

Application to Review Premises Licence Report

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Southbourne Sports Club – BH183391

This report is to be considered alongside the formal Application to Review a Premises Licence submitted to the Licensing Authority. It is the intention of Dorset Police to avoid any repeat of information previously submitted and to provide both the licensee (or their representative) and members of the Licensing Sub-Committee with additional information, context and evidence in support of the application. This report 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

This premise is a snooker hall and bar located on the first floor of a building nestled within a largely residential area. There are additional commercial and licensed premises nearby. The premises is entered via a staircase which is accessed via a door which leads on to Deans Road to the right of the building.

The premise had previously been a members-only Snooker Club utilising a Club Premises Certificate until 23rd June 2021 when BCP Council granted a Premises Licence to the new operator, Mr Husseyin Kocabay.

The local residents had initially supported the premises licence subject to the adoption of a number of conditions which would assist the licence holder to promote the licensing objectives.

Dorset Police received a significant number of complaints from nearby residents regarding this premises. This has led to a number of meetings between officers from the Dorset Police Drug & Alcohol Harm Reduction Team (DAHRT), our partners and Mr Kocabay which were intended to provide support, advice and to seek improvement and compliance with the existing conditions.

Further to this engagement an Application was submitted for a Review of the Premises Licence by Dorset Police on the grounds that the management of the premises had failed to promote the licensing objectives and had not adhered to the conditions of the Premises Licence.

A Licensing Sub-Committee Hearing was held on the 28th October 2021 and the subsequent decision of the Licensing Sub-Committee, published on the 3rd November 2021 included additional conditions being applied to the Premises Licence and written assurance from the Licence Holder that the conditions would be met and that they would be willing to engage with the Police and Licensing Authority as appropriate.

Concerns

Dorset Police were keen to allow the Licence Holder sufficient time to reasonably implement the necessary improvements to ensure compliance with the Premises Licence and the changes directed by the Licensing Sub-Committee.

Whilst it is for the Licence Holder to implement changes immediately, Dorset Police would generally accept that 28 days be an appropriate time for new policies and procedures to become established.



Dorset Police visited the premises 40 days after the date of the hearing and discovered that the premises were continuing to operate in breach of several conditions.

Annex 2 Licence Conditions

Further to the engagement that took place prior to the Review Hearing of the 28th October 2021, and the support received by the Licence Holder from Licensing Consultant David Ramsay and Licensing Solicitor Philip Day, the following breaches were discovered during a visit to the premises on Monday 13th December 2021 -

Prevention of Crime & Disorder

Condition		Breach (Y/N)	Comments
2.3	All front of house staff shall be trained to a competent level including licensing law, drug awareness and shall be trained to Level 2 Award in Conflict Management.	Y	Mr Kocabay employed the support of a number of individuals to work on the front door, behind the bar and within the premises during an 18 th Birthday party on the 13 th November 2021. None of these staff had received training. Further, Mr Kocabay was due to have a member of staff start work on the 13 th December 2021. When asked regarding their planned training schedule Mr Kocabay stated that he would wait until such time that they had demonstrated competency in the role prior to delivering training to them. <i>(Note – No training records in support of Conditions 2.29 & 2.30)</i>
2.4	There shall always be a personal licence holder on the premises when used for licensable activities.	N	Mr Kocabay states that he is always present during opening hours and Dorset Police have no evidence to the contrary.
2.5	A refusals book shall be maintained and shall be checked and signed by one of the management staff on a weekly basis.	Y	Mr Kocabay acknowledged that not all Refusals had been logged in the in the book that was presented. Specifically, Mr Kocabay advised that several individuals who had been refused service of alcohol during the event held on the 13 th November 2021 had not been recorded.
2.6	The refusals book shall be kept on the premises and made available for inspection by Licensing, Police and other authorised officers.	N	The Refusals Book was made available to Police during the visit of the 13 th December 2021.
2.7	The premises shall adopt the 'Challenge 25' proof of age policy with regards to the requirement for the production of acceptable photographic identification.	N	There are Challenge 25 posters present at the premises.
2.8	All areas including the outside entrance shall be regularly monitored by staff and CCTV. The tables shall be cleared at regular intervals.	Y	A review of CCTV footage covering several periods of operation since the 28 th October 2021 identified that there is insufficient monitoring of some spaces, most notably the outside area. DRUGS BEING USED
2.9	Any provision of poker at the premises shall be restricted to 'low level' as defined by the Gambling Commission guidance and when such an activity is taking place the Designated Premises Supervisor shall be the responsible person and	N	No suggestion of any Poker taking place at the premises.

	shall be conversant with and comply with the Gambling Commission's code of practice for equal chance gaming in clubs and premises with an alcohol licence.		
2.10	When the function room is used for 'low level' poker games the Designated Premises Supervisor shall be the responsible person and shall be conversant with and comply with the Gambling Commission's code of practice for equal chance gaming in clubs and premises with an alcohol licence.		Condition removed following Sub-Committee hearing of the 28 th October 2021.
2.10.1	No persons under 18 years of age shall be allowed in the function room when it is being used for poker games.		Condition removed following Sub-Committee hearing of the 28 th October 2021.
2.11	The premises shall actively participate in any local Town Watch initiative.	Y	Dorset Police have been informed that the Licence Holder submitted his apologies and did not attend the Pubwatch meeting in November. There are no further meetings to be held until early 2022. The Licence Holder has submitted one person to be considered for being excluded from all Pubwatch venues. Several other persons of interest have been excluded by Mr Kocabay from his premises, however, details of those individuals have not been submitted to Pubwatch for consideration.
2.12	A CCTV system, shall be installed to cover all entry and exit points enabling frontal identification of every person entering in any light condition.	N	There is CCTV covering the entry/exit point.
2.12.1	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.	N	There is CCTV covering the area of the bar.
2.12.2	CCTV shall operate during all times when customers remain on the premises.	N	CCTV was operating for all times that Police viewed the footage.
2.12.3	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.	N	During the visit of the 13 th December 2021 Police were able to view footage as far back as the 9 th November 2021. Date and Time was correct at the time of viewing. Mr Kocabay advised that the CCTV had a storage capacity of 40 days.
2.12.4	The CCTV system shall be updated and maintained according to Police recommendations.	Y	No concerns identified by Police during the visit of the 13 th December 2021.
2.13	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	N	Mr Kocabay was able to operate the CCTV system without delay or support.

	recent data or footage with the absolute minimum of delay when requested.		
2.14	CCTV shall be downloaded on request of the Police or authorised officer of the Council.	Y	During the visit of the 13 th December 2021 a request was made for CCTV footage highlighting a number of breaches was requested from Mr Kocabay. Licensing Officer Louise Busfield received a text message from the CCTV engineer on the 16 th December 2021 advising that the CCTV footage was no longer available due to the amount of time that lapsed.
2.15	Appropriate signage advising customers of CCTV being in operation, shall be prominently displayed in the premises.	N	Handwritten notices are placed near to the entry/exit space
2.16	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.	Y	There continues to be no register of CCTV checks that could be presented by Mr Kocabay.
2.17	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.	Y	Mr Kocabay has recruited a further member of staff and, as detailed above, has employed the support of casual staff for a function on the 13 th November 2021. Mr Kocabay was unable to provide any training records for any of these new members of staff.
2.17.1	Refresher training shall be provided at least once every 6 months.	N/A	Premises licence was issued 23 rd June 2021.
2.18	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, the Premises shall 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.	Y	<p>Mr Kocabay failed to complete a Risk Assessment for an 18th Birthday Party function on the 13th November 2021. Mr Kocabay had considered that he would need additional support to manage the premises and service the customers, however, elected to employ untrained 'friends' and 'parents' to support him rather than seek the support of trained door supervisors who would possess the necessary skills and training to minimise disorder, reduce ASB and ensure the welfare of those at or leaving the function.</p> <p>This lack of consideration led to complaints being received from residents nearby due to the noise and disturbance outside the premises.</p> <p>A short distance from the premises Police later received reports of damage being caused to motor vehicles, however, this could not be linked to this function.</p>

The Hearing of the 28th October 2021 added the following conditions -

A CCTV camera shall be installed in the function room within 28 days of the decision notice being issued, and until such time as it has been installed the door to the function room shall be sealed shut.	N	There is a CCTV camera installed in the function room. Mr Kocabay is planning on installing a Pool table within this room in due course.
<p>No more than 2 persons at any one time will be permitted outside the premises in the smoking area. Signage advising customers of this condition will be displayed on the premises. The smoking area will be monitored on CCTV by staff at all times and a member of staff will check the area in person on a regular basis. If at any time more than two persons are monitored using the area or any person is monitored having taken a drink outside into this area, a member of staff will attend the area immediately to enforce the conditions of the licence.</p> <p><i>(Replacement of Condition of 2.28)</i></p>	Y	<p>There were numerous occasions observed on CCTV when there were more than 2 persons in the entrance to the premises. They often remained in the entrance for some time unchallenged. On one occasion a customer is seen to be using the lid of a bin as a platform to use what is suspected to be Cocaine. Mr Kocabay was aware of this incident, however, had not reflected this incident correctly in the Incident Book. Mr Kocabay stated that the person responsible had been banned from the premises, however, CCTV showed the person being allowed to re-enter the premises despite being challenged outside the premises.</p> <p>During the event of the 13th November 2021 Mr Kocabay did have a member of staff positioned at the entrance, however, CCTV footage showed that, presumably due to a lack of training and briefing, they were unfamiliar with the requirement to effectively disburse groups and discourage gatherings in the entrance area.</p>
All persons with the exception of the Premises Licence Holder and staff employed at the premises will be required to vacate the premises between the hours of midnight and 10:00hours the following day.	Y	<p>Upon viewing CCTV footage at the premises during the visit of the 13th December 2021 Police viewed customers leaving the premises past midnight, up to 00:15 on one occasion. Mr Kocabay was advised that perhaps he should consider encouraging customers to leave much sooner to ensure compliance with this condition, however, he simply responded that it was not his fault that customers were proving difficult to control when asking them to leave by midnight.</p>
The function room will not be used for 'low level' poker games as defined by the Gambling Commission guidance.	N	There is no suggestion that the Function Room is being used for poker games.

During the visit of the 13th December 2021 a request was made to Mr Kocabay for CCTV footage to be downloaded, this CCTV highlighted a number of breaches which were viewed on the CCTV at the time of the visit. Licensing Officer Louise Busfield received a text message from the CCTV engineer on the 16th December 2021 advising that the CCTV footage was no longer available due to the amount of time that lapsed.

Unfortunately, a subsequent delay in submitting this Application for Review has been incurred due to competing demand elsewhere in Dorset, our exploration of alternative measures to deal with this ongoing problem and other administrative delays.

Summary

You will note from the above that a total of 24 conditions are contained within the Prevention of Crime and Disorder conditions.

The visit conducted by Police on Monday 13th December 2021 identified the following -

Breach Discovered	Total
Yes	11
No	12
Not Applicable	1

Dorset Police have identified during our engagement visits prior to the hearing date of 28th October 2021 that 55% of the conditions had been breached. Whilst there is some improvement in some areas of operation, over **45%** of the conditions attached to the licence continue to be knowingly breached, including **50%** of the new conditions imposed by the Licensing Sub-Committee during the previous hearing.

Dorset Police are of the view that despite our efforts to engage and support the licence holder, they remain incapable of upholding the licensing objectives and meeting the conditions of this Premises Licence. The impact is such that the premises is having a detrimental effect on the local community.

Available Outcomes of the Review

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

No Action Taken

Dorset Police are of the view that taking no action is not a viable option. The Sub-Committee will hopefully agree that Dorset Police (and our partners) have engaged and encouraged the licensee to promote the licensing objectives. Dorset Police seek a Review of a Premises Licence as a last report where engagement and support has failed to result in any significant improvement and have not over the past 5 years submitted two Applications for Review in respect of the same premises within such a short period of time.

Exclude Licensable Activities from the Licence

This licence currently has the following permitted licensable activities –

- Indoor Sporting Events
- Supply of Alcohol

If the Sub-Committee were inclined to exclude conditions from the licence as an outcome of this Review, Dorset Police are of the view that to remove the **Supply of Alcohol** would likely result in a reduction in the levels of disorder and anti-social behaviour experienced by the complainants to Dorset Police. Dorset Police are of this view as the complaints received indicate that the neighbours are experiencing alcohol-related disorder/anti-social behaviour.

This option, however, would not, in the view of Dorset Police, assist to encourage or persuade the licence holder to meet the Annex 2 conditions as detailed above.

The Sub-Committee should also be aware that during the function held on the 13th November 2021 it was confirmed from CCTV that the premises had a DJ present until 11.30pm. The premises do not currently have Regulated Entertainment listed as a permitted licensable activity on the licence.

Modify / Add Conditions

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

- The majority of conditions have been agreed by the licence holder during the application phase and volunteered by the licence holder as appropriate to promote the licensing objectives.

- The Licensing Sub-Committee have already added additional conditions to the Premises Licence following the Sub-Committee hearing of the 28th October 2021.

Remove DPS

The existing DPS is the owner of the premises. Dorset Police anticipate that any change in DPS would likely have a limited impact as any new DPS would be receiving direction and instruction from the current DPS and owner of the premises, who has failed to meet the existing conditions and promote the licensing objectives.

Dorset Police are of the view that this option would not remedy the issues identified above.

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

The suspension of this Premises Licence is unlikely to result in any substantial improvement. Dorset Police have demonstrated previously that we have engaged with the premises over a significant period and, unfortunately, the lack of improvement has led to this further application for a Review of the Premises Licence.

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.

Dorset Police acknowledge the value that licensed premises add to communities as places of social and economic value, however, where they become detrimental to a community, appropriate action must be taken to seek improvement or reduce/remove the concerned premises.

If the options proposed above are not considered appropriate, Dorset Police propose that this Premises Licence be revoked.

The revocation of the premises licence and the exclusion of the licensable activities will not render the premises unusable. There is of course the option for a further Premises Licence / Club Certificate Application to be submitted in the future and there are many examples where businesses in the sports/hospitality/catering sector have thrived in the absence of a Premises Licence.

Conclusion

Dorset Police do not intend to elaborate a great deal on the above during the Sub-Committee hearing, however, we will ensure our availability to answer and queries and provide any further clarification/support/advice to the Sub-Committee as required.