

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 17 August 2022 at 10.00 am

Present:-

Cllr J J Butt – Chair

Present: Cllr R Burton and Cllr D Kelsey

48. Election of Chair

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

Voting: Unanimous

49. Apologies

An apology was received from Cllr Toby Johnson.

The Chair thanked the reserve member, Cllr Richard Burton, for attending and stepping up as full member of the sub-committee.

50. Declarations of Interests

There were no declarations of interest.

51. Exclusion of Press and Public

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

52. Application for Expedited Review of Premises Licence at Rancho Steak House, D26a Dolphin Quays, The Quay, Poole, BH15 1HU

This item was restricted by virtue of Section 14 (2) of the Licensing Act 2003 (Hearings) Regulations 2005 and paragraphs 1, 2 and 7 of Schedule 12A of the Local Government Act 1972.

Exempt information – Categories 1 (information relating to any individual), 2 (information which is likely to reveal the identity of an individual) and 7 (information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime).

Present:

From BCP Council:

Tania Jardim– Licensing Officer

Sarah Rogers – Senior Licensing Officer

Johanne McNamara – Legal Advisor to the Sub-Committee

Jill Holyoake – Clerk to the Sub-Committee

Ella Hornsby – attending in an observational capacity for work experience

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

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

The Sub Committee was asked to consider an application for an expedited review of the premises licence for the premises known as Rancho Steak House, Unit 26 Dolphin Quays, the Quay, Poole, submitted by Dorset Police on 28 July 2022, on the grounds that the premises was associated with serious crime.

No representations had been received from any of the other responsible authorities.

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

Mr John Bean – Dorset Police Licensing Team

Mr Jon Wallsgrove – Legal representative for the current Designated Premises Supervisor (DPS) and Premises Licence Holder (also in attendance)

The Sub Committee asked various questions of all parties present and were grateful for the responses received. All parties had the opportunity to ask questions. All parties were invited to sum up before the Sub-Committee retired to make its decision. Before concluding the hearing, the Legal Advisor advised all parties of the right of appeal.

RESOLVED that having considered the application for an expedited review of the premises licence for Rancho Steak House, D26a Dolphin Quays, The Quay, Poole BH15 1HU the Sub Committee agrees that the following steps be taken by the Licensing Authority as appropriate for the promotion of the licensing objectives:

- **Modification of the conditions of the current premises licence by the addition of two conditions as follows:**

- **The current DPS shall not enter the premises at any time**
- **The current DPS shall have no financial interest or involvement with the premises and no management responsibilities with the premises**
- **The removal of the current DPS as the current Designated Premises Supervisor at the premises**
- **The suspension of the premises licence for a seven day period**

Further the Sub Committee agrees that the interim steps taken to suspend the licence on 29 July 2022 shall remain in place for a further seven day period with the inclusion of the additional steps to modify the conditions and remove the DPS as set out above

Reason for Decision

The Sub-Committee gave detailed consideration to all of the information which had been submitted before the hearing and contained in the report for Agenda Item 6, in particular the written evidence provided by Dorset Police in support of the application for expedited review and the verbal submissions made at the hearing by Mr John Bean on behalf of Dorset Police Licensing and by Mr Jon Wallsgrove, the legal representative for the current DPS, and the responses given to all questions asked at the hearing. In particular the Sub-Committee noted that Mr Wallsgrove advised that immediate plans were in place for the transfer of the premises licence and variation of the Designated Premises Supervisor at the premises to be made to a new operator and that the current DPS would have no connection with the business.

In determining the review, the Sub Committee considered what steps it considered appropriate and proportionate for the promotion of the licensing objectives as follows:

Modification of the conditions of the premises licence:

The Sub Committee agreed that the two additional conditions offered by the current DPS's legal representative, to prevent him entering the premises at any time and removing any financial or managerial involvement in the premises, were sufficient to remove the risk associated with him being on the premises and would safeguard and uphold the licensing objectives, having taken account the reasons put forward in the review application, in that the alleged offences took place on the premises.

Exclusion of a licensable activity from the scope of the licence:

The Sub Committee noted that the exclusion of one or more licensable activities was not applicable in this case as it would not address the concerns raised in the review.

The removal of the Designated Premises Supervisor from the licence:

The Sub Committee agreed that the removal of the current DPS as DPS as offered by his legal representative was a necessary and proportionate step to safeguard and uphold the licensing objectives in view of the reasons for the review. The current DPS's legal representative confirmed that should the licence not be revoked he would immediately apply for the transfer of the premises licence and variation of the DPS to a new operator. Mr Wallsgrove advised that this would be to an experienced DPS with no financial or social connections to the current DPS and would have immediate effect (subject to Dorset Police not objecting to these applications as permitted to any application to transfer).

Suspension of the Licence:

The Sub Committee agreed that suspending the licence for a further seven day period, as offered by the current DPS's legal representative, would safeguard and uphold the licensing objectives by addressing the risks associated with the premises operating prior to the completion of the transfer of the lease for the premises from the current DPS to the new operator. The seven days was deemed sufficient for the transfer of the lease to take place and for the new operator/DPS to assume her position while minimising further adverse impact on existing employees at the premises.

Revocation of the Licence:

Given the offers made by the current DPS's legal representative to address the reasons for the review, the steps taken by the Sub Committee as set out above are considered proportionate and sufficient to safeguard and uphold the licensing objectives without the need to revoke the premises licence.

Consideration of Interim Steps

The Sub Committee agreed that the interim step to suspend the licence be maintained for a further seven day period and that all other steps agreed in determining the review should be included to ensure the licensing objectives are safeguarded and upheld while the transfer of the lease is concluded and the current DPS's involvement in the premises ceases. For the avoidance of doubt the interim steps are:

1. The Licence be suspended for a further 7 days from 17th August 2022
2. Modification of the conditions of the current premises licence by the addition of two conditions as follows:
 - The current DPS shall not enter the premises at any time
 - The current DPS shall have no financial interest or involvement with the premises and no management responsibilities with the premises

3. The removal of the current DPS as the current Designated Premises Supervisor at the premises

Right of appeal

Final Review

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

Interim Steps

The Licence Holder or the Chief Officer of Police may appeal against the decision made by the Licensing Authority concerning its review of the interim steps to a Magistrates Court. The appeal must be made within 21 days of the applicant being notified of the Licensing Authority's decision and must be heard in full by the Magistrates Court within 28 days beginning with the day on which the appellant lodged the appeal.

In making this decision the Licensing Sub Committee had regard to the Bournemouth, Christchurch and Poole Council Licensing Policy, the Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 and Section 53a-C Licensing Act 2003 Summary Review Guidance and the licensing objectives as set out in the Licensing Act 2003.

Voting: Unanimous

The meeting ended at 11.03 am

CHAIRMAN

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