted by Dorset Police Licensing Officers that the notices were no longer on display.
9. Two further notices were placed on the main public noticeboards of the Council offices at Bourne Avenue and St Stephens Road. A notice was also published on the Council's website.
10. Dorset Police and BCP Council's Licensing Authority have made representations in support of the review application.

11. 6 other persons have also supported the review and submitted representations in support.
12. A copy of the representations received are attached at Appendix 3. You will note from the Licensing Authority's representation (#8) that Ms Khatun was invited to make an application for a minor variation, in line with the suggestions made by Mr Hill, but to date no such application has been received.

### **Options Appraisal**

13. Before making a decision, Members are asked to consider the following:-
  - The application made by Environmental Health and supplementary evidence.
  - The submissions made by or on behalf of the premises licence holder.
  - The representations in support from Dorset Police and the Licensing Authority as responsible authorities.
  - The representations made by 6 other persons in support of the review application.
  - The relevant licensing objectives, namely the prevention of crime and disorder, the prevention of crime and disorder, public safety and the protection of children from harm.
  - The Licensing Act 2003, Regulations, Guidance and the Council's Statement of Licensing Policy.

### **Summary of financial implications**

14. An appeal may be made against the decision of Members by Environmental Health or the holder of the premises licence to the Magistrates' Court which could have a financial impact on the Council.
15. Dorset Police, the Licensing Authority or any of the other persons also have the right to appeal any decision made to the Magistrates' Court.

### **Summary of legal implications**

16. If Members decision on an option available to them which Environmental Health, the premises licence holder, Dorset Police, the Licensing Authority or any other person does not agree to, they may appeal to the Magistrates' Court within a period of 21 days beginning with the day that they are notified, in writing, of the decision.

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

17. There are no human resource implications.

### **Summary of sustainability impact**

18. There are no sustainability impact implications.

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

19. There are no public health implications.

### **Summary of equality implications**

20. There are no equality implications.

## **Summary of risk assessment**

21. There is no requirement for a risk assessment.

## **Background papers**

### **BCP Council – Statement of Licensing Policy**

[SOLP-2020-2025 \(bcpcouncil.gov.uk\)](https://www.bcp-council.gov.uk/2020/05/2025-solp/)

## **Hearing Regulations**

<https://www.legislation.gov.uk/ukSI/2005/44/made>

## **Revised Guidance issued under Section 182 of the Licensing Act 2003 (December 2023)**

[Revised guidance issued under section 182 of Licensing Act 2003 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/123456/Revised_guidance_issued_under_section_182_of_Licensing_Act_2003_-_GOV.UK.pdf)

## **Appendices**

- 1 – Copy Review Application
- 2 – Copy Current Premises Licence
- 3 – Copy Representations



# **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** Andrew Hill on behalf of BCP Council Environmental Health

*(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> The Governor Bar and Lounge 364 Lymington Road	
<b>Post town</b> Christchurch	<b>Post code (if known)</b> BH23 5EY

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Ms Syeda Ruzina Khatun
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<b>Number of premises licence or club premises certificate (if known)</b> BH175103
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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**

<p>Name and address</p> <p>Andrew Hill BCP Council Civic Centre Bourne Avenue, Bournemouth BH2 6DY</p>
<p>Telephone number (if any)</p> <p>[REDACTED]</p>
<p>[REDACTED]</p>

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

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

### **The Prevention of Public Nuisance**

On the 6th of February 2024, BCP Council received a letter from a concerned member of the public regarding the high levels of noise and anti social behaviour coming from the above premises since it opened on the 12<sup>th</sup> January 2024. The concerned member of the public had sent a letter to the proprietor of the venue outlining their concerns and detailing a catalogue of events which had occurred often into the early hours of the morning.

I have attached a copy of this letter to assist the committee. **[ATH 01]**

On the 12th of February 2024 I wrote out to the premises advising that I had received a number of complaints and reminded them of their obligations under the Environmental Protection act 1990 as well as the licencing act 2003 to ensure that they take adequate steps to prevent public nuisance to the residences in the vicinity of their premises.

I have attached a copy of this letter to assist the committee. **[ATH 02]**

I received no response from the venue in relation to the above letter.

On the 5th of March 2024 the Environmental Health Team received a further complaint from a concerned member of the public regarding the above venue. The complainant made an enquiry regarding the premises licence of the venue as he alleged that the premises had been playing loud music in the evenings and most weekends since opening which had had a detrimental effect on local residents. On this occasion the complainant was awoken at 4:50 AM by loud music emanating from the venue.

I undertook some enquiries and identified that this premises licence had limited conditions attached to the licence in respect to noise and benefits from a 24 hour license. There were therefore no restrictions on regulated entertainment or indeed the hours of operation. Further enquiries revealed that there are a number of residential properties situated above the venue who in the past were not affected by noise as the premises did not operate as a live music venue in its previous iteration as Napoleon's bar.

On the 4th of April 2024 an e-mail was sent to the premises once again advising of the ongoing nuisance arising from the premises and inviting the operators to a meeting at the venue to discuss my concerns. In the letter I made it clear that I was seeking to review the premises licence and therefore the attendance of the operators at the meeting is important I advised the operators that if they cannot attend the meeting to appoint a representative from the organisation who is able to speak on behalf of the premises and make decisions in respect to the conditions of the premises licence.

I also encouraged the business to seek legal representation from a licencing solicitor I made it clear that I was seeking to review or even revoke the premises licence and therefore this matter required their urgent attention.

I have attached a copy of this email to assist the committee. **[ATH 05]**

We continued to receive complaints from residents regarding this venue and disturbances caused by music.

On the 8th of April 2024 I received an e-mail from the premises advising me that the operators had to return to London to attend a family function due to Ramadan, and therefore were unable to make the meeting I proposed for the 10th of April 2024.

The decision was made that due to the ongoing concerns both myself the police and the licencing team had about the venue that we would still attend on the 10th of April and meet with the management to discuss our findings I advised the operators that I would be doing so and they agreed to this.

On the 10th of April 2024 a visit was undertaken to the premises where I was accompanied by colleagues from Dorset Police licencing as well as a colleague from BCP licencing team. Upon entering the premises we met with Will Dicks a member of staff who introduced himself as the barman however during the meeting it became apparent Mr Dicks had no authority in relation to making decisions regarding the premises licence.

During this meeting a number of matters were discussed including conditions I would like attached to the premises licence in respect to noise as well as a reduction in the operating hours of the venue. Colleagues in Dorset Police also discussed a number of concerns they had with the venue as well as conditions that would need to be attached to the premises licence to satisfy their requirements.

An e-mail was sent to the premises on the 23rd of April 2024 by Ellie King, the licencing officer who attended the meeting requesting that the operators submit a minor variation to have the conditions discussed attached to their premises licence.

I have attached a copy of this email to assist the committee. **[ATH 06]**



**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 The Governor Bar and Lounge 364 Lymington Road, Christchurch is being submitted by BCP Council Environmental Health as we can demonstrate that this premises has undermined the licensing objectives of the Prevention of Nuisance.

As an Environmental Health team we pride ourselves on our ability to proactively work with businesses to ensure that they do not have an adverse impact on the community. We acknowledge that we should not be overly restrictive on businesses, and the value that late night licenced venues have for the nighttime economy within BCP. We acknowledge that residents living in close proximity to licenced venues cannot expect the same protection from noise as they may expect living in a non-commercial setting. However residents can not be expected to endure noise levels which amount to a statutory noise nuisance and result in sleep disturbance.

It is our expectation that all licensees will endeavour to engage with us and the community to ensure that they do not have an adverse impact on the community. Thus far this engagement has not been forthcoming.

BCP council's Environmental Health team consistently receive report's of noise from this premises occurring until the early hours of the morning on most weekends.

More recently we have received a report from a member of the public who was viciously attacked within the premises by a patron and therefore I also have concerns under the Health and Safety at Work act 1974 for the welfare and safeguarding for customers and staff within the venue and in particular the risk of workplace violence.

In considering the section 182 Guidance which accompanies the Licensing Act 2003 it states that *the relevant enforcing authority under the Health and Safety at Work etc Act 1974* can bring a review and therefore it is assumed that the provisions of the Health and Safety at Work act may also be applicable to this licencing review. BCP Council have enforcement responsibility for this venue under the Health and Safety (Enforcing Authority) Regulations 1998. This business is therefore not only failing in their duties under the Licensing Act 2003 but also failing in their duty to ensure that members of the public as well as employees are protected from violence in the work place under the relevant provisions of the Health and Safety at Work Act 1974.

I wish this information to also be considered by the committee, and understand that colleagues in Dorset Police will provide additional information to the committee in relation to the assaults within the venue.

I hope I have been able to demonstrate above my attempts to engage with the Licence Holder following reports of incidents of concern at the premises . The Premises Licence Holder has elected not to respond to my attempts to improve the situation for local residents.

No attempt has been made to mediate with me regarding the proposed conditions which was sent to the licensee via the BCP Council Licensing officer and this department continues to receive complaints from the public in relation to the venue.

This has led to the submission of this Application for Review of the Licensed Premises.

I do not consider at this time that revocation of the premises license would be appropriate as it cannot be argued that the license holder has consistently failed to meet the conditions of their licence as appropriate conditions have not been attached to the premises license.

I 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 the addition of the following conditions to the premises license:

*A report shall be submitted detailing the potential for noise from (amplified music and patrons) at the premises affecting neighbouring noise sensitive properties and residential properties above the premises.*

*The report shall include a detailed scheme of noise mitigation measures to show that nuisance will not be caused to the occupiers of the noise sensitive properties by noise from the licensed premises.*

*The report shall be submitted to and approved in writing by the Council through an authorised officer of the Environmental Health Team and all recommended works carried out in full prior to the commencement of any further regulated entertainment.*

*The noise assessment shall be carried out by a suitably qualified acoustic consultant/engineer and shall take into account the provisions of BS4142: 2014. "Method of rating industrial noise affecting mixed residential and industrial areas" and BS 8233: 1999 "Sound Insulation and Noise Insulation for Buildings - Code of Practice".*

Furthermore, I would ask that the subcommittee consider the addition of the following conditions to the premises license;

*Disapply the provisions of the Live Music Act under section 177A of the Licensing Act 2003 so that any provision of live or recorded music at any time is licensable and subject to conditions on the licence.*

*The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.*

*A noise limiter shall be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder.*

*The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device*

*No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance. This includes noise from the television*

*A lobbied entrance (that is two sets of doors that are set so that one is closed when the other one is open) shall be installed at the premises.*

*All windows and external doors shall be kept closed after (23:00) hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.*

*The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.*

*A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.*

Furthermore, I would request that the terminal hour for this business be reduced to

***Sunday to Thursday 23:00 and Friday and Saturday 00:00.***

If the Licensing Sub-Committee were to impose the additional conditions on the premises licence, and in particular impose a reduction in hours of operation as proposed, BCP Council's Environmental Health team are of the view that provided these conditions are complied with, the negative impact of this business on local residents will be minimised.

Please tick ✓ yes

☐

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

If yes please state the date of that application

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

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

Please tick ✓

yes

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

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**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 *Andrew Hill*

.....

Date **6<sup>th</sup> June 2024**

.....

Capacity **Environmental Health Officer**

.....

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

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<b>Post town</b>	<b>Post Code</b>
------------------	------------------

<b>Telephone number (if any)</b>
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<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b>
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**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.





6 February 2024

Dear Sir,

Reference: Anti Social Behaviour, Coming from :-  
The Governor Bar and Lounge  
364, Lymington Road, Highcliffe, Christchurch,  
Dorset. BH23 5EY.

I am writing on behalf of the residents of Highcliffe affected by the Anti Social behaviour emanating from the newly opened Governor Bar Lounge on Lymington Road and Stanley road Highcliffe.

Since its doors opened to the public on 12 January 2024, following the closure of Napoleons Wine Bar last year, there have been numerous occasions of Anti Social Behaviour, to include :- loud music, shouting, jeering, swearing, mass brawl fighting, flicking cigarette ends at passing traffic, urinating in driveways opposite the Lounge Bar and an attempted Van Ram-raid on Saturday 3 February 2024 at 9.18pm, of the main entrance to the Lounge Bar, involving a large Police attendance.

I enclose a letter sent to the Proprietor of the Bar Lounge on 6 February 2024, detailing a three week catalogue of events.

I wonder if you would look into this situation and treat it as a matter of urgency.

Many thanks,

Yours faithfully,

[Redacted]

[Redacted]

[Redacted]

N.B

The Staff at The Governor Bar Lounge claim that they have a licence to stay open till 5am !! Can this be true? Surely not.

I have not given my personal details to the Bar Proprietor.

COPY OF LETTER SENT TO

THE PROPRIETOR, THE GOVERNOR WINE BAR  
364, LYMINGTON ROAD HIGHCLIFFE, CHRISTCHURCH  
DORSET. BH23 5EY

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Dear Sir,

Reference: Anti Social Behavior, Loud noise  
and late night early morning disturbances

I am writing on behalf of the Highcliffe  
Residents of Stanley road and Lymington Road.

On Friday 12 January 2024, your bar  
opened to the public. At 3am there was  
a large gathering of drinkers and revellers causing  
an unacceptable level of loud noise and disturbance  
to the local residents, by shouting, swearing and  
flicking Cigarette ends at passing traffic.

On Saturday 13 January 2024 at 5am there  
was another large gathering of drinkers and  
revellers again shouting outside of your premises and  
creating noise and disturbance to local residents

On Thursday 18 January 2024 at 1.30am  
there was a very large gathering of people  
outside your premises, The Governor Wine Bar  
Highcliffe, shouting, jeering, flicking cigarette ends  
across the main Lymington Road, urinating in



drive ways of buildings opposite, and generally causing a major disturbance to residents in Highcliffe.

On Thursday 25 January 2024 at 11.45pm, there was a mass brawl, with several people involved, fighting outside your premises, the middle of Lymington Road and ending up on the opposite side of the road, with blood spattered against shops and the pavement. The Police had to be called before someone was very seriously injured or killed.

On Friday 2 February there was loud music and noise disturbance until gone 12pm midnight.

On Saturday 3 February 2024 at 9.15pm there was loud noise and disturbance, people shouting and swearing, at 9.18pm a white transit style van attempted to ram-raid the main entrance to your premises, on one occasion the van, while positioning itself to charge the entrance, reversed into oncoming traffic on the main A337 Lymington Road and very narrowly missed hitting the passing cars.

The Police were called and a full report of the incident was given.

On several occasions, visitors to your premises, park their cars on double yellow lines on both sides of Stanley Road, on one occasion blocking the entrance into and out of Stanley Road.

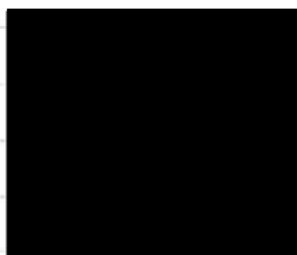
This level of Anti Social Behaviour Will not be tolerated by the residents of Highcliffe. A daily and nightly report is being kept of all the activities surrounding your Premises, and an Events Diary of The Governor Bar Lounge is being written.

Prior to your occupation of the Premises, Napoleons Wine Bar existed, the Proprietor had a Commitment of care and understanding for local Highcliffe residents by showing dignity and respect by keeping noise levels to a minimum and no Anti Social Behaviour.

Therefore, will you kindly ask your customers to Show respect and consideration to the local residents, who are trying to enjoy a peaceful existence and get a decent nights Sleep, weekdays and weekends.

A Copy of this letter, together with a formal letter, e-mail, has been sent to B.C.P. Council Bourne valley Road, Bournemouth. BH2 6DY.

Yours faithfully,



ON BEHALF OF ALL RESIDENTS,  
STANLEY ROAD, LYMINGTON ROAD HIGHCLIFFE.

## Andrew Hill

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**From:** Andrew Hill  
**Sent:** 12 February 2024 15:35  
**To:** [REDACTED]  
**Subject:** The Governors Inn Ltd, 364 Lymington Road

**Licensing Act 2003**  
**Environmental Protection Act, 1990**  
**Noise and Antisocial Behaviour**  
**The Governor 364 Lymington Road Highcliffe Christchurch BH23 5EY**

I am writing to you as the premises licence holder to advise that complaints regarding **Noise and Anti-social behaviour** have been received.

Whilst at this stage no formal investigation has taken place, I would inform you that under provisions laid down in Section 80 of the Environmental Protection Act 1990 the Local Authority has a duty to act against persons responsible for noise amounting to a nuisance.

In addition, you have obligations under the Licensing Act 2003 to ensure that you take adequate steps to prevent public nuisance to residences in the vicinity of your premises.

The complainant has been advised to keep a record of any incidents that disturb them which we will use as part of our investigation. We also may use noise monitoring equipment and/or make visits to witness the noise for ourselves. If sufficient evidence is gathered that a statutory noise nuisance exists an abatement notice will be served which will prohibit the noise nuisance from occurring. Failure to comply with the notice is an offence and if the matter is taken to court you could be liable to a fine of up to £20,000. Also, if breaches of licence conditions are found they will be referred to the Licensing Section.

In addition to this if evidence is gathered that the premises is not operating under the licensing objective '*prevention of public nuisance*' the pollution section may decide to review your premises licence. This involves a hearing in front of the licensing board and may result in the imposition of further licence conditions, restrictions on opening times or even the revocation of the licence.

It is very much hoped that further action will not be necessary so I would ask that you ensure activities undertaken at the above premises do not give rise to further complaint.


Should you wish to discuss this further please contact me as detailed above.

Yours sincerely

**Mr Andrew Hill**  
Senior Environmental Health Officer



# **WITNESS STATEMENTS (CRIMINAL PROCEDURE RULES, PART 27)**

<p><b>Statement of witness</b> (Criminal Procedure Rules, r27.2; Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980,s.5B)</p>
<p>STATEMENT OF (name of witness) Matthew Browning</p> <p>Age of witness (if over [18] enter over [18]) _Over 18</p> <p>Occupation of witness _Environmental Protection Officer, BCP Council</p>
<p>This statement (consisting of 1 page signed by me) is true to the best of my knowledge and belief and I make it knowing that, it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.</p> <p>Dated the 9<sup>th</sup> day of March 2024</p> <div style="text-align: center; margin-top: 20px;">  </div> <p>Signed: _____</p>
<p>[if witness unable to read statement]</p> <p>_____ being unable to read the above statement, I _____ of _____ read it to him/her before she signed it.</p> <p>Dated the ____ day of _____ 20____ Signed: _____</p> <p align="right">Signature of person who read the statement</p>

On the evening of Saturday 9th March I was the duty officer for nuisance complaints, I received a Out of Hours report of loud music coming from the Governor Bar, Lymington Road Christchurch, I then called the Complainant [REDACTED] to arrange a visit. Accompanied by an Insight security officer, I arrived at the Complainants address [REDACTED] Lymington Road Christchurch at 2140 [REDACTED] I then met [REDACTED] at the front communal door of the shared property and followed him through the hallway to his studio/bedroom. Upon entering the room I immediately could hear loud music at unreasonable level, it was clear enough to hear vocals of the music, I would consider this to have been statutory nuisance level. [REDACTED] then told me the music plays most evenings but said he tolerates noise during the week but at weekends it can go on until 1am which is why he contacted the Council. I said to [REDACTED] would report what I've witnessed tonight to the case officer (Mr Andy Hill), I then proceeded to exit the property at approx 2200.



## Andrew Hill

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**From:** Andrew Hill  
**Sent:** 18 March 2024 15:22  
**To:** [REDACTED]  
Matt Browning; Sarah Rogers - Licensing  
**Subject:** Noise and Antisocial Behaviour - The Governor 364 Lymington Road Highcliffe Christchurch BH23 5EY

Dear SYEDA RUZINA KHATUN

**Environmental Protection Act, 1990**  
**Noise and Antisocial Behaviour**  
**The Governor 364 Lymington Road Highcliffe Christchurch BH23 5EY**

I am writing to you as the premises licence holder to advise that complaints regarding **Noise and Anti-social behaviour** continue to be received from local residents regarding your venue.

I would inform you that under provisions laid down in Section 80 of the Environmental Protection Act 1990 the Local Authority has a duty to act against persons responsible for noise amounting to a nuisance and therefore as a result of this formal investigation has taken place. An officer from our Out Of Hours noise team visited a complainants property on the 9<sup>th</sup> March 2024 and witnessed excessive noise from the venue.

The complainants have been advised to keep a record of any incidents that disturb them which we will use as part of our investigation. We also may use noise monitoring equipment and/or make further visits to witness the noise for ourselves. If sufficient evidence is gathered that a statutory noise nuisance exists an abatement notice will be served which will prohibit the noise nuisance from occurring. Failure to comply with the notice is an offence and if the matter is taken to court you could be liable to a fine of up to £20,000.

In addition, you have obligations under the Licensing Act 2003 to ensure that you take adequate steps to prevent public nuisance to residences in the vicinity of your premises. If sufficient evidence is gathered that the premises is not operating under the licensing objective '*prevention of public nuisance*' then I may decide to review your premises licence. This involves a hearing in front of the licensing board where I will ask the committee to impose further licence conditions in respect to noise as well as restrict the opening times of the premises. The board may also consider revocation of the licence.

It is very much hoped that further action will not be necessary so I would ask that you ensure activities undertaken at the above premises do not give rise to further complaint.

Should you wish to discuss this further please contact me as detailed above.

Yours sincerely



**Andrew Hill**  
**Senior Environmental Health Officer**  
Communities



## Andrew Hill

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**From:** Andrew Hill  
**Sent:** 04 April 2024 08:42  
**To:** [REDACTED]  
**Cc:** Busfield, Louise; Sarah Rogers - Licensing  
**Subject:** RE: Noise and Antisocial Behaviour - The Governor 364 Lymington Road Highcliffe  
Christchurch BH23 5EY

Dear SYEDA RUZINA KHATUN

I refer to the email I sent you on the 18<sup>th</sup> March 2024 regarding complaints we are receiving about excessive noise from your premises.

I received a number of complaints over the weekend once again. The local authority has a duty under the Environmental Protection Act 1990 and the Licensing Act 2003 to protect local residents from nuisance premises. Therefore I am now obligated to take formal action to prevent the continued recurrence of the nuisances arising from your premises.

I am disappointed that you have not engaged with either myself or colleagues in the licensing team regarding the ongoing concerns with your venue and therefore myself and colleagues from Dorset Police Licensing will visit your premises on Wednesday the 10<sup>th</sup> April at 12:15 to discuss these matters and consider further actions to be taken in respect to your premises license.

I would remind you that this is a serious matter and I am seeking to review your premises license. Therefore your attendance at this meeting is important. If you cannot make the meeting, I would suggest a representative from your organisation who is appointed to speak on behalf of the premises and make decisions in respect to the conditions on the premises license attend the meeting.

I would encourage you at this stage to seek legal representation from a licensing solicitor who would be welcome to attend the meeting. I would like to outline my intentions to seek a review or even revocation of the premises license and would need assurances at this meeting that the licensing objectives in respect to 'Prevention of Nuisance' will be upheld moving forward.

I would be most grateful if you can acknowledge receipt of this email so that I know that formal communications are being received. Moving forward I will need to serve legal documents on your organisation and need to ensure proper service of notices.

A formal letter will be sent recorded delivery to your registered business address outlining the above.

Regards



**Andrew Hill**  
**Senior Environmental Health Officer**  
Communities  
T. 01202 123186  
[bcpcouncil.gov.uk](http://bcpcouncil.gov.uk)



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**From:** Andrew Hill  
**Sent:** Monday, March 18, 2024 3:22 PM  
**To:** [REDACTED]  
**Cc:** Matt Browning <matt.browning@bcpcouncil.gov.uk>; Sarah Rogers - Licensing <sarah.rogers@bcpcouncil.gov.uk>  
**Subject:** Noise and Antisocial Behaviour - The Governor 364 Lymington Road Highcliffe Christchurch BH23 5EY

Dear SYEDA RUZINA KHATUN

**Environmental Protection Act, 1990**  
**Noise and Antisocial Behaviour**  
**The Governor 364 Lymington Road Highcliffe Christchurch BH23 5EY**

I am writing to you as the premises licence holder to advise that complaints regarding **Noise and Anti-social behaviour** continue to be received from local residents regarding your venue.

I would inform you that under provisions laid down in Section 80 of the Environmental Protection Act 1990 the Local Authority has a duty to act against persons responsible for noise amounting to a nuisance and therefore as a result of this formal investigation has taken place. An officer from our Out Of Hours noise team visited a complainants property on the 9<sup>th</sup> March 2024 and witnessed excessive noise from the venue.

The complainants have been advised to keep a record of any incidents that disturb them which we will use as part of our investigation. We also may use noise monitoring equipment and/or make further visits to witness the noise for ourselves. If sufficient evidence is gathered that a statutory noise nuisance exists an abatement notice will be served which will prohibit the noise nuisance from occurring. Failure to comply with the notice is an offence and if the matter is taken to court you could be liable to a fine of up to £20,000.

In addition, you have obligations under the Licensing Act 2003 to ensure that you take adequate steps to prevent public nuisance to residences in the vicinity of your premises. If sufficient evidence is gathered that the premises is not operating under the licensing objective '*prevention of public nuisance*' then I may decide to review your premises licence. This involves a hearing in front of the licensing board where I will ask the committee to impose further licence conditions in respect to noise as well as restrict the opening times of the premises. The board may also consider revocation of the licence.

It is very much hoped that further action will not be necessary so I would ask that you ensure activities undertaken at the above premises do not give rise to further complaint.

Should you wish to discuss this further please contact me as detailed above.

Yours sincerely



**Andrew Hill**

## Andrew Hill

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**From:** Ellie King  
**Sent:** 23 April 2024 15:43  
**To:** [REDACTED]  
**Cc:** Dorset Police Licensing; Andrew Hill; Busfield, Louise  
**Subject:** R298832- The Governor - 364 Lymington Road, Christchurch

**Importance:** High

**Follow Up Flag:** Follow up

**Flag Status:** Flagged

Good Afternoon,

Further to our visit on 10 April 2024 and discussion with Will Dicks, I have now heard back from both Dorset Police Drug and Alcohol Harm Reduction Team and Environmental Health and as agreed I have shown below the conditions which have been proposed for inclusion on a minor variation application.

### Dorset Police Drug and Alcohol Harm Reduction Team proposed conditions.

*All staff working at the premises concerned with the sale of alcohol shall be trained in accordance with an accredited training scheme 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 record 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.*

*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*

*This log to be checked on a weekly basis by the DPS of the premises.*

*Challenge 25, shall be operated at the premises where the only acceptable forms of identification are (recognised photographic identification cards, such as a driving licence or passport I Holographically marked PASS scheme identification cards). Appropriate signage advising customers of the policy shall prominently displayed in the premises.*

*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. Recordings shall be made available immediately upon the request of Police or an authorised officer of the council throughout the preceding 31 day period. The CCTV system shall be updated and maintained according to police recommendations.*

*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. 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.*

*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.*

*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.*

### **SIA**

*A minimum of 2 SIA to be employed on Fridays, Saturdays, and any day preceding a Bank Holiday from 20:00 until close and the last customer has dispersed the immediate area*

*All SIA to wear hi viz jackets or vests at all times they are on duty*

*A register of SIA personnel employed on the premises shall be maintained in a legible format and kept on the premises at all times and made available to police upon reasonable request.*

*The register should be completed by the DPS or Duty Manager at the commencement and end of each shift, by each member of security staff.*

*Details recorded to include: Full name, 16 digit SIA badge number, time of commencement and end of duties.*

*The security operative should then sign their name against these details.*

*The premises shall maintain membership of the PubWatch scheme (or any successor scheme); a senior member of staff shall attend all PubWatch meetings unless an emergency arises preventing such attendance and the premises will support PubWatch initiatives.*

### **Risk Assessments**

*If it is intended to show any major sporting event on a television within the premises (other than Snooker or Pool tournaments, golf, motor racing events, athletics competitions or tennis or cricket matches), or to hold any function, special event or live music, the Premises will conduct a written risk assessment to determine whether it is appropriate to deploy door supervisors for a period of time before the event is scheduled to start, during the event and for a period of time after the event is scheduled to end and will deploy door supervisors in accordance with the outcome of the risk assessment.*

*Such risk assessments will also be conducted at the request of the police in respect of any other event scheduled to take place at the premises.*

*Copies of all risk assessments shall be retained on the premises for a minimum period of 6 months and shall be made available for inspection by police and other authorised officers on request.*

### **Environmental Health proposed conditions.**

### **Queues**

*The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.*

### **Noise Report**

*A report shall be submitted detailing the potential for noise from (amplified music and patrons) at the premises affecting neighbouring noise sensitive properties and residential properties above the premises.*

*The report shall include a detailed scheme of noise mitigation measures to show that nuisance will not be caused to the occupiers of the noise sensitive properties by noise from the licensed premises.*

*The report shall be submitted to and approved in writing by the Council through an authorised officer of the Pollution Control Team and all recommended works carried out in full prior to the commencement of any further regulated entertainment.*

*The noise assessment shall be carried out by a suitably qualified acoustic consultant/engineer and shall take into account the provisions of BS4142: 2014. "Method of rating industrial noise affecting mixed residential and industrial areas" and BS 8233: 1999 "Sound Insulation and Noise Insulation for Buildings - Code of Practice". The recommended design criteria for dwellings are as follows: Daytime (07.00 – 23.00) LAeq(16 hours) 35 dB & Noise Rating Curve NR35 in all rooms. Nighttime (23.00 – 07.00) LAeq(8 hours) 30 dB & Noise Rating Curve NR20 to NR25 in bedrooms NP34.*

### **Noise Limiter**

*A noise limiter shall be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder.*

*The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.*

### **Noise**

- *No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance. This includes noise from the television*
- *A lobbied entrance (that is two sets of doors that are set so that one is closed when the other one is open) shall be installed at the premises.*
- *All windows and external doors shall be kept closed after (23:00) hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.*

### **Smoking area**

*The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.*

*A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.*

Please note that in addition to the proposed conditions the hours of operation proposed by both Dorset Police Drug and Alcohol Harm Reduction Team and Environmental Health are as follows:

Sunday to Thursday 23:00  
Friday and Saturday 00:00

All of this information has been provided following our visit on 10 April 2024 and as discussed it is recommended that a minor variation application is made. Should you decide to make an application to vary the licence, please ensure that the application is submitted no later than 08 May 2024.

The minor variation application has been suggested in an attempt to remedy the issues which have been reported and experienced by residents from the premises. Should your premises continue to cause problems, as a result of not upholding the licensing objectives, a more formal approach may be taken by way of review of your premises licence.

Please don't hesitate to contact me if I can be of any further assistance.

Kind Regards

Ellie

This page is intentionally left blank

## Premises Licence Part A

Premises licence number: BH175103

<b>Postal address of premises, or if none, ordnance survey map reference or description:</b>	
The Governor, 364 Lymington Road	
<b>Post town:</b> Highcliffe	<b>Post Code:</b> BH23 5EY
<b>Telephone number:</b> 07496 489 628	

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

<b>The times the licence authorises the carrying out of licensable activities:</b>
<p><b>Plays</b>  Monday - 00:01 - 00:00  Tuesday - 00:01 - 00:00  Wednesday - 00:01 - 00:00  Thursday - 00:01 - 00:00  Friday - 00:01 - 00:00  Saturday - 00:01 - 00:00  Sunday - 00:01 - 00:00  Performance of a play will take place indoors.</p> <p><b>Films</b>  Monday - 00:01 - 00:00  Tuesday - 00:01 - 00:00  Wednesday - 00:01 - 00:00  Thursday - 00:01 - 00:00  Friday - 00:01 - 00:00  Saturday - 00:01 - 00:00  Sunday - 00:01 - 00:00  Exhibition of films will take place indoors.</p> <p><b>Live Music</b>  Monday - 00:01 - 00:00  Tuesday - 00:01 - 00:00  Wednesday - 00:01 - 00:00  Thursday - 00:01 - 00:00  Friday - 00:01 - 00:00  Saturday - 00:01 - 00:00  Sunday - 00:01 - 00:00  Performance of live music will take place indoors.</p> <p><b>Recorded Music</b>  Monday - 00:01 - 00:00  Tuesday - 00:01 - 00:00  Wednesday - 00:01 - 00:00  Thursday - 00:01 - 00:00  Friday - 00:01 - 00:00  Saturday - 00:01 - 00:00  Sunday - 00:01 - 00:00  Playing of recorded music will take place indoors.</p> <p><b>Late Night Refreshment</b>  Monday - 23:00 - 05:00</p>

Tuesday - 23:00 - 05:00  
Wednesday - 23:00 - 05:00  
Thursday - 23:00 - 05:00  
Friday - 23:00 - 05:00  
Saturday - 23:00 - 05:00  
Sunday - 23:00 - 05:00  
Provision of late night refreshments will take place indoors.

**Supply of Alcohol**

Monday - 00:01 - 00:00  
Tuesday - 00:01 - 00:00  
Wednesday - 00:01 - 00:00  
Thursday - 00:01 - 00:00  
Friday - 00:01 - 00:00  
Saturday - 00:01 - 00:00  
Sunday - 00:01 - 00:00

**The opening hours of the premises:**

Monday - 00:01 - 00:00  
Tuesday - 00:01 - 00:00  
Wednesday - 00:01 - 00:00  
Thursday - 00:01 - 00:00  
Friday - 00:01 - 00:00  
Saturday - 00:01 - 00:00  
Sunday - 00:01 - 00:00

**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

<b>Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:</b>
Ms Syeda Ruzina Khatun
<b>Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:</b>
Ms Syeda Ruzina Khatun
<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>
LN/000022099 Islington 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.

### 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: 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

1.7.

- 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.

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

- 2.1. The CCTV system will be maintained in good working order.
- 2.2. Doors and windows at the premises will be kept closed when late night music is provided and volumes will be kept to a reasonable level to ensure that no disturbance is caused to nearby residents.
- 2.3. Requests to customers to leave the premises quietly at the end of the evening will be made both verbally and by clearly displayed notices. Appropriate measures will be put in place to ensure that early morning coverage of sporting events will be controlled so as not to cause a disturbance.
- 2.4. Where the age of a person is not known and they appear not to be 18 the appropriate proof of age will always be sought and supply of alcohol refused unless proof is provided.

## **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 submitted with the original application

## Premises Licence Part B

Premises licence number: BH175103

<b>Postal address of premises, or if none, ordnance survey map reference or description:</b>	
Napoleons 364 Lymington Road	
<b>Post town:</b> Highcliffe	<b>Post Code:</b> BH23 5EY
<b>Telephone number:</b> 01425 270888	

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

<b>The times the licence authorises the carrying out of licensable activities:</b>
<b>Plays:</b> (Indoors) Monday to Sunday - 00:01 - 00:00 <b>Films:</b> (Indoors) Monday to Sunday - 00:01 - 00:00 <b>Live Music:</b> (Indoors) Monday to Sunday - 00:01 - 00:00 <b>Recorded Music:</b> (Indoors) Monday to Sunday - 00:01 - 00:00 <b>Late Night Refreshment:</b> (Indoors) Monday to Sunday - 23:00 - 05:00 <b>Supply of Alcohol:</b> Monday to Sunday - 00:01 - 00:00

<b>The opening hours of the premises:</b>
Monday to Sunday - 00:01 - 00:00

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

<b>Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:</b>
Ms Syeda Ruzina Khatun

<b>Name of designated premises supervisor where the premises licence authorises the supply of alcohol:</b>
Ms Syeda Ruzina Khatun

<b>State whether access to the premises by children is restricted or prohibited:</b>
N/A

Issued: 24 November 2005

Revised: 26 October 2023 [Vary DPS/Transfer]

Mrs Nananka Randle

Licensing Manager

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## **The Governor 364 Lymington Road – Review of Premises Licence**

### **Representation #1**

Good morning,

I understand you're considering a review of the license for the Governor in Highcliffe and wanted to add my own representations as a local resident living in close proximity to the establishment.

We welcome new life in the retail units here and especially social businesses, as it adds to the vibrancy of the area and accommodates a younger demographic.

However, since opening, we've noticed a number of issues coming from the Governor:

- fights outside the establishment (one was very serious and nearly resulted in a fatality, with both parties squaring up in the road and then one of them putting the other in a choke hold after slamming him into steel shutters on the jewellery shop opposite the bar)
- a lack of obvious regular security or door people
- lock ins (one person known to us admitted having been in one)
- operating well into the early hours
- playing loud music with the doors open, disturbing local residents
- no control over customers drinking outside the doors and making a lot of noise

These are just the issues we've observed and not necessarily a comprehensive list of all the issues occurring.

### **Representation #2**

I would like to make a representation concerning the above premises and it's affect on myself.

Since it's opening it has regularly had either live music or DJ's playing there, mostly on Friday and Saturday evenings but on one occasion a Sunday evening.

I live ..... Bar, with my bedroom ..... it and my lounge at the back of the building I live in. This is important to note as the music is so loud I can hear it in my lounge and have been unable to go to bed until they decide to pack up and go home.

There has also been a lot of noise from people hanging about outside this Bar, including screaming and fighting. Even when they decide not to put the chairs and tables out it doesn't deter people from standing outside and after the Bar eventually closes (at a time of its pleasing) the people linger outside for a long time making a lot of noise.

This makes for a very stressful place to live during weekends, when all I want to do is relax in my own home and go to bed when I want to go, not determined by the Bar

across the road and their movements. As each weekend approaches, I have started to dread what they are going to do that particular weekend, it's horrible.

So far these instances have been during the cooler months, so I have not got my windows open but if this continues during the Summer, when I need to open them, it will affect me even more and this is really unacceptable.

Just to note that I have lived here since 1999 and this venue has historically been a thorn in my side. Every operator, bar one, has done the same thing. Offered cheap drink, very loud music and closed whenever they felt like it. It's a recipe for disaster.

The fights have been so bad, I, and I think neighbours, have had to call the Police and Ambulance to injured people and fighting in the middle of the road and the smashing of shop windows.

I called Christchurch Council in the early hours one weekend, before BCP was formed and when they turned up, they said there were even people drinking behind my block of flats as they came up my stairs. They said they didn't even need to come inside my Flat to hear how loud the music was.

This really does need to be resolved properly now so that I and my neighbours can live in peace now and in the future, no matter who is running that venue.

The venue is just not suited to a 24hr licence, it's surrounded by a lot of residential homes for one and secondly, it is a building where the whole front is just glass, there is no sound proofing, hence why the playing of very loud music affects everyone around it.

### **Representation#3**

Dorset Police – see attached

### **Representation #4**

I would like to take this opportunity to express my concerns regarding The Governor's Bar in Highcliffe.

I live in ..... doors down from the bar. I use to frequently visit the pub when it was Napoleon's and had no concerns of antisocial behaviour. When it changed to The Governor's I went in for a drink but it wasn't to my taste and also I didn't feel safe. The fire exit was blocked with beer barrels, the newly fitted internal front doors only opened one way which felt like a real fire hazard and the marble flooring seemed very slippery. My first visit was my last visit as I felt so uncomfortable and felt it was being run more like a night club than a bar.

The main problems are people standing outside drinking, smoking, singing, shouting and sometimes fighting and then returning to their cars in the early hours slamming doors having no concerns for the neighbourhood. Also the bar owners think they have the right to park half on the pavement and half on the road with double yellow lines?

The Governor really gives the wrong image of Highcliffe.



## Representation #5



Resident Highcliffe

June 26<sup>th</sup> 2024

Dear Sir/Madam,

I am writing in response to the notice I've seen on the window of The Governor and the assessment of the premises licence. I was originally very excited to hear that this bar was going to re-open, but I have found the experience that comes with it very poor and at odds with the area in which it sits. I find it damaging to the area and have the following concerns:

- On any afternoon you can see people in the premises who have clearly consumed too much alcohol. The one and only time I visited with friends, a gentleman at the bar was clearly beyond intoxicated and fell off his bar stool badly damaging his face.
- As an evening progresses you get more and more patrons outside the premises, drunkenly communicating with you – which I find very intimidating.
- The owner (I assume) consistently parks his vehicle on the curb and over the yellow lines at the corner of Stanley Road. This makes it almost impossible to drive into Stanley Road without almost hitting or needing to urgently drive on the other side of the road to avoid it.

As a result of what I have personally experienced, I would be fully supportive of this premises losing its license to sell alcohol as I find it a destructive presence on the High Street.

A concerned resident.

## Representation #6

On behalf of residents of Highcliffe – see attached

## Representation #7

Hi

I would like to register objection to the above premises continuing to trade . My family live nearby and are fed up with the noise and trouble that the place has caused.

It's widely known what it is being used for and this is not what Highcliffe needs .

Kind regards

## Representation #8

On behalf of the Licensing Authority I wish to support the application by Environmental Health to review the premises licence numbered BH175103 for The Governor at 364 Lymington Road Highcliffe.

The Licensing Authority as part of our intel lead approach to compliance, meet bi-weekly with Dorset Police and Environmental Health to discuss any premises of concern which have been the subject of complaints or intelligence received.

These premises are the subject of a licensed premises problem solving matrix where in the first instance a letter is sent to the licence holder and/or DPS to advise of the issue and invited to take appropriate action.

If the issues are not resolved and the premises continue to be of concern a multi agency meeting is held with the licence holder after which it is expected that they undertake steps to resolve issues and implement improvement to the operation of the premise.

In the event that support and information action thorough engagement has proved ineffective, the premises will become the target of more formal enforcement action and the evidence will start to be gathered to support a review of the licence. It is expected at this stage, in order to avoid a review, the premises licence holder/DPS will consider the instant introduction of changes to working practices to ensure full compliance of the Licensing Act 2003 and the terms and conditions of their licence.

Where this is not successful the next step is to submit a review application to the Licensing Authority.

In line with this practice the Environmental Health Officer, Andrew Hill, brought his concerns to the multi-agency intel meeting and several checks were made by the responsible authorities of their records. Dorset Police also raised concerns of reports they had been receiving about the premises.

It was established that the premises licence was originally granted on 24 November 2005 (by way of conversion from the previous Justices' liquor licence) when the premises were operating as "Napoleon's Bar".

The licence has not been varied since that time and permits the performance of plays, exhibition of films, live and recorded music, late night refreshment and the sale of alcohol (on and off the premises) 24 hours, each day of the week.

The current licence holder, Ms Syeda Ruzina Khatunr, was transferred onto the licence and named as the DPS on 26 October 2023.

On the 10<sup>th</sup> April 2024 I attended a pre-arranged multi agency visit to the premises with Environmental Health and Dorset Police, in accordance with the matrix explained above. The purpose of this visit was to discuss the concerns of the police and environmental health with the licence holder, however, Ms Khatunr did not attend and we were met by a member of staff, who identified himself as the bar manager and named Mr Will Dicks. He did not have authority from Ms Khatunr to make any decisions.

Details of all issues were discussed with Mr Dicks and we explained that the licence required amendment as the current conditions did not support the licensing objectives. It was agreed that an email would be sent setting out the conditions proposed by Environmental Health and Dorset Police. I emailed the licence holder after this meeting on the 23 April 2024 setting out what had been discussed and inviting her to apply for a minor variation to incorporate these conditions.

To date I have not received any response.

The role of the Licensing Authority is to ensure that the licensing objectives are promoted when licensing functions are undertaken. One of the key aims and purpose of the Licensing Act 2003 is to protect the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises.

In my experience it is very unusual for a licence holder not to engage with the Licensing Authority when presented with matters concerning their licence and this is of great concern to us.

During my involvement with this case, from the complaints being discussed to the multi-agency visit and lack of communication I do not have confidence in the licence holder to uphold the licensing objectives and manage the premises in a responsible manner. The licence in its current outdated condition is not enforceable and does not support the licensing objectives. It is for that reason I fully support the review application which has been made and urge the Licensing Sub Committee to review the current licence and add the recommended conditions as suggested in my email of 23 April.

Ellie King 07 July 2024  
Licensing Officer

## **The Governor, Lymington Road, Highcliffe**

*This representation is in support of an Application for Review of a Licensed Premises submitted by BCP Council Environmental Heath. This report is intended to provide both the members of the Licensing Sub-Committee and the licence holder (and their representative) with additional information, context, and evidence to support the representation. This document is being completed and submitted as soon as practicable for the benefit of all parties. Whilst all details are correct at the time of completion, Dorset Police reserve the right to amend / introduce additional information and evidence in advance of the hearing.*

### **Background**

The Governor is a licensed premises located in the busy Highcliffe 'High Street' and is surrounded by a wide variety of commercial and residential properties. Formally known as 'Napoleons' prior to the transfer of the premises to the current operator on the 19<sup>th</sup> January 2024, the premises had previously not caused any call for service to Dorset Police or our partners.

The premises has undertaken significant cosmetic changes since moving away from the traditional public house that had operated as Napoleons. The nature of the business has also changed, and these changes have, in part, led to an increase in the level of reports concerning this premises.

These reports have largely focused on issues of noise disturbance and anti-social behaviour, however, Dorset Police have had cause to investigate several reports of crime and disorder which justifies this representation in support of a Review of the premises licence.

### **Concerns**

This premises quickly escalated on our Licensed Premises Problem Solving Matrix (LPPSM), which supports Dorset Police and our partners to manage operational concerns at premises throughout Dorset. The first incident of note occurred on the 25<sup>th</sup> January 2024, less than a week following the transfer of the premises licence.

This report, from a local resident, stated that outside the premises a male could be seen with his face covered in blood and being restrained by others who, once the incident had naturally de-escalated, returned back inside the premises. The staff at the premises advised that the injured male concerned had not been in the premises at that time, however, had been present at the premises earlier that same evening. The injured male had reportedly been offered a glass of water before being asked to leave the premises as they were closing for the evening.

The second incident occurred on the 3<sup>rd</sup> February 2024. Dorset Police received a report from a member of the public that the driver of a vehicle was attempting to 'ram' the front door of the premises. Several customers had left the premises and were causing a disturbance in the street as a result.

A visit to the premises by a Dorset Police Licensing Officer on the 7<sup>th</sup> February 2024 identified that one of the members of staff present that evening could not remember the incident. Following further prompting, they were able to recall that there had been an altercation inside the premises that had led to a group of customers removing one individual from the premises. That individual then drove their van away from the area and all others involved left the premises. The member of staff added that they would consider adding the individuals concerned to the Pubwatch banned list.

During the visit of the 7<sup>th</sup> February 2024 officers also discovered that there were discrepancies with regards to the staffing, in particular who had overall control of the operational aspects of the business and the responsibility for ensuring that the licensing objectives were being consistently upheld. Training records were not available and there was confusion as to the identity of the Designated Premises Supervisor (DPS).

A letter of concern was sent to the DPS by Dorset Police on the 12<sup>th</sup> February 2024 which also requested CCTV footage of the recent incidents. No CCTV was produced in response.

A further visit was conducted by Police Sergeant Gareth Gosling, Licensing Officer Louise Busfield and the local CSAS Officer on the 5<sup>th</sup> March 2024 to discuss enhancements to the premises that might help improve the premises operators to better uphold the licensing objective to prevent crime and disorder. During this visit the CCTV could once again not be produced by the member of staff on duty for the incident that occurred on the 3<sup>rd</sup> February 2024.

Details of conditions that would be appropriate for the premises to adopt were discussed and shared, with a written copy of the advice offered to the member of staff for passing to the DPS / Premises Licence Holder (PLH). The conditions proposed, based on the conversations and challenges being experienced by the premises staff, included additional measures to prevent noise nuisance, ensuring that there is an adequate dispersal policy and ensuring that there is a minimum level of staffing at peak times. The member of staff was also reminded of the forthcoming Pubwatch meeting. No response was received to these suggestions.

On the 8<sup>th</sup> March 2024 Dorset Police sent a further email to an alternative address requesting the CCTV to be uploaded for the incident on the 3<sup>rd</sup> February 2024. No response was received.

In a telephone conversation with the operator of the premises on the 15<sup>th</sup> March 2024, Dorset police were advised that there was no hard drive for the CCTV system (despite there having been one previously when CCTV was viewed). Dorset Police were also informed that patrons were not permitted to smoke or loiter outside the premises after 9.30pm. The operator also advised that there were 3 members of staff now trained to use the CCTV system.

Additionally, the operator advised that they had contracted a security company to provide two SIA Door Supervisors on Friday and Saturday evenings in response to the number of excluded individuals attempting to gain entry to the premises.

During a visit on the 10<sup>th</sup> April 2024 conducted by Dorset Police, Environmental Health and the Licensing Authority in response to a report of a disturbance occurring at the premises,

The operator of the premises was unable to attend the meeting due to a religious celebration, however, officers were met by a member of staff who would convey any concerns in due course. Despite the information received previously, it was confirmed that no SIA staff had been working at the premises.

The Incident Log for the premises was reviewed and it became clear that several entries related to incidents involving one customer. When asked whether consideration had been given to excluding the customer and sharing their details with the local Pubwatch the response was that the person may be excluded for a week, but that the decision may be overruled by the operator. There was clearly no preventative mindset to ensure that those not behaving to an acceptable standard were excluded from the premises.

The disturbance report on the 31<sup>st</sup> March 2024 was discussed whereby two known individuals were seen to be assaulting one another and causing damage to furniture. Reports received by Police suggested that staff had been assaulted, however, this was denied. No CCTV could be produced by the member of staff to corroborate what had occurred as the member of staff did not have access to the CCTV system.

It was clear during this interaction that the operator had limited control or influence at the premises, however, had also not delegated the key responsibilities to the staff working at the premises. Consequently, this was resulting in an overall lack of control and management at the premises.

On the 10<sup>th</sup> & 11<sup>th</sup> April 2024, further emails requests were made for CCTV relating to the disturbance on the 31<sup>st</sup> March 2024. No response was received.

On the 11<sup>th</sup> April 2024, at the direction of Sergeant Gosling, a further letter was sent to the premises advising that they had reached the 'Target' stage of the LPPSM process. This is the 4<sup>th</sup> stage of the process of engagement and the next stage would be to apply for a Review of the Premises Licence if not improvement could be evidenced.

In response to the letter, Dorset Police received the following on the 18<sup>th</sup> April 2024 –

*Thank you for the email, we have taken on board your concerns and recommendations.*

*This week, full staff training is taking place to make sure everyone is aware of the licensing objectives and how to uphold them. Staff will also be trained on how to use the CCTV.*

*Over the coming weeks we will be engaging officially with SIA licensed companies to find the best fit for us.*

*We are also taking steps to reduce noise and looking to implement a decibel metre as well as a noise limiting device, with the hope of being allowed live music at the venue again. We have spoken internally and going forward, if we were allowed live music, we will only have acoustic acts and move away from DJ's and people with amplified sound.*

*Once these changes have been made, we would like to invite you back to see these changes.*

*Apologies for any inconvenience.*

*Thank you!*



In a further email sent to the premises on the 22<sup>nd</sup> April 2024, Dorset Police acknowledged the efforts being undertaken to remedy the concerns that have been identified and took the opportunity to make further requests for the CCTV to be produced for the previous incidents. No response has been received.

The most recent visit to the premises by Dorset Police occurred when Police Licensing officers attended as part of a visit to the Highcliffe Food and Drink Festival on the 8<sup>th</sup> June 2024. Licensing Officers noted a large temporary bar operating in Car park of this premises, managed by the husband of the DPS and PLH, who came out of the premises to speak with officers.

This male introduced himself as the owner of the premises and when asked whether a Temporary Event Notice (TEN) had been served to permit the outside provision, the owner stated that his wife managed the paperwork and would return within 30 minutes. As officers had limited time available to them, contact details were left with a request for the TEN to be passed to Police by email. Enquiries with the Licensing Authority later confirmed that no TEN had been submitted in respect of the outside provision.

The owner was further requested to provide the CCTV footage. They stated that they could not operate the link for GoodSam that had been passed by email and requested a USB storage device which they would use to download the footage. The owner further added that the local newspaper had been in contact regarding the most recent incident of violence, and he was inclined to issue a response as the report had been damaging to his business.

The owner was reminded of the forthcoming Pubwatch meeting on Tuesday 11<sup>th</sup> June in response to them advising the Licensing Officers that they were uncertain as to who was banned from other licensed premises in the locality. The owner advised that they would attend.

The Police Officer responsible for investigating the most recent disorder, which involved an allegation of a glass being used as a weapon attended the premises on Tuesday 11<sup>th</sup> June to recover the CCTV with a USB storage device. The owner was present at the premises, however, it became apparent that they were unfamiliar with the process for downloading footage from the system, and asked whether the officer could download the footage themselves.

The owner denied having received any previous requests for the footage to be produced to Police and had not made any attempts to save the footage from being overwritten. The owner commented to the Police Officer they were aware of a Pubwatch meeting that day that they would be unable to attend due to being responsible for operating the premises. There was one customer present during the visit.

In response to owner commenting that about customers causing problems at the premises, the owner stated that they would only employ Door Supervisors when there are 50 or more customers present as it is financial unviable with less customers present. The owner advised the Police Officer that they have ejected customers for using drugs in the toilets.

Dorset Police share the concerns of our partners in Environmental Health that, despite the attempts at engagement, incidents of concerns and disturbance continues to be caused in this area associated with this premises.

**The Application for Review of this licensed premises, submitted by BCP Council Environmental Health, is supported on the grounds that Dorset Police do not consider that this premises is promoting the licensing objective to prevent crime and disorder.**

#### **Available Outcomes to the Sub-Committee**

To assist the members of the Sub-Committee in their determination, Dorset Police make the following submissions in relation to the available outcome options in respect of the Application for Review of a Premises Licence submitted by Environmental Health.

Dorset Police have made every effort to ensure that recommendations are associated with the licensing objective to prevent crime and disorder and to maintain public safety. Dorset Police refer to colleagues in other agencies to make recommendation for the other licensing objectives.

#### **Take No Action**

Dorset Police are concerned that not only has this premises been brought to our attention for several reasons, on numerous occasions since the beginning of 2024, but also that the licence holder is failing to engage with our team and our partners to achieve the necessary improvements to ensure that the licensing objectives are being consistently promoted.

It is accepted that there may be a requirement for support and engagement to achieve compliance, and consequently a safe and valuable facility for the community, ensuring that the premises is safe and not presenting a risk to the community is imperative. Dorset Police are concerned, however, that despite the efforts of Dorset Police and our partners to seek improvements, this premises continues to undermine the licensing objectives.

The concerns identified by Dorset Police, our colleagues within other Responsible Authorities and the public, demonstrates that taking no action would not be an appropriate outcome following this hearing.

#### **Exclude Licensable Activities from the Premises Licence**

The existing Premises Licence permits the following licensable activities -

##### Plays

Monday - 00:01 - 00:00  
Tuesday - 00:01 - 00:00  
Wednesday - 00:01 - 00:00  
Thursday - 00:01 - 00:00  
Friday - 00:01 - 00:00  
Saturday - 00:01 - 00:00  
Sunday - 00:01 - 00:00  
Performance of a play will take place indoors.

##### Films

Monday - 00:01 - 00:00  
Tuesday - 00:01 - 00:00  
Wednesday - 00:01 - 00:00  
Thursday - 00:01 - 00:00  
Friday - 00:01 - 00:00  
Saturday - 00:01 - 00:00  
Sunday - 00:01 - 00:00  
Exhibition of films will take place indoors.

##### Live Music

Monday - 00:01 - 00:00  
Tuesday - 00:01 - 00:00  
Wednesday - 00:01 - 00:00  
Thursday - 00:01 - 00:00  
Friday - 00:01 - 00:00  
Saturday - 00:01 - 00:00  
Sunday - 00:01 - 00:00  
Performance of live music will take place indoors.

##### Supply of Alcohol

Monday - 00:01 - 00:00  
Tuesday - 00:01 - 00:00  
Wednesday - 00:01 - 00:00  
Thursday - 00:01 - 00:00  
Friday - 00:01 - 00:00  
Saturday - 00:01 - 00:00  
Sunday - 00:01 - 00:00

#### Recorded Music

Monday - 00:01 - 00:00

Tuesday - 00:01 - 00:00

Wednesday - 00:01 - 00:00

Thursday - 00:01 - 00:00

Friday - 00:01 - 00:00

Saturday - 00:01 - 00:00

Sunday - 00:01 - 00:00

Playing of recorded music will take place indoors.

#### Late Night Refreshment

Monday - 23:00 - 05:00

Tuesday - 23:00 - 05:00

Wednesday - 23:00 - 05:00

Thursday - 23:00 - 05:00

Friday - 23:00 - 05:00

Saturday - 23:00 - 05:00

Sunday - 23:00 - 05:00

Provision of late-night refreshments will take place indoors.

Members of the Sub-Committee will note that this is an extensive range of permitted activities. This licence had originally been granted prior to the Licensing Act 2003 being conceived and was intended for a premises that reflects a traditional public house rather than a premises that delivers live and recorded music in the form of DJ's.

Dorset Police are of the view that the reduction of the above licensable activities, in particular the reduction of the overall opening hours and key activities such as Supply of Alcohol and the provision of Regulated Entertainment may result in a significant improvement to the overall impact that this premises is having on the community and demand on public services.

#### **Modify / Add Existing Conditions**

If the Sub-Committee members were inclined to consider modifying the existing conditions, Dorset Police draw the attention of the members to the existing conditions, which were agreed some time ago.

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

*2.1. The CCTV system will be maintained in good working order. 2.2. Doors and windows at the premises will be kept closed when late night music is provided and volumes will be kept to a reasonable level to ensure that no disturbance is caused to nearby residents.*

*2.3. Requests to customers to leave the premises quietly at the end of the evening will be made both verbally and by clearly displayed notices. Appropriate measures will be put in place to ensure that early morning coverage of sporting events will be controlled so as not to cause a disturbance.*

*2.4. Where the age of a person is not known and they appear not to be 18 the appropriate proof of age will always be sought and supply of alcohol refused unless proof is provided.*

Several of these conditions are no longer considered appropriate to this premises which has evolved considerably through the various changes in ownership, without any significant changes to the premises licence, despite significant changes to the customer demographic, operating hours and entertainment provision.

Dorset Police do not consider that any further conditions would resolve the concerns that we have regarding the lack of engagement from the premises licence holder, however, if the members of the Sub-Committee were inclined to allow the Premises Licence to remain in place, Dorset Police would ask that consideration be given to imposing the below conditions to the existing premises licence-

#### ➤ Staff Training

All staff working at the premises concerned with the sale of alcohol shall be trained in accordance with an accredited training scheme 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 record 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.



➤ Incident Log

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

This log to be checked on a weekly basis by the DPS of the premises.

➤ Challenge 25 Scheme

Challenge 25, shall be operated at the premises where the only acceptable forms of identification are (recognised photographic identification cards, such as a driving licence or passport / Holographically marked PASS scheme identification cards). Appropriate signage advising customers of the policy shall prominently displayed in the premises.

➤ CCTV System

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. Recordings shall be made available immediately upon the request of Police or an authorised officer of the council throughout the preceding 31-day period. The CCTV system shall be updated and maintained according to police recommendations.

A staff member from the premises who is conversant with the operation of the CCTV system shall be always on the premises when the premises are open to the public. 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.

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.

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.

➤ SIA Security

A minimum of 2 SIA to be employed on Fridays, Saturdays, and any day preceding a Bank Holiday from 20:00 until close and the last customer has dispersed the immediate area.

All SIA to always wear high visibility jackets or vests when they are on duty.

A register of SIA personnel employed on the premises shall be maintained in a legible format and always kept on the premises and made available to police upon reasonable request.

The register should be completed by the DPS or Duty Manager at the commencement and end of each shift, by each member of security staff.

Details recorded to include Full name, 16-digit SIA badge number, time of commencement and end of duties.

The security operative should then sign their name against these details.

➤ Membership of Pubwatch

The premises shall maintain membership of the Pubwatch scheme (or any successor scheme); a senior member of staff shall attend all PubWatch meetings unless an emergency arises preventing such attendance and the premises will support PubWatch initiatives.

➤ Risk Assessments

If it is intended to show any major sporting event on a television within the premises (other than Snooker or Pool tournaments, golf, motor racing events, athletics competitions or tennis or cricket matches), or to hold any function, special event or live music, the Premises will conduct a written risk assessment to determine whether it is appropriate to deploy door supervisors for a period of time before the event is scheduled to start, during the event and for a period of time after the event is scheduled to end and will deploy door supervisors in accordance with the outcome of the risk assessment.

Such risk assessments will also be conducted at the request of the police in respect of any other event scheduled to take place at the premises.

Copies of all risk assessments shall be retained on the premises for a minimum period of 6 months and shall be made available for inspection by police and other authorised officers on request.

Dorset Police do not consider that these conditions would address the concerns detailed above and no comment have been made in respect of conditions that relate to Public Nuisance which are the responsibility of BCP Council Environmental Health.

These proposals would simply update the current conditions attached to the existing premises licence and add conditions that are commensurate to this type of premises under appropriate management.

### **Remove the Designated Premises Supervisor**

Paragraph 11.21 of the Revised Guidance under Section 182 of the Licensing Act 2003 states that, *"licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decision made by the individual"*.

Dorset Police can evidence that the current Premises Licence Holder and DPS is responsible for the mismanagement of this premises and through their inaction are not addressing the concerns that have been raised. They have failed to uphold the licensing objectives and maintain the safety of their staff and customers.

If the members of the Sub-Committee have no confidence in the current DPS, who is the same person as the PLH, Dorset Police invite the members of the Sub-Committee to reflect this by revoking the Premises Licence. The only other alternative would be to transfer the Premises Licence to another PLH, which is not an option available to members of this Sub-Committee.

### **Suspend the licence for a period (not exceeding 3 months)**

Any temporary suspension of this Premises Licence is unlikely to result in any substantial improvement as we have, together with our partners, attempted to support and encourage improvement at this premises on several occasions over the past 6 months, with no success.

Dorset Police would only support a suspension of the Premises Licence if the Sub-Committee members considered it necessary to assist the Premises Licence Holder to put any necessary measures in place.

## **Revoke the Licence**

Dorset Police support the view that this option should be a last resort for the Sub-Committee. Whilst fiscal issues are outside of the considerations of the Sub-Committee, Dorset Police consistently adopt a proportionate approach, wherever possible, to remain sensitive to commercial viability of businesses and to ensure that we support an outcome which reflects the concerns identified.

Dorset Police acknowledge the value that licensed premises add to communities as places of social and economic value, however, where the presence of a licensed premise becomes detrimental to a community or presents a risk to those that enjoy the use of a licensed premise, appropriate action must be taken to seek improvement and address those concerns.

Dorset Police have identified and continue to receive reports of concerns associated with this premises. No further engagement tools are available to Dorset Police that will support the management of this premises to improve their operating practices to enable compliance and if this Premises Licence were to remain in effect, then it is likely that the conditions of the licence will continue to be breached, mismanagement will continue to occur, and the licensing objectives will be undermined.

## **Conclusion**

Dorset Police invite the Sub-Committee to follow the Section 182 Guidance, issued by the Secretary of State, which invites the members of the Sub-Committee to consider the above options in their determination. It is our view that to avoid the revocation of the Premises Licence, the members of the Sub-Committee should be satisfied that one of the alternative outcomes will mitigate the concerns that have been highlighted above.

This premises have benefitted from a disproportionately high level of support and intervention than other premises of a similar nature and size throughout the BCP Council area. Dorset Police and our partners recognise our role to engage positively and support licence holders to achieve compliance and to uphold the licensing objectives. Whilst Dorset Police value the significance of each of the licensing objectives, concerns are heightened when there is a risk to the prevention of crime and disorder, where immediate action is prioritised.

Dorset Police invite the members of the Sub-Committee to consider this report and join Dorset Police in our support of this application submitted by BCP Environmental Health to ensure that we only permit licensed premises that operate to the highest standards in the BCP Council area.

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



26 June 2024

Dear Team,

Reference: The review application of a premises licence granted by B.C.P. Council licencing authority to The Governor Cocktail Bar and Lounge, Highcliffe

Please will you read the enclosed letter that I sent to B.C.P. Council dated 6 February 2024 highlighting the Anti Social Behaviour being caused by customers of The Governor Cocktail and Lounge Bar Highcliffe. The business opened on 12 January 2024 at 364, Lymington Road.

I also enclose a letter, that I sent to the Proprietor of this business on 6 February 2024.

To date, at the time of writing 26 June 2024, there has been no improvement in the awful behaviour of customers to these premises.

Noise, Shooting, Jeering, Swearing, Flucking Cigarette ends at the traffic, Urinating in Peoples drives, fighting inside the Bar and on the Street. Loud music with the doors to the bar left wide open, despite constant requests to bar staff to close doors to enable residents to rest peacefully.

All these constant disturbances and Anti Social behavior throughout the evening till 3am followed by the arrival of taxis blasting on their horns for customers to get in, engines revving of other vehicles while leaving the premises at 3am, Some drivers clearly the worst for wear from drinking too much!! Cars having been parked on double yellow lines throughout the night with no consideration to the local residents of Stanley road or the constant flow of traffic on Lymington road.

With the current Licencing hours, this venue, The Governor Cocktail and Lounge Bar Highcliffe is going to be the cause of a fatality, either inside these premises or out, by physical violence or by aggressive car driving behaviour.

Please put an end to this totally unacceptable behavior, before its too late, and allow Highcliffe to regain its lovely pleasant status it once had.

Many thanks,

Yours Sincerely,



To The Proprietor, The Governor Bar.

(6/2/24)

THE PROPRIETOR, THE GOVERNOR WINE BAR  
364, LYMINGTON ROAD HIGHCLIFFE, CHRISTCHURCH  
DORSET. BH23 5EY

Dear Sir,

Reference: Anti Social Behavior, Loud noise  
and late night early morning disturbances

I am writing on behalf of The Highcliffe Residents of Stanley road and Lymington Road.

On Friday 12 January 2024, your bar opened to the public. At 3am there was a large gathering of drinkers and revellers causing an unacceptable level of loud noise and disturbance to the local residents, by shouting, swearing and flicking cigarette ends at passing traffic.

On Saturday 13 January 2024 at 5am there was another large gathering of drinkers and revellers again shouting outside of your premises and creating noise and disturbance to local residents

On Thursday 18 January 2024 at 1.30am there was a very large gathering of people outside your premises, The Governor Wine Bar Highcliffe, shouting, jeering, flicking cigarette ends across the main Lymington Road, urinating in

drive ways of buildings opposite, and generally causing a major disturbance to residents in Highcliffe.

On Thursday 25 January 2024 at 11:45pm, there was a mass brawl, with several people involved, fighting outside your premises, the middle of Lymington Road and ending up on the opposite side of the road, with blood spattered against shops and the pavement. The Police had to be called before someone was very seriously injured or killed.

On Friday 2 February there was loud music and noise disturbance until gone 12pm midnight.

On Saturday 3 February 2024 at 9:15pm there was loud noise and disturbance, people shouting and swearing, at 9:18pm a white transit style van attempted to ram-raid the main entrance to your premises, on one occasion the van, while positioning itself to charge the entrance, reversed into oncoming traffic on the main A337 Lymington Road and very narrowly missed hitting the passing cars.

The Police were called and a full report of the incident was given.

On several occasions, visitors to your premises, park their cars on double yellow lines on both sides of Stanley Road, on one occasion blocking the entrance into and out of Stanley Road.

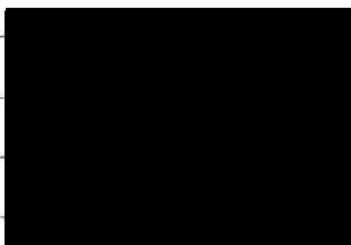
This level of Anti Social Behaviour Will not be tolerated by the residents of Highcliffe. A daily and nightly report is being kept of all the activities surrounding your premises, and an Events Diary of The Governor Bar Lounge is being written.

Prior to your occupation of the premises, Napoleons Wine Bar existed, the Proprietor had a commitment of care and understanding for local Highcliffe residents by showing dignity and respect by keeping noise levels to a minimum and no Anti Social Behaviour.

Therefore, will you kindly ask your customers to Show respect and consideration to the local residents, who are trying to enjoy a peaceful existence and get a decent nights Sleep, weekdays and weekends.

A copy of this letter, together with a formal letter, e-mail, has been sent to B.C.P. Council Bourne valley Road, Bournemouth. BH2 6DY.

Yours faithfully,



ON BEHALF OF ALL RESIDENTS,  
STANLEY ROAD, LYMINGTON ROAD HIGHCLIFFE.



6 February 2024

To B.C.P. Council.

Dear Sir,

Reference: Anti Social Behaviour, coming from :-  
The Governor Bar and Lounge  
364, Lymington Road, Highcliffe, Christchurch,  
Dorset BH23 5EY.

I am writing on behalf of the residents of Highcliffe affected by the Anti Social behaviour emanating from the newly opened Governor Bar Lounge on Lymington Road and Stanley road Highcliffe.

Since its doors opened to the public on 12 January 2024, following the closure of Napoleons Wine Bar last year, there have been numerous occasions of Anti Social Behaviour, to include :- loud music, shouting, jeering, swearing, mass brawl fighting, flicking cigarette ends at passing traffic, urinating in drive ways opposite the Lounge Bar and an attempted Van Ram-raid on Saturday 3 February 2024 at 9.15pm of the main entrance to the Lounge Bar, involving a large Police attendance.

I enclose a letter sent to the Proprietor of the Bar Lounge on 6 February 2024, detailing a three week catalogue of events.

I wonder if you would look into this situation and treat it as a matter of urgency.

Many thanks,

Yours faithfully,

[Redacted signature]

[Redacted address]

N.B.

The Staff at The Governor Bar Lounge  
Claim that they have a licence to stay open  
till 5am !! Can this be true?

## LICENSING SUB-COMMITTEE



Report subject	<b>The Bell, 915 Christchurch Road, Bournemouth, BH7 6AX</b>
Meeting date	14 August 2024
Status	Public Report
Executive summary	To consider an application by Dorset Police for the review of the premises licence as they no longer have confidence in the designated premises supervisor (DPS) to uphold the licensing objectives and the premises licence holder have not made any significant changes to the premises licence to ensure the licensing objectives are promoted.
Recommendations	<p><b>It is RECOMMENDED that:</b></p> <p><b>Members consider the following options: -</b></p> <ul style="list-style-type: none"> <li><b>(a) Modify the conditions of the licence; and/or</b></li> <li><b>(b) Exclude a licensable activity from the scope of the licence; and/or</b></li> <li><b>(c) Remove the Designated Premises Supervisor; and/or</b></li> <li><b>(d) Suspend the licence for a period not exceeding three months; or</b></li> <li><b>(e) Revoke the licence; or</b></li> <li><b>(f) Leave the licence in its current state.</b></li> </ul> <p><b>Members are asked to make a decision at the end of the hearing after all relevant parties have been given the opportunity to speak. Members must give full reasons for their decision.</b></p>
Reason for recommendations	<p>Where a review application by a responsible authority, or any other person, has been received the scheme of delegation set out in the Council's Constitution states that these applications should be dealt with by the Sub-Committee.</p> <p>The Licensing Authority may only consider aspects relevant to the application that have been raised in the application.</p>

[Type here]

Portfolio Holder(s):	Cllr Kieron Wilson – Portfolio Holder for Housing, and Regulatory Services.
Corporate Director	Jillian Kay – Corporate Director for Wellbeing
Report Authors	Tania Jardim – Licensing Officer
Wards	Boscombe East & Pokesdown;
Classification	For Decision

## Background

1. An application for review of the premises licence, under Section 51 of the Licensing Act 2003, by Dorset Police was received on 10 June 2024.
2. The application relates to the prevention of crime and disorder and public safety licensing objectives.
3. The review has been sought following reports received by Dorset Police in the past 24 months that the premises present a risk to communities through failing to promote the licensing objectives. Dorset Police and their partners have attended the premises and identified breaches of the premises licence and other issues of concern. Dorset Police have made attempts to engage with the premises licence holder to agree changes to ensure the licensing objectives are being promoted, however, no amendments that sufficiently address the issues identified could be agreed. Dorset Police no longer have confidence in the Designated Premises Supervisor to uphold the licensing objectives and the Premises Licence Holder has not made significant changes to the premises licence to satisfy Dorset Police that they can uphold the licensing objectives.
4. A copy of the review application is attached at Appendix 1.
5. The premises have had the benefit of a premises licence since 24 November 2005 following conversion from the old Justices Licence and were transferred to the current licence holder and DPS in March 2021. A copy of the current premises licence is attached at Appendix 2.
6. Since the current licence holder and DPS have taken over, BCP council have received four complaints relating to noise from the premises. These complaints were received between August 2021 with the most recent one being in June 2023. The Environmental Health department investigated each complaint, on one occasion, the issues were addressed by the DPS and others were not followed up by the complainant and no further action was taken.
7. Dorset Police raised their concerns about the premises, and in particular of the incident that occurred in May, at a fortnightly intelligence meeting attended by the Licensing Authority's Licensing Department and Environmental Health. No formal referral was made to the Licensing Authority as Dorset Police were leading in the investigation.

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## **Consultation**

8. A copy of the review application was served on all responsible authorities and the licence holder on 11 June 2024.
9. The Licensing Officer attended the premises on 11 June 2024 and displayed two site notices on the premises windows close to each of the entrance doors. On the 12 June 2024, the licensing officer placed one notice on the lamppost directly opposite the premises. Two further notices were placed in the main public noticeboards of the council offices in Bourne Avenue and St Stephen's Road. A notice was also published on the council's website.
10. No representations were received from any other responsible authorities or any other persons.
11. Dorset Police have provided supplementary information in support of their application. Copy of this attached at Appendix 3.
12. John Guant Solicitors submitted a supporting representation on behalf of their client Marston's Plc in response to Dorset Police's application to review the premises licence. Copy of representation is attached at Appendix 4.

## **Options Appraisal**

13. 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 and the protection of children from harm.
  - The Licensing Act 2003, Regulations, Guidance and the Council's Statement of Licensing Policy.

## **Summary of financial implications**

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

## **Summary of legal implications**

15. If Members decide on an option available to them which Dorset Police or the premises licence holder does not agree to, they may appeal to the Magistrates' Court within a period of 21 days beginning with the day that they are notified, in writing, of the decision.

## **Summary of human resources implications**

16. There are no human resources implications.

## **Summary of sustainability impact**

17. There are no sustainability impact implications.

## **Summary of public health implications**

18. There are no public health implications.

[Type here]

### **Summary of equality implications**

19. There are no equality implications.

### **Summary of risk assessment**

20. There are no risk assessment implications.

### **Background papers**

#### **BCP Council – Statement of Licensing Policy**

<https://democracy.bcpCouncil.gov.uk/documents/s21122/Statement%20of%20Licensing%20Policy.pdf>

### **Hearing Regulations**

<https://www.legislation.gov.uk/ukSI/2005/44/made>

#### **Revised Guidance issued under Section 182 of the Licensing Act 2003 (December 2023)**

[https://assets.publishing.service.gov.uk/media/6579dec8095987000d95e063/Revised\\_guidance\\_issued\\_under\\_section\\_182\\_of\\_the\\_Licensing\\_Act\\_2003\\_-\\_December\\_2023.pdf](https://assets.publishing.service.gov.uk/media/6579dec8095987000d95e063/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_-_December_2023.pdf)

### **Appendices**

1 – Copy Review Application.

2 – Copy Premises Licence.

3 – Copy Supporting Information from Dorset Police.

4 – Copy email representation from Solicitor on behalf of Marstons PLC.

## BCP Council

**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** Sergeant Gareth Gosling on behalf of the Chief Officer of Dorset Police

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below**

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

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>	
The Bell 915 Christchurch Road	
<b>Post town</b> Bournemouth	<b>Post code (if known)</b> BH7 6AX

<b>Name of premises licence holder or club holding club premises certificate (if known)</b>
Marston's PLC.

<b>Number of premises licence or club premises certificate (if known)</b>
BH083873

**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>
<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 & Public Safety

Over the past 24 months there have been reports of concern reported by the public and Police Officers regarding this premises, raising concerns that the premises is presenting a risk to our communities through failing to promote the licensing objectives.

Police Licensing Officers, and our partners, have had cause to attend the premises and have identified breaches of the existing premises licence, alongside other issues that present concerns around public safety.

Section 11.28 of the Revised Guidance issued under Section 182 of the Licensing Act 2003 by the Home Office states 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.*”

Dorset Police have engaged with the licence holder to attempt to agree changes to the premises to ensure that the licensing objectives are consistently being promoted, however, no amendments could be agreed that sufficiently address the issues identified. Dorset Police are concerned that in the absence of appropriate improvements the premises will continue to pose a threat to the area and will continue to fail to promote the licensing objectives.

Dorset Police no longer have confidence in the DPS to uphold the licensing objectives at this premises and the Licence Holder has not made any significant changes to the premises licence.

**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 The Bell, 915 Christchurch Road, Bournemouth, is being submitted by Dorset Police as we can demonstrate that this premises has undermined 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 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.

Dorset Police have received reports of issues at the premises since October 2022, when Licensing Officer Louise Busfield attended the premises to discuss the provision of SIA Door Supervisors and CCTV coverage during matchday occasions. Concerns were raised that SIA staff were not being properly employed according to SIA requirements and the CCTV could not be viewed at the time of the visit.

Intelligence was received from the community and other professionals that stolen goods were being sold at The Bell. Prolific shoplifters were seen taking stolen items to the rear entrance of the premises before emerging without the items. These incidents could not be corroborated, and no further action was taken.

A violent incident in December 2023 led to an investigation by Dorset Police, with concerns being raised to the licensing team. The criminal investigation was resolved; however, it became apparent that the premises had not been operating an appropriate CCTV system to the standard expected of a premises of this nature, the record keeping of the incident required improvement and the DPS had not been participating in the local Pubwatch group as agreed previously.

Following an exchange of correspondence and a visit to the premises on the 17<sup>th</sup> January 2024, the DPS advised that the CCTV was being improved to meet the required standards and that the premises would ensure that all other improvements would be implemented, including the provision of SIA Door Supervisors through a local contractor. The DPS was advised against completing the SIA qualification themselves as Dorset Police do not recommend acting in a dual capacity when operating a licensed premises.

A serious incident of violence involving a weapon occurred at the premises during the early evening of the 18<sup>th</sup> May 2024. Whilst this investigation remains ongoing at the time, concerns have been raised by attending officers that the licensing objectives were not being upheld, which initially led to the incident occurring and later preventing an effective investigation following the incident.

The DPS for this premises was intoxicated and directly involved in this incident. Whilst an explanation has been offered to suggest that they were off-duty at the time, Police officers in attendance were concerned that he continued to act in the capacity of a person with responsibility for the premises and no other person presented themselves as being responsible for the premises at that time.

This incident highlighted concerns that the premises continues to have ineffective CCTV and did not uphold the responsibilities of a Pubwatch member, however, it is the conduct of the DPS during this incident, and the apparent lack of control over the premises, by anyone, that is of most concern.

Dorset Police are grateful for the support received from the licence holder's solicitor, however, in the absence of an agreed position as to how this premises can safely, and compliantly continue to offer licensable activities, Dorset Police are compelled to bring our concerns to the attention of the members of the Licensing Sub-Committee for determination.

The Section 182 Guidance issued under the Licensing Act 2003 envisages at section 11.28 that *'Police...and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime'* and 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'*.

Dorset Police, through our Drug & Alcohol Harm Reduction Team, working with other colleagues within Dorset Police and partners in BCP Council and other responsible authorities, support licensed premises to provide value to their communities and to do so compliantly and in promotion of the licensing objectives. This premises has been identified as not operating to the high standards that are expected by Dorset Police and our partners.

Dorset Police invite the Sub-Committee to consider all the options available to them under the Licensing Act 2003 with consideration to be given to revocation of the Premises Licence where other options available to the Sub-Committee are considered to be insufficient.

As part of our Supplementary Document, which will be submitted in advance of the hearing, Dorset Police will provide additional observations associated with each of the outcomes available to the members of the Sub-Committee. This will also likely include an updated schedule of conditions that the members of the Sub-Committee may wish to impose on the existing licence if the revocation of the licence is not considered to be the most appropriate outcome.

It is anticipated that the licence holder may seek to engage in mediation during the forthcoming period of consultation. Dorset Police are willing to continue mediation to try and achieve an agreed position, which if agreed will then be presented to the members of the Sub-Committee for consideration.

Comprehensive details of our concerns will be prepared for the benefit of the Sub-Committee members in advance of the hearing.

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

☐

If yes please state the date of that application

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

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

Please tick ✓

yes

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

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

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

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

Signature



.....

Date **6<sup>th</sup> June 2024**

.....

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.

## Premises Licence Part A

Premises licence number: BH083873

Postal address of premises, or if none, ordnance survey map reference or description:	
The Bell 915 Christchurch Road	
<b>Post town:</b> Bournemouth	<b>Post Code:</b> BH7 6AX
<b>Telephone number:</b> 01202 427762	

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:
<p><b>Live Music</b>            Monday - 09:00 to 00:00            Tuesday - 09:00 to 00:00            Wednesday - 09:00 to 00:00            Thursday - 09:00 to 00:00            Friday - 09:00 to 00:00            Saturday - 09:00 to 00:00            Sunday - 09:00 to 00:00            Performance of live music will take place indoors.  <u>Non-standard timings for the performance of live music.</u>            New Year's Eve – From start of permitted hours to the end of permitted hours on 1st January.            On each Thursday, Friday, Saturday, Sunday and Monday on a Bank Holiday weekend until 01.00 hours the following day.</p> <p><b>Recorded Music</b>            Monday - 09:00 to 00:00            Tuesday - 09:00 to 00:00            Wednesday - 09:00 to 00:00            Thursday - 09:00 to 00:00            Friday - 09:00 to 01:00            Saturday - 09:00 to 01:00            Sunday - 09:00 to 00:00            Playing of recorded music will take place indoors.  <u>Non-standard timings for the playing of recorded music.</u>            New Year's Eve – From start of permitted hours to the end of permitted hours on 1st January.            On each Thursday, Friday, Saturday, Sunday and Monday on a Bank Holiday weekend until 01.00 hours the following day.</p>

**Performances of Dance**

Monday - 09:00 to 00:00

Tuesday - 09:00 to 00:00

Wednesday - 09:00 to 00:00

Thursday - 09:00 to 00:00

Friday - 09:00 to 01:00

Saturday - 09:00 to 01:00

Sunday - 09:00 to 00:00

Performance of dance will take place indoors.

Non-standard timings for the performance of dance.

New Year's Eve – From start of permitted hours to the end of permitted hours on 1st January.

On each Thursday, Friday, Saturday, Sunday and Monday on a Bank Holiday weekend until 01.00 hours the following day.

**Activity like Music / Dance**

Monday - 09:00 to 00:00

Tuesday - 09:00 to 00:00

Wednesday - 09:00 to 00:00

Thursday - 09:00 to 00:00

Friday - 09:00 to 01:00

Saturday - 09:00 to 01:00

Sunday - 09:00 to 00:00

Entertainment will take place indoors.

Non-standard timings for entertainment.

New Year's Eve – From start of permitted hours to the end of permitted hours on 1st January.

On each Thursday, Friday, Saturday, Sunday and Monday on a Bank Holiday weekend until 01.00 hours the following day.

**Late Night Refreshment**

Monday - 23:00 to 00:00

Tuesday - 23:00 to 00:00

Wednesday - 23:00 to 00:00

Thursday - 23:00 to 00:00

Friday - 23:00 to 01:00

Saturday - 23:00 to 01:00

Sunday - 23:00 to 00:00

Provision of late-night refreshments will take place indoors and outdoors.

Non-standard timings for provision of late-night refreshments.

New Year's Eve – From start of permitted hours to the end of permitted hours on 1st January.

On each Thursday, Friday, Saturday, Sunday and Monday on a Bank Holiday weekend until 01.00 hours the following day.

**Supply of Alcohol**

Monday - 09:00 to 00:00

Tuesday - 09:00 to 00:00

Wednesday - 09:00 to 00:00

Thursday - 09:00 to 00:00

Friday - 09:00 to 01:00

Saturday - 09:00 to 01:00

Sunday - 09:00 to 00:00

Non-standard timings for the supply of alcohol.

New Year's Eve – From start of permitted hours to the end of permitted hours on 1st January.

On each Thursday, Friday, Saturday, Sunday and Monday on a Bank Holiday weekend until 01.00 hours the following day.



**The opening hours of the premises:**

Monday - 09:00 to 00:30

Tuesday - 09:00 to 00:30

Wednesday - 09:00 to 00:30

Thursday - 09:00 to 00:30

Friday - 09:00 to 01:30

Saturday - 09:00 to 01:30

Sunday - 09:00 to 00:30

**Non-standard timings.**

New Year's Eve – From start of permitted hours to the end of permitted hours on 1st January.

On each Thursday, Friday, Saturday, Sunday and Monday on a Bank Holiday weekend until 01.00 hours the following day.

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

Alcohol will be consumed on and off the premises.

**Part 2****Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:**

Marstons PLC  
 St John's House  
 St John's Square  
 Wolverhampton  
 WV2 4BH

**Registered number of holder, for example company number, charity number (where applicable):**

00031461

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

Mr Adam Edward Sealey

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

## 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.

### 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: 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

1.7.

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 Pubs / On Licences

- 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 ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered.
- 1.11. The abovementioned restrictions on the times permitted to sell alcohol do not prohibit the taking of alcohol from the premises by a person residing there.
- 1.12. 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.
- 1.13. 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.
- 1.14. 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.

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

Prevention of Crime and Disorder

- 2.1. A Cooling off period of 30 minutes after last sales of alcohol is permitted. The music shall be turned off after the last sale of alcohol.
- 2.2. Table service shall be provided during televised sporting events.

- 2.3. The premises shall comply with the current report of the Dorset Police Crime Prevention Officer dated 09 November 2005.
- 2.4. Sale of alcohol from the external bar:
  - 2.4.1. shall be restricted to 20 days per calendar year
  - 2.4.2. shall not take place on any day that AFC Bournemouth play at home
  - 2.4.3. Shall not take place after 22:00
  - 2.4.4. shall not take place on consecutive weekends; and
  - 2.4.5. shall not take place for more than two evenings in a row.

#### Prevention of Public Nuisance

- 2.5. Noise from regulated entertainment shall not emanate from the premise so as to cause a nuisance to nearby noise sensitive premises.
- 2.6. When regulated entertainment comprising live or recorded music is provided after 23:00 then a staff member/nominated noise monitor shall regularly check the boundary of the premises with noise sensitive properties to ensure that no nuisance from noise is occurring. The boundary checks shall be recorded in a log book and shall be available to be reviewed by an authorised Officer on request.
- 2.7. Music shall be turned down to background level at least 30 minutes before closing time.
- 2.8. Ensure doors & windows closed by 23:00 hours except for access and egress.
- 2.9. Members of staff shall ask customers to leave quietly at closing time.
- 2.10. Signs shall be positioned at exits reminding customers to leave quietly.
- 2.11. Soft drinks and/or hot drinks such as coffee shall be available during the cooling down period.
- 2.12. Ensure that all plant/machinery continues to be serviced.

#### Protection of Children form Harm

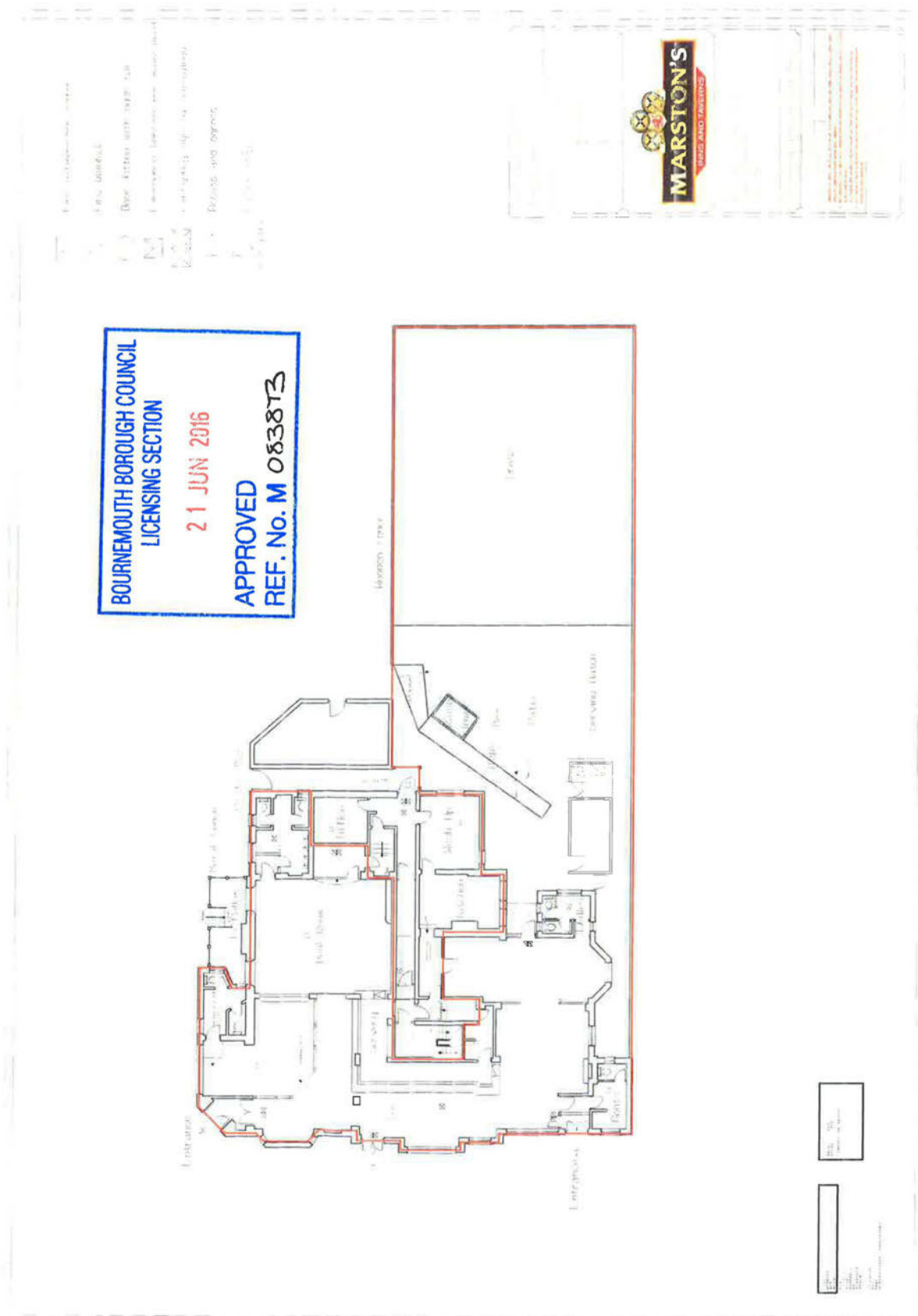
- 2.13. Staff shall be trained in the identification of under 18's and current proof of age schemes.
- 2.14. The licence holder shall ensure that children are properly supervised by parents or guardians.

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

None attached

#### **Annex 4 – Plans**

This licence is issued in accordance with the plan M083873 dated 21 June 2016, as attached.



Licensing Team  
Town Hall Annex  
St Stephen's Road  
Bournemouth BH2 6EA



## Premises Licence Part B

Premises licence number: BH083873

<b>Postal address of premises, or if none, ordnance survey map reference or description:</b>	
The Bell 915 Christchurch Road	
<b>Post town:</b> Bournemouth	<b>Post Code:</b> BH7 6AX
<b>Telephone number:</b> 01202 427762	

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

<b>The times the licence authorises the carrying out of licensable activities:</b>
<b>Live Music:</b> (Indoors) Monday - Sunday 09:00 to 00:00 <b>Recorded Music:</b> (Indoors) Sunday - Thursday - 09:00 to 00:00, Friday - Saturday - 09:00 to 01:00 <b>Performances of Dance:</b> (Indoors) Sunday - Thursday - 09:00 to 00:00, Friday - Saturday - 09:00 to 01:00 <b>Activity like Music / Dance:</b> Sunday - Thursday - 09:00 to 00:00, Friday - Saturday - 09:00 to 01:00 <b>Late Night Refreshment:</b> (Indoors & Outdoors) Sunday - Thursday - 23:00 to 00:00, Friday - Saturday - 23:00 to 01:00 <b>Supply of Alcohol:</b> Sunday - Thursday - 09:00 to 00:00, Friday - Saturday - 09:00 to 01:00 Non-standard timings for all authorised licensable activities: New Year's Eve - From start of permitted hours to the end of permitted hours on 1st January. On each Thursday, Friday, Saturday, Sunday and Monday on a Bank Holiday weekend until 01.00 hours the following day.

<b>The opening hours of the premises:</b>
Sunday - Thursday - 09:00 to 00:30, Friday - Saturday - 09:00 to 01:30 <u>Non-standard timings</u> New Year's Eve - From start of permitted hours to the end of permitted hours on 1st January. On each Thursday, Friday, Saturday, Sunday and Monday on a Bank Holiday weekend until 01:30 hours the following morning.

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

<b>Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:</b>
Marstons PLC, St John's House, St John's Square, Wolverhampton WV2 4BH [REDACTED]

<b>Registered number of holder, for example company number, charity number (where applicable):</b>
00031461

<b>Name of designated premises supervisor where the premises licence authorises the supply of alcohol:</b>
Mr Adam Edward Sealey

<b>State whether access to the premises by children is restricted or prohibited:</b>
See condition 2.14

Issued: 24 November 2005

Revised: 04 November 2023 (Change of Registered Address)

[REDACTED]  
Mrs Nananka Randle  
Licensing Manager

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## Application for Review of Premises

### Licence

### **Supplementary Submission**

## **The Bell, Christchurch Road, Bournemouth**

*This representation is in support of an Application for Review of a Licensed Premises submitted Dorset Police. This report is intended to provide both the members of the Licensing Sub-Committee and the licence holder (and their representative) with additional information, context, and evidence to support the representation. This document is being completed and submitted as soon as practicable for the benefit of all parties. Whilst all details are correct at the time of completion, Dorset Police reserve the right to amend / introduce additional information and evidence in advance of the hearing.*

### **Background**

The Bell is a licensed premises located opposite Pokesdown Railway Station on a busy thoroughfare in East Bournemouth and is surrounded by a wide variety of commercial and residential properties. The premises is owned and operated by Marston's, a large company which owns and operates licensed premises throughout the UK.

The premises has had a variety of tenant Managers that assume responsibility as the Designated Premises Supervisor over the past years. The premises has maintained a traditional public house atmosphere throughout these changes in management and enjoys a largely local customer base except for dates when AFC Bournemouth Football matches occur, when fans from opposing teams are also welcomed to the premises.

### **Concerns**

**The Application for Review of this licensed premises is submitted on the grounds that Dorset Police do not consider that this premises is promoting the licensing objective to prevent crime and disorder.**

On the 5<sup>th</sup> October 2022 a meeting was held at the premises with the Area Manager, representatives of Dorset Police and the Designated Premises Supervisor (DPS). The discussion centred on the premises' response to AFC Bournemouth matchday events. Staff training records were in place, albeit that they couldn't be viewed as they are electronic, and an SIA Door Supervisor is employed as a responsible measure to manage any disorder on matchdays. It was noted that no Door Supervisor log was maintained, and the rationale offered that this was due to no disorder occurring at the premises.

The DPS was advised to ensure that they employ SIA staff through an agency as they do not hold an appropriate licence to employ SIA Door Supervisors directly. It was agreed that the premises would employ an external company to provide this service, beginning on the 8<sup>th</sup> October 2022.

The Area manager was requested to provide a revised site plan to reflect changes made to the external space to the rear of the premises. During this meeting a variation was discussed to allow extended use of the outside space. Dorset Police were clear that any additional use of the outside space would likely require additional supervision and mitigation against the risk of increased crime, disorder and nuisance. It would be likely that conditions pertaining to enhanced SIA Door Supervisors would be the most appropriate mitigation.

On the 19<sup>th</sup> October 2022 an email was sent requesting details of the SIA contractor being used to provide the SIA Door Supervisors. No response was received.

On the 24<sup>th</sup> May 2023 intelligence was received that prolific shoplifters in Boscombe, Pokesdown and Southbourne are taking suspected stolen goods from local food retailers to The Bell Pub, 915 Christchurch Road, Bournemouth. It is believed the pub is then using the product to sell within. Multiple local known shoplifters were reported to have been waiting at the car park entrance to the pub and then

attending the rear car park and leaving a few minutes later without the items. This intelligence could not be corroborated, and no criminal action could be taken.

On the 2<sup>nd</sup> December 2023 incident was reported to Dorset Police which alleged that the victim had being headbutted by another customer and a pool ball thrown at their partner's head during an altercation. No significant injuries occurred as a result of the incident, which was investigated and resulted in no criminal action. As part of this investigation, information was received which suggested that unlicensed Door Supervisors were being employed and that frequent altercations were occurring and not being reported to the authorities.

During the investigation into this incident the DPS stated that the CCTV only stored footage for 11 days and that there was no legal requirement for him to operate CCTV at the premises and that they had no conditions requiring Door Supervisors which would make it difficult to verify the employment of any Door Supervision. It had also become clear that the DPS was willing to permit customers that had been excluded elsewhere within the local Pubwatch locality, increasing the likelihood of disorder occurring at this premises.

Correspondence was exchanged between Dorset Police, the Area manager for Marston's and the Licensing Solicitor for Marston's, Michelle Hazlewood. On the 20<sup>th</sup> December 2023 a virtual meeting was held between Dorset Police and Michelle Hazlewood and discussion included the addition of conditions that would reflect the minimum expectations to support a premises such as this to promote the licensing objectives.

Dorset Police are grateful for the work undertaken by the Area Manager and Michelle Hazlewood to clarify the position in respect of the incident reported and for encouraging the DPS to engage with the local Pubwatch scheme. Confirmation was provided that the SIA Door being used was an independent contractor with their own public protection liability insurance.

Further correspondence was sent to Ms Hazlewood requesting that the DPS utilise the appropriate communication channels for the Pubwatch scheme and to ensure that the SIA Door Supervisor was employed legally and in accordance with the Security Industry Authority requirements. Additional reassurance was requested that there would be a CCTV system with adequate capability for 31 days of storage installed at the premises and that previously discussed conditions would also be volunteered to be added to the premises through a Minor Variation.

On the 11<sup>th</sup> January 2024 Ms Hazlewood advised that contractor had been appointed to install a new CCTV system at the premises. It was advised that a minor variation would be considered once the Area manager had returned to work.

During a visit on the 17<sup>th</sup> January 2024 the DPS advised that a new CCTV system would be installed by Marston's which would include a storage capability of 31 days. Furthermore, a local SIA Security Contractor had been appointed to support the premises in addition to them obtaining training and certification to be able to operate as a SIA Door Supervisor if required. The DPS was advised against delivering both functions simultaneously. The DPS was advised to contact Dorset Police if they required any further support or guidance.

On the 18<sup>th</sup> May 2024 Police officers attended a report of an altercation at this premises involving a person with a bladed weapon. Officers spoke with the DPS, who was heavily intoxicated, and stated that there had been an altercation whereby a male had been drinking in the pub earlier in the day before becoming involved in an altercation with the DPS. The male refused to leave when asked and a fight occurred between the male and the DPS. The male stated that he was going to obtain an axe and returned a short while later and began threatening the DPS with the axe. The DPS was restrained by the SIA Door Supervisor and other customers before the male left the area in the direction of Southbourne. The SIA Door Supervisor stated that when the male left he was still in possession of the axe, and he followed him for around 30 metres the Door Supervisor returned to the premises.

On police arrival the DPS stated that the male was a 'friend' of his and he did not wish to make a complaint. CCTV at the pub was viewed however the time when the incident had occurred had not been recorded or had been deleted.

The male was later arrested for possessing an offensive weapon in a public place.

Upon reviewing the Town Centre CCTV footage, patrons of the pub could be seen retreating and clearly in fear of the escalation outside the premises.

The key observation from the Sergeant in attendance at the scene of this incident was that the DPS, although intoxicated, was presenting himself as being in control of the premises. Whilst he was willing to answer most questions, he did refer to the person formally responsible for the premises as being 'Dave' and their partner who was upstairs at the time of the incident.

The DPS refused to provide a statement to support a Police investigation and when officers attempted to view footage of the incident on the CCTV system, there was a period of approximately 30 minutes, during which time this incident had occurred, which was no longer available to view on the system. There was footage recorded for prior and after the incident.

When challenged on the absence of the CCTV footage, the DPS stated that there was no requirement for CCTV as a condition of their premises licence. A further explanation has been provided since which cannot be verified and relates to a shortage of power to the system at that time. Dorset Police have been advised by Marston's that this issue has now been rectified.

Additionally, an explanation has been provided as to the account of the DPS and why they became involved in the disorder. This account is inconsistent with the Town Centre CCTV which captures significant aspects of the disorder.

The lack of engagement from the DPS and the inability to produce CCTV has inhibited the ability for Dorset Police to investigate this serious incident. Tackling the presence of bladed items in our communities, particularly associated with licensed premises, is a priority for Dorset Police. Through operations such as Op Sceptre and the introduction of 'knife arches' throughout our communities, we are working with our partners to reduce the significant harm that results from possessing knives. It is imperative that licensed premises such as this support these efforts, whilst promoting the licensing objectives.

The details of the incident were also not shared through the Pubwatch portal, despite the perpetrator leaving the premises in the direction of several licensed premises nearby.

Dorset Police have attempted to engage with the DPS and representatives of Marston's to achieve an outcome that would restore our confidence in this premises. The lack of progress and the apparent continuance, and escalation of incidents has resulted in this application for review being submitted.

### **Available Outcomes to the Sub-Committee**

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

Dorset Police have made every effort to ensure that recommendations are associated with the licensing objective to Prevent Crime and Disorder and to maintain Public Safety. Most other conditions relating to Public Nuisance and Protection of Children from Harm will not be considered.

### **Take No Action**

Dorset Police are concerned that not only has this premises been brought to our attention for several reasons, on numerous occasions since 2022, but also that the licence holder has failed to adopt the necessary improvements to ensure that the licensing objectives are being consistently promoted.

It is accepted that, regardless of the fact that this premises is part of a large group of licensed premises, there may be a requirement for support and engagement to achieve compliance, ensuring that the premises is safe and not presenting a risk to the community is imperative. Dorset Police are concerned, however, that despite the efforts of Dorset Police and our partners to seek improvements, this premises continues to undermine the licensing objectives.

The concerns identified by Dorset Police demonstrates that taking no action would not be an appropriate outcome following this hearing.

## **Exclude Licensable Activities from the Premises Licence**

The existing Premises Licence permits the following licensable activities -

### **Live Music**

Monday - 09:00 to 00:00

Tuesday - 09:00 to 00:00

Wednesday - 09:00 to 00:00

Thursday - 09:00 to 00:00

Friday - 09:00 to 00:00

Saturday - 09:00 to 00:00

Sunday - 09:00 to 00:00

Performance of live music will take place indoors.

Non-standard timings for the performance of live music.

New Year's Eve – From start of permitted hours to the end of permitted hours on 1st January.

On each Thursday, Friday, Saturday, Sunday and Monday on a Bank Holiday weekend until 01.00 hours the following day.

### **Recorded Music**

Monday - 09:00 to 00:00

Tuesday - 09:00 to 00:00

Wednesday - 09:00 to 00:00

Thursday - 09:00 to 00:00

Friday - 09:00 to 01:00

Saturday - 09:00 to 01:00

Sunday - 09:00 to 00:00

Playing of recorded music will take place indoors.

Non-standard timings for the playing of recorded music.

New Year's Eve – From start of permitted hours to the end of permitted hours on 1st January.

On each Thursday, Friday, Saturday, Sunday and Monday on a Bank Holiday weekend until 01.00 hours the following day.

### **Performances of Dance**

Monday - 09:00 to 00:00

Tuesday - 09:00 to 00:00

Wednesday - 09:00 to 00:00

Thursday - 09:00 to 00:00

Friday - 09:00 to 01:00

Saturday - 09:00 to 01:00

Sunday - 09:00 to 00:00

Performance of dance will take place indoors.

Non-standard timings for the performance of dance.

New Year's Eve – From start of permitted hours to the end of permitted hours on 1st January.

On each Thursday, Friday, Saturday, Sunday and Monday on a Bank Holiday weekend until 01.00 hours the following day.

### **Activity like Music / Dance**

Monday - 09:00 to 00:00

Tuesday - 09:00 to 00:00

Wednesday - 09:00 to 00:00

Thursday - 09:00 to 00:00

Friday - 09:00 to 01:00

Saturday - 09:00 to 01:00

Sunday - 09:00 to 00:00

Entertainment will take place indoors.

Non-standard timings for entertainment.

New Year's Eve – From start of permitted hours to the end of permitted hours on 1st January.

On each Thursday, Friday, Saturday, Sunday and Monday on a Bank Holiday weekend until 01.00 hours the following day.

### **Late Night Refreshment**

Monday - 23:00 to 00:00

Tuesday - 23:00 to 00:00

Wednesday - 23:00 to 00:00

Thursday - 23:00 to 00:00

Friday - 23:00 to 01:00

Saturday - 23:00 to 01:00

Sunday - 23:00 to 00:00

Provision of late-night refreshments will take place indoors and outdoors.

Non-standard timings for provision of late-night refreshments.

New Year's Eve – From start of permitted hours to the end of permitted hours on 1st January.

On each Thursday, Friday, Saturday, Sunday and Monday on a Bank Holiday weekend until 01.00 hours the following day.

### **Supply of Alcohol**

Monday - 09:00 to 00:00

Tuesday - 09:00 to 00:00

Wednesday - 09:00 to 00:00

Thursday - 09:00 to 00:00

Friday - 09:00 to 01:00

Saturday - 09:00 to 01:00

Sunday - 09:00 to 00:00

Non-standard timings for the supply of alcohol.

New Year's Eve – From start of permitted hours to the end of permitted hours on 1st January.

On each Thursday, Friday, Saturday, Sunday and Monday on a Bank Holiday weekend until 01.00 hours the following day.

These permissions are appropriate to a premises of this nature that is operated to the high standards that are expected of all licensed premises. The extended operating hours at the weekends are common to permit events to take place that are in addition to providing an environment to gather and socialise, however, Dorset Police do have concerns that the premises can become overwhelmed and proper control is not consistently apparent.

## Modify / Add Existing Conditions

### Modify Conditions

If the Sub-Committee members were inclined to consider modifying the existing conditions, Dorset Police make the following observations regarding the existing schedule of conditions –

2.1. A Cooling off period of 30 minutes after last sales of alcohol is permitted. The music shall be turned off after the last sale of alcohol.

✓ Dorset Police support the removal of this condition.

2.2. Table service shall be provided during televised sporting events.

✓ Dorset Police support the removal of this condition.

2.3. The premises shall comply with the current report of the Dorset Police Crime Prevention Officer dated 09 November 2005.

✓ Dorset Police support the removal of this condition

2.4. Sale of alcohol from the external bar:

2.4.1. shall be restricted to 20 days per calendar year

2.4.2. shall not take place on any day that AFC Bournemouth play at home

2.4.3. Shall not take place after 22:00

2.4.4. shall not take place on consecutive weekends; and

2.4.5. shall not take place for more than two evenings in a row.

✓ Dorset Police support the retention of this condition

2.5. Noise from regulated entertainment shall not emanate from the premise so as to cause a nuisance to nearby noise sensitive premises.

➤ Dorset Police make no comment in respect of this condition

2.6. When regulated entertainment comprising live or recorded music is provided after 23:00 then a staff member/nominated noise monitor shall regularly check the boundary of the premises with noise sensitive properties to ensure that no nuisance from noise is occurring. The boundary checks shall be recorded in a log book and shall be available to be reviewed by an authorised Officer on request.

➤ Dorset Police make no comment in respect of this condition

2.7. Music shall be turned down to background level at least 30 minutes before closing time.

➤ Dorset Police make no comment in respect of this condition

2.8. Ensure doors & windows closed by 23:00 hours except for access and egress.

➤ Dorset Police make no comment in respect of this condition

2.9. Members of staff shall ask customers to leave quietly at closing time.

➤ Dorset Police make no comment in respect of this condition

2.10 Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

➤ Dorset Police make no comment in respect of this condition

2.11. Soft drinks and/or hot drinks such as coffee shall be available during the cooling down period.

- This condition is not required as it is addressed through the Late Night Refreshment permission

2.12. Ensure that all plant/machinery continues to be serviced.

✓ Dorset Police do not consider that this is relevant to the licensing objectives, however, you will likely hear that the cause of the CCTV outage has been associated to the operating of the dishwasher by the representatives of the licence holder.

2.13. Staff shall be trained in the identification of under 18's and current proof of age schemes.

✓ Dorset Police believe that this condition should be amended to read as follows –

*Challenge 25, shall be operated at the premises where the only acceptable forms of identification are (recognised photographic identification cards, such as a driving licence or passport / Holographically marked PASS scheme identification cards). Appropriate signage advising customers of the policy shall prominently displayed in the premises.*

- 2.14. The licence holder shall ensure that children are properly supervised by parents or guardians.
- ✓ Dorset Police do not consider that this condition is enforceable and should be removed.

#### Add Conditions

Dorset Police do not consider that any further conditions would resolve the concerns that we have regarding the lack of promotion of the licensing objectives by the DPS, however, if the members of the Sub-Committee were inclined to allow the Premises Licence to remain in place, Dorset Police would ask that consideration be given to imposing the below conditions to the existing premises licence-

##### ➤ Staff Training

All staff working at the premises concerned with the sale of alcohol shall be trained in accordance with an accredited training scheme 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 record 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.

##### ➤ Personal Licence Holder Requirement

A personal licence holder to be always on the premises when the premises is providing licensable activities.

##### ➤ First Aid Provision

First Aider to be always on the premises when the premises is providing licensable activities.

##### ➤ Incident Log

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

This log to be checked on a weekly basis by the DPS of the premises.

##### ➤ CCTV Requirement

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. Recordings shall be made available immediately upon the request of Police or an authorised officer of the council throughout the preceding 31-day period. The CCTV system shall be updated and maintained according to police recommendations.

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. This staff member must be able to show police, licensing or other authorised officers recent data or footage with the absolute minimum of delay when requested.

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.

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.

➤ Pubwatch Membership Requirement

The premises shall maintain membership of the PubWatch scheme (or any successor scheme); a senior member of staff shall attend all PubWatch meetings unless an emergency arises preventing such attendance and the premises will support PubWatch initiatives and exclusions.

➤ Toilet Checks

Toilet checks to be conducted every 30 minutes from 20:00 until close, and these checks documented on sheets placed within the toilets to be retained for 6 months and available for inspection by Police or other authorised officers.

➤ Door Supervisors

The DPS will risk assess the need for door supervision. Door supervisors will be provided in such numbers, between such times and on such dates as required by the risk assessment.

All SIA to wear hi viz jackets or vests when they are on duty.

A register of SIA personnel employed on the premises shall be maintained in a legible format and always kept on the premises. The register will be made available to police upon reasonable request.

The register should be completed by the DPS or Duty Manager at the commencement and end of each shift, by each member of security staff.

At the commencement of work security personnel should ensure that they are recorded on the CCTV system and that a clear head and shoulders image showing their face clear of any hat, glasses or other obstruction is recorded.

Details recorded to include - Full name, 16 digit SIA badge number, time of commencement and end of duties.

The security operative should then sign their name against these details.

If it is intended to show any major sporting event on a television within the premises (other than Snooker or Pool tournaments, golf, motor racing events, athletics competitions or tennis or cricket matches), or to hold any function, special event or live music, the Premises will conduct a written risk assessment to determine whether it is appropriate to deploy door supervisors for a period of time before the event is scheduled to start, during the event and for a period of time after the event is scheduled to end and will deploy door supervisors in accordance with the outcome of the risk assessment.

Such risk assessments will also be conducted at the request of the police in respect of any other event scheduled to take place at the premises.

Copies of all risk assessments shall be retained on the premises for a minimum period of 6 months and shall be made available for inspection by police and other authorised officers on request.

Dorset Police do not consider that these conditions would fully address the concerns detailed above and no comment have been made in respect of conditions that relate to Public Nuisance which are the responsibility of BCP Council Environmental Health.

These proposals would simply update the current conditions attached to the existing premises licence and add conditions that are commensurate to this type of premises under appropriate management.

### **Remove the Designated Premises Supervisor**

Paragraph 11.21 of the Revised Guidance under Section 182 of the Licensing Act 2003 states that, *“licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decision made by the individual”*.

Dorset Police can evidence concerns associated with the DPS and it is our view that their mismanagement of this premises and failure to address the concerns that have been raised has led to a marked reduction in the overall confidence relating to the management of this premises. They have failed to consistently uphold the licensing objectives to maintain the safety of their staff and customers.

If the members of the Sub-Committee have no confidence in the current DPS, Dorset Police invite the members of the Sub-Committee to reflect this by removing them from the Premises Licence.

### **Suspend the licence for a period (not exceeding 3 months)**

Any temporary suspension of this Premises Licence is unlikely to result in any substantial improvement as we have, together with our partners, attempted to support and encourage improvement at this premises on several occasions over the past 2 years, with limited success.

Dorset Police would only support a suspension of the Premises Licence if the Sub-Committee members considered it necessary to assist the Premises Licence Holder to put appropriate measures in place.

### **Revoke the Licence**

Dorset Police support the view that this option should be a last resort for the Sub-Committee. Whilst fiscal issues are outside of the considerations of the Sub-Committee, Dorset Police consistently adopt a proportionate approach, wherever possible, to remain sensitive to commercial viability of businesses and to ensure that we support an outcome which reflects the concerns identified.

Dorset Police acknowledge the value that licensed premises add to communities as places of social and economic value, however, where the presence of a licensed premise becomes detrimental to a community or presents a risk to those that enjoy the use of a licensed premise, appropriate action must be taken to seek improvement and address those concerns.

Dorset Police have identified and continue to receive reports of concerns associated with this premises. Dorset Police will continue to support the management company of this premises to improve their operating practices. If this Premises Licence were to remain in effect under the same management, with the same conditions, then it is likely that the licensing objectives will be undermined.

### **Conclusion**

Dorset Police invite the Sub-Committee to follow the Section 182 Guidance, issued by the Secretary of State, which invites the members of the Sub-Committee to consider the above options in their determination. It is our view that to avoid the revocation of the Premises Licence, the members of the Sub-Committee should be satisfied that one of the alternative outcomes will mitigate the concerns that have been highlighted above.

This premises has benefitted from significant engagement over the past few years. Dorset Police and our partners recognise our role to engage positively and support licence holders to achieve compliance and to uphold the licensing objectives. Whilst Dorset Police value the significance of each of the licensing objectives, concerns are heightened when there is a risk to the prevention of crime and disorder, where immediate action is prioritised.



Dorset Police invite the members of the Sub-Committee to consider this report support us to ensure that we only permit licensed premises that operate to the highest standards in the BCP Council area.

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

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**From:** [Elaine Ibbotson](#) on behalf of [Michelle Hazlewood CBII](#)  
**To:** [Tania Jardim](#)  
**Subject:** RE: The Bell, 915 Christchurch Road, BH7 6AX (M218673) (SEA36/20)  
**Date:** 05 July 2024 15:00:19  
**Attachments:** [~WRD1585.jpg](#)

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Dear Sirs

We act on behalf of Marston's Plc and would be obliged if you would take this email as a representation on behalf of the company in respect of the Review application which has been issued against the aforementioned premises.

As you are aware these premises form part of Marston's Plc estate. That estate is broken into three distinct sectors and as well as having a global number of sites in the region of 1400 there are a significant number which operate under agreements whereby Marston's contract with an operator who is subsequently appointed to the Premises Licence as the Designated Premises Supervisor. That individual is the General Manager of the site and in day to day control of its operations. However, Marston's Plc retain a high level of control over the day to day operation of the site and in particular in ensuring compliance with legislation be that licensing or in respect of the safe operation of the premises. Marston's Plc also take responsibility in relation to the provision of facilities and cover matters such as business rates and Premises Licence annual fees. This type of agreement is known as a Partner Agreement. Indeed Marston's were one of the first companies to initiate the existence of this high bred model of operation which provides an opportunity for enterprise by the partner but control of critical features by Marston's Plc along with significant support structure for those acting in partnership with the company. As a company they place great stall by the professionalism of their systems and particularly those which touch upon regulatory matters.

They also set out to cooperate very closely with the authorities over matters affecting their estate and such cooperation manifests itself in an ongoing basis particularly with enforcement agencies.

Our clients have worked with Dorset Police in various locations and have shown themselves to be proactive, sensible and diligent in their approach.

The seriousness of the Review application is known to Marston's Plc, in this instance the Area Manager has sought to work closely with Dorset Police to support the current partner. In relation to the allegations made both Marston's Plc and the DPS have questioned themselves as to what other steps could have been undertaken and whether there were any breaches of the Premises Licence. Full details of the incident and the steps taken by both staff, the DPS and the company subsequently will be provided during the course of the Premises Licence Holders evidence. Marston's do not condone or accept the actions of the aggressor who returned to the premises but do seek to support their partners in the operation of the premises and to understand what steps can be taken in such circumstances which are in part beyond their control.

Should this matter proceed to a Review hearing, we will attend that hearing on our clients behalf with senior representatives of the company who will be able to confirm the foregoing and add further detail to it. Furthermore, we can address any additional matters which arise or are within the papers generally.

We understand that at this point in time, no other representations have been received over and above that initiating the Review.

We would be grateful if you would kindly acknowledge safe receipt of this email and its status as a representation furthermore that it was received during the representation period.

We reserve the right to file further documentation along with a Written Submission in support of Marston's Plc's position and can ensure you that in the intervening period we will continue

to liaise with the statutory authorities with a view to trying to achieve a mutually acceptable resolution to the situation.

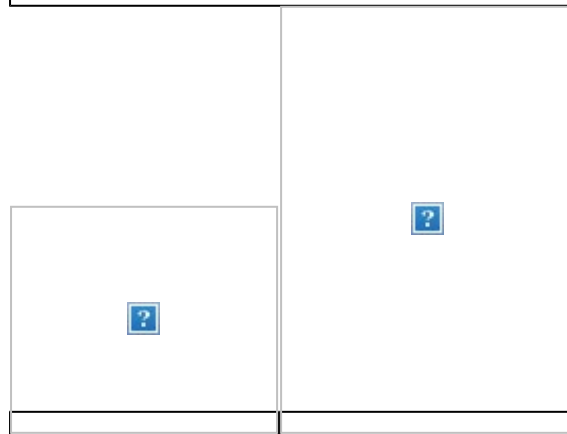
Yours faithfully

**Michelle Hazlewood**

Partner

Sent by Sue McCourt

[MHazlewood@john-gaunt.co.uk](mailto:MHazlewood@john-gaunt.co.uk) | [www.john-gaunt.co.uk](http://www.john-gaunt.co.uk)



**Omega Court** | 372-374 Cemetery Road | Sheffield | S11 8FT

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