

M/174560
C.A 16/12/19

Appendix 1

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

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

(Insert name of applicant)

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

Part 1 – Premises or club premises details

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

Part 2 - Applicant details

I am

Please tick ✓ yes

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

☐

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

☒

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

☐

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

Please tick ✓ yes

Mr

☐

Mrs

☐

Miss

☐

Ms

☐

Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

☐

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

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

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

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

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

Please tick one or more boxes ✓

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

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

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

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

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

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

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

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

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

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

29th December 2017

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

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

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

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

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

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

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

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

24th January 2018

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

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

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

30th June 2018

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

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

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

5th December 2018

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

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

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

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

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

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

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

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

17th December 2018

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

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

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

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

14th January 2019

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

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

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

21st July 2019

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

28th October 2019

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

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

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

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

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

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

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

30th October 2019

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

8th November 2019

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

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

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

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

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

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

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

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

Please tick ✓ yes

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

☐

If yes please state the date of that application

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

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

Please tick ✓

yes

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

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

Part 3 – Signatures (please read guidance note 4)

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

Signature L.Busfield

Date 18th November 2019

Capacity Police Licensing Officer

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

Post town

Post Code

Telephone number (if any)

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

Notes for Guidance

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