

LICENSING SUB-COMMITTEE



Report subject	Review of Premises Licence - Xchange Bar, 4 The Triangle, Bournemouth
Meeting date	17 March 2020
Status	Public Report
Executive summary	To consider an application by Dorset Police to review the premises licence relating to the prevention of crime and disorder and public safety.
Recommendations	<p>Members are asked to decide whether to:</p> <ul style="list-style-type: none"> a) Modify the conditions of the licence. b) Exclude a licensable activity from the scope of the licence. c) Remove the Designated Premises Supervisor (DPS). d) Suspend the licence for a period not exceeding three months. e) Revoke the licence. f) Leave the licence in its current state. <p>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.</p>
Reason for recommendations	<p>When a review application by a responsible authority, or any other person, has been received the scheme of delegation set out in the Council's Constitution states that these applications should be dealt with by the Sub-Committee.</p> <p>The Licensing Authority may only consider aspects relevant to the application that have been raised in the application.</p>

Portfolio Holder(s):	Councillor Lewis Allison – Tourism, Leisure and Communities
Corporate Director	Kate Ryan – Corporate Director for Environment & Communities
Report Authors	Sarah Rogers – Senior Licensing Officer
Wards	Bournemouth Central
Classification	For Decision

Background

1. An application for the review of the premises licence, under Section 51 of the Licensing Act 2003, was made by Dorset Police on 28th January 2020. Dorset Police believe that the premises are involved in criminal activity that undermines the licensing objectives of the prevention of crime and disorder and public safety and they no longer have confidence in the DPS or premises licence holder. A copy of the review application is attached at Appendix 1.
2. A copy of the premises licence and location plan is attached at Appendix 2.
3. The premises have had the benefit of a licence since November 2005 when it was successfully converted under transition of the Licensing Act 2003.
4. In December 2013 a minor variation was submitted, at the request of Dorset Police, following several incidents at the premises. The conditions suggested were to ensure that there was door supervision, upgraded CCTV and a sufficient drug policy approved by Dorset Police.
5. In September 2017 a further minor variation application was made to add conditions as suggested by Environmental Health under the prevention of public nuisance. In addition, a change to the layout was approved to include a lobby to the front door.
6. In November 2017 Environmental Health submitted a review application following receipt of complaints of music and people noise emanating from the premises. A further noise prevention condition was attached to the licence (current condition 3.1) as an appropriate action to take in this case for the promotion of the prevention of public nuisance.

Consultation

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

9. Two further notices were placed in the main offices of the Town hall (Customer Services Reception at St Stephen's Road and the main public noticeboard in Bourne Avenue). A notice was also published on the BCP Council's website.
10. The licence holders have not contacted the Licensing Authority or Dorset Police throughout the consultation period, neither directly or through a third party.

Options Appraisal

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

Summary of financial implications

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

Summary of legal implications

13. The decision of the Licensing Sub-Committee can be appealed to Dorset Magistrates Court by the applicant or the licence holder within a period of 21 days beginning with the day that the applicant is notified, in writing, of the decision.

Summary of human resources implications

14. N/A

Summary of sustainability impact

15. N/A

Summary of public health implications

16. N/A

Summary of equality implications

17. N/A

Summary of risk assessment

18. N/A

Bournemouth Borough Council's Statement of Licensing Policy

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

Appendices

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