

Sunset (Aruba), Pier Approach, Bournemouth

This report is to be considered alongside the formal representation submitted in respect of an Application for 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 applicant (or their representative) and members of the Licensing Sub-Committee with additional information, context and evidence in support of the representation. 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

The premise is adjoining the East side of Bournemouth Pier, constructed on the sand, on a site which has operated as a Beach Restaurant for a number Summer seasons. The site has been operated using a Premises Licence applied for by BCP Council and included the sale of alcohol for the consumption on the premises.

Dorset Police initially objected to the Application for a Premises Licence submitted by BCP Council, alongside objections from other interested parties, however, Dorset Police were able to successfully mediate conditions which both the applicant and Dorset Police determined would ensure that the licensing objectives could consistently be promoted, particularly at the busiest periods in the Summer, when demand for public services, including Dorset Police, increase significantly.

Officers from the Dorset Police Drug & Alcohol Harm Reduction Team (DAHRT) have met with the operators of the site, the applicants in this case, to discuss formulating an Application to Vary to the existing licence to enhance the viability of the site whilst ensuring that the success of the existing site, in respect of delivering safe and responsible licensable activities, was not adversely impacted.

Several proposals have been suggested by Dorset Police, however, no Application to Vary the existing licence has been received. An Application for a Premises Licence has been submitted, clearly based upon the existing Premises Licence, with some key changes that have been identified below.

Concerns

Dorset Police always assess each Application for a Premises Licence on its own merit as is required by the Licensing Act 2003. It would, however, be unreasonable not to consider the existing premises licence in any decisions as we will always aim to identify best practice from existing licence conditions and aim to enhance existing conditions when formulating conditions and operating schedules for new premises.

This application is being submitted by the most recent operator of the existing Premises Licence, using the same site under a very similar operating schedule. Dorset Police draw the attention of the Sub-Committee members to the main differences between this application and the existing premises licence, whilst highlighting the key areas of concern.

Colour coding

Not all the conditions that have been proposed cause concern for Dorset Police. Due to the number of conditions proposed, the slight variations that have been made to the existing conditions and the

exclusion of some conditions from the new application, Dorset Police have invested time in creating the below criteria for identifying those conditions which cause the most concern.

Of the 12 different possible outcomes below, you will note that half of them equate to an 'Agreed' outcome with only 4 of them equating to 'Object', denoting areas which Dorset Police consider will likely have a significant impact on the promotion of the licensing objectives.

Colour Combination	Criteria for Grading	Result
Green	No Concerns – as per previous condition	Agreed
	As per previous condition, however, changes are advised	Discuss
	As per previous condition, however, changes are necessary	Object
	As per previous condition, no comment	Agreed
Yellow	Does not match previous Premises Licence, however, is acceptable	Agreed
	Does not match previous Premises Licence and changes are advised in order to be acceptable	Discuss
	Does not match previous Premises Licence, changes are required in order to meet requirements of Dorset Police	Object
	Does not match, however, no comment	Agreed
Red	This condition is absent from the Proposal, however, its absence is acceptable and meets the required standards	Agreed
	Condition is absent and this does cause some concern	Object
	Condition is absent and its absence from the proposal is a significant concern	Object
	Despite the condition being absent from the proposal, this does not cause Dorset Police any concern	Agreed

The below table aims to provide context and explanation relating to the concerns of Dorset Police in this matter and to provide the members of the Licensing Sub-Committee with a clear and objective opportunity to evaluate the existing conditions alongside those that have been proposed by the applicant.

The comments of Dorset Police are provided to add additional context to the concerns that have been identified through the RAG indicators.

Highlighted areas are identified discrepancies in the wording of the proposed conditions.

Existing BCP Council Licence (RAG denotes whether condition reflected in new proposal)	Condition Proposed (RAG denotes concern based on comments)	Dorset Police Comments
<u>General Objectives</u>		
2.1	The events shall be covered by a full Event Management Plan as well as Safety Advisory Group meetings. The Event Management Plan is sent to all agencies for comments.	2.1
	The events shall be covered by a full Event Management Plan agreed at Safety Advisory Group meetings. The Event Management Plan will be sent to all agencies for comments.	Dorset Police encourage any opportunity for the SAG to have sight of the event in advance of the operation commencing.
2.2	Safety Advisory Group Meetings shall be held on a regular basis involving the Police, Ambulance and other appropriate bodies.	2.2
	Safety Advisory Group Meetings shall be held on a regular basis involving the Police, Ambulance and other appropriate bodies. The representative of the	Dorset Police are concerned that this condition is unenforceable as no definition of 'regular basis' and unachievable to expect that the representative will be

			Premises Licence Holder will attend at such Meetings and/or provide such information as may be required.	able to provide 'such information as may be required'.
2.2.1	The representatives in this group include Police, Ambulance, Fire, Licensing, Health and Safety and Environmental Health.	2.2.1	The representatives in this group include Police, Ambulance, Fire, Licensing, Health and Safety and Environmental Health.	Cannot condition other bodies to be part of the SAG and this should be removed.
2.2.2	Contracts with organisers limiting activities and timings to those agreed by the Council.	2.2.2	The Premises Licence Holder shall provide both public and employers liability insurance to the Council prior to the commencement of this Licence.	Not relevant to the Premises Licence
2.34	Bar operators shall provide both public and employers liability insurance to the Council prior to arrival onsite along with a detailed risk assessment and method statement for the operations. The Event Management Plan shall put in place procedures for ensuring public safety at the event and around the alcohol serving area. This Event Management Plan is signed off by the Council's Event Department.			
2.3	All activities and events shall have to comply with Council regulated event criteria to include Risk Assessment and suitable Insurance cover.	2.3	All activities and events shall have to comply with Council regulated event criteria to include Risk Assessment and suitable Insurance cover	Accepted, although not relevant to the Premises Licence
2.4	All events shall comply with BCP Council Byelaws.	2.4	All events shall comply with BCP Council Byelaws.	No requirement to be included as this is governed by other legislation.
n/a	(none)	2.5	The Licence shall only operate during the period 1 April to 30 September.	Accepted
Prevention of Crime and Disorder				
2.5	Challenge 25, shall be operated at the premises where the only acceptable forms of identification are (recognised photographic	2.5[A] <i>(There are 2 x Conditions identified as 2.5 in the application)</i>	Challenge 25 shall be operated at the premises where the only acceptable forms of identification are recognised photographic	Accepted

	<p>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.</p>		<p>identification cards, such as a driving licence or passport and holographically marked PASS scheme identification cards. Appropriate signage advising customers of the policy shall prominently displayed in the premises.</p>	
2.24	<p>'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.</p>			
2.6	<p>An SIA licensed door supervisors shall be on duty at the entrance of the premises at all times whilst it is open for business</p>	2.6	<p>The Premises Licence Holder shall undertake a Risk Assessment with regard to the deployment of SIA licensed door supervisors at different times of the day and on different days of the week to determine whether it is appropriate to deploy door supervisors on those days (and if so at what times and what ratio of door supervisors to anticipated customers) and will implement the outcome of that Risk Assessment. A copy of the Risk Assessment shall be made available to an Authorised Officer upon request.</p>	<p>Concern regarding risk-assessed SIA when 'Off-Sales' are being proposed.</p> <p>As this site is intended to be utilised for only 1 purpose, the SIA requirements should be known to this applicant.</p>
2.14	<p>The holder of the licence shall undertake a risk assessment regarding; the deployment of SIA Door Supervisors at different times of the day and on different days of the week to determine whether it is appropriate to deploy door staff on those days and/or at any other time(s) and to then implement the outcome of the risk assessment. A copy of the risk assessment should be made available immediately to an authorised officer of the Licensing</p>			

	Authority or Dorset Police upon request.			
2.7	No drinks shall be served in glass containers at any time.	2.7	No drinks shall be served in glass containers at any time.	Accepted – 2.19 of original Premises Licence is a duplicate of 2.7
2.19	No drinks shall be served in glass containers at any time.			
2.8	A full Risk Assessment shall be carried out for events to determine any need for security marshalling and the emergency services shall be consulted a minimum of 28 days in advance.	2.8	A full Risk Assessment shall be carried out for events to determine any need for security marshalling and the emergency services shall be consulted a minimum of 28 days in advance.	What are considered to be 'events'? Consultation does not suggest that there is an opportunity for emergency services to influence change or prevent activities from taking place. Conflict with 2.6 above.
2.10	The premises shall operate and maintain a text/radio/pager link system (whichever is used by Townwatch), to be activated, made available to and monitored by the DPS or their authorised agent.	2.9	The premises shall operate and maintain a text/radio/pager link system (whichever is used by Townwatch) to be activated made available to and monitored by the DPS or their authorised agent.	Accepted
2.11	The premises shall maintain membership of the Townwatch scheme (or any successor scheme); a senior member of staff shall attend all Townwatch meetings for the month preceding the event until the month prior to the conclusion of the event unless an emergency arises preventing such attendance. The premises will support and participate in all Townwatch initiatives.	2.10	The premises shall maintain membership of the Townwatch scheme (or any successor scheme); a senior member of staff shall attend all Townwatch meetings for the month preceding the event until the month prior to the conclusion of the event unless an emergency arises preventing such attendance. The premises will support and participate in all Townwatch initiatives.	Accepted
2.12	All staff involved in the sale of alcohol shall receive training on the law relating to prohibited sales, the age verification policy adopted by the premises and the conditions attaching to the premises licence.	2.11	All staff involved in the sale of alcohol shall receive training on the law relating to prohibited sales the age verification policy adopted by the premises and the conditions attaching to the premises licence.	Proposed condition – All staff working at the premises concerned with the sale of alcohol shall be trained in the Local Authority Trading Standards package of training No Proof of Age No Sale - (NPOANS) 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.
2.12.1	Refresher training shall be provided at least once every 6 months.	2.11.1	Refresher training shall be provided at least once every 6 months	Accepted
2.12.2	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.	2.11.2	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 an Authorised Officer.	Need to be made available immediately for an authorised officer.
2.12.3	The training must be delivered by or on behalf of an accredited training provider.	2.11.3	The training must be delivered by a Personal Licence holder.	Training must be delivered by an Accredited provider as this will risk undermining the quality of the training being delivered.
2.13	A suitably trained and competent person must ensure weekly safety checks of the premises, decorative and functional fixtures, floor surfaces and equipment (including electrical appliances) to which the public may come into contact are undertaken. Records of these safety checks must be kept and	2.12	A suitably trained and competent person must ensure that weekly safety checks of the premises decorative and functional fixtures floor surfaces and equipment (including electrical appliances) to which the public may come into contact are undertaken. Records of these safety checks must be	No structures shown on the plan and this site and it is therefore difficult to comment on the effectiveness of this proposal and whether it is likely to be achieved.

	maintained by the operator and made available for inspection by an authorised officer.		kept and maintained by the operator and made available for inspection by an Authorised Officer.	
2.15	If there is a formal multi-agency 'stepped process' for escalation of resources operating in the vicinity of the licensed premises the licence holder must ensure that they increase the levels of resources in line with the recommendations of Dorset Police and their partners. To ensure consistency, any requests for increase in staffing shall be authorised by an officer holding the rank of Inspector or above. The Event Management Plan, agreed with Dorset Police, will detail the level of resources required for each of the 'stepped process' levels.	2.13	If there is a formal multi-agency 'stepped process' for escalation of resources operating in the vicinity of the licensed premises the Premises Licence Holder must ensure that they increase the levels of resources in line with the recommendations of Dorset Police and their partners. To ensure consistency, any requests for increase in staffing shall be authorised by an officer holding the rank of Inspector or above. The Event Management Plan, agreed with Dorset Police, will detail the level of resources required for each of the 'stepped process' levels.	Not specific in respect of SIA staffing. This condition had always been initiated to enable enhanced SIA requirements.
2.16	The licence holder shall ensure that the operator of the premises has an Evacuation Plan which enables the safe evacuation and movement of staff and customers in the event of an incident. This plan will include provision for movement of persons within the premises when the space outside of the curtilage of the premises is occupied.	2.14	The Premises Licence Holder shall ensure that the operator of the premises has an Evacuation Plan which enables the safe evacuation and movement of staff and customers in the event of an incident. This plan will include provision for movement of persons within the premises when the space outside of the curtilage of the premises is occupied.	Concerns that the operator and PLH are not the same.
2.17	A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale, a description of the person refused, why they were refused (e.g. no ID, fake ID) and the name of the	2.15	A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale, a description of the person refused, why they were refused (e.g. no ID, fake ID) and the name of the	Accepted

	<p>member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of a Responsible Authority (Licensing Act 2003).</p>		<p>member of staff who refused the sale. The log shall be available for inspection at the premises by an Authorised Officer.</p>	
2.18	<p>There shall be a written drugs policy detailing the actions to be undertaken to minimize the opportunity to use or supply illegal substances with the premises. Training of staff in relation to this policy shall be recorded and available for inspection by an authorised officer at all reasonable times. Records shall be retained for at least 12 months.</p>	2.16	<p>There shall be a written drugs policy detailing the actions to be undertaken to minimize the opportunity to use or supply illegal substances with the premises. Training of staff in relation to this policy shall be recorded and available for inspection by an Authorised Officer at all reasonable times. Records shall be retained for at least 12 months.</p>	Accepted
2.20	<p>The premises shall install and maintain a comprehensive CCTV system, all entry and exit points to the alcohol service areas will be covered enabling evidential frontal identification of every person (ie. head and shoulders) entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period. The CCTV system should be updated and</p>	2.17	<p>The premises shall install and maintain a comprehensive CCTV system. All entry and exit points to the alcohol service areas will be covered enabling evidential frontal identification of every person (ie. head and shoulders) entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period. The CCTV system should be updated and</p>	No fencing on maps, which is needed for control. Further details are required.

	maintained according to police recommendations.		maintained according to police recommendations.	
2.20.1	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 is 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.	2.17.1	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 is open to the public. This staff member must be able to show an Authorised Officer recent data or footage with the absolute minimum of delay when requested.	Concern that CCTV must be in use 24 hours per day and access must be available to Police and Authorised persons 24 hours per day.
2.9	An up to date record of incidents shall be kept at the premises and this shall be available for inspection by an Authorised Officer on request.	2.18	An incident log shall be kept at the premises. The log should include the date and time of the incident and the name of the member of staff involved. The log to be made available on request to an Authorised Officer will record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received (d) any incidents of disorder (e) all seizures of drugs or offensive weapons (f) any faults in the CCTV system or searching equipment or scanning equipment (g) any visit by a relevant authority or emergency service.	Accepted – 2.9 of original Premises Licence is a duplicate
2.20.1	An incident log shall be kept at the premises. The log should include the date and time of the incident and the name of the member of staff involved. The log to be made available on request to an authorised officer of the Council or the Police, which will record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received (d) any incidents of disorder (e) all seizures of drugs or offensive weapons (f) any faults in the CCTV system or searching equipment or scanning equipment (g) any visit by a relevant authority or emergency service.			

2.22	Outside of the hours authorised for the sale of alcohol, all alcohol within the trading area is to be secured behind locked grilles, locked screens or locked cabinet doors to prevent access to the alcohol by both customers or staff.	2.19	Outside of the hours authorised for the sale of alcohol, all alcohol within the trading area is to be secured behind locked grilles, locked screens or locked cabinet doors to prevent access to the alcohol by customers and/or staff.	No structures on the plan – where will alcohol be kept?
2.23	The number of persons permitted in the premises at any one time (including staff) shall not exceed the number as stated within the Event Management Plan, which will be agreed by the Safety Advisory Group Meeting 28 days in advance of any event.	2.20	The number of persons permitted in the premises at any one time (including staff) shall not exceed the number as stated within the Event Management Plan, which will be agreed by the Safety Advisory Group Meeting 28 days in advance of any event.	What entails an 'event'? Otherwise accepted
2.25	There shall be no promotional sales of alcohol at the premises where alcohol is sold at a price lower than that at which the same or similar alcoholic drinks are sold, or usually sold, on the premises.	2.21	There shall be no promotional sales of alcohol at the premises where alcohol is sold at a price lower than that at which the same or similar alcoholic drinks are sold, or usually sold, on the premises	Not required as covered by Mandatory conditions
2.26	The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.		(none)	Previous licence required food alongside alcohol. No mention of food being available let alone required for alcohol sales.
2.27	Alcohol sales to be permitted for consumption on and off the premises without the requirement for food only on days when the Bournemouth Air Festival takes place.	2.22	Sales of alcohol for consumption off the premises shall be limited to two alcoholic drinks per customer. No beer lager or cider sold shall have an ABV (alcohol by volume) exceeding 5.5%.	OFF SALES of alcohol. Not accepted due to the location and levels of disorder experienced during periods of peak demand and capacity. Beer strength accepted
2.30	There shall be no sales of alcohol for consumption off the premises.			
2.28	A currently qualified first aider must always be employed on the premises when the premises are open to	2.23	A currently qualified first aider must always be employed on the premises when the premises are open to	Accepted – may need to change to show only whilst licensable activities are taking place.

	the public. The venue will also provide first aid facilities commensurate with the type of event and customers expected		the public. The venue will also provide first aid facilities commensurate with the type of event and customers expected.	
2.29	A procedure for supporting and dealing with unwell members of the public will be in place including those who appear to be affected by alcohol or drugs. Staff will be appropriately trained in such procedures.	2.24	A procedure for supporting and dealing with unwell members of the public will be in place including those who appear to be affected by alcohol or drugs. Staff will be appropriately trained in such procedures.	Accepted in principle. What measures and training will be in place?
2.31	There shall always be a personal licence holder on duty on the premises when the premises are authorised to sell alcohol.	2.25	There shall always be a personal licence holder on duty on the premises when the premises are authorised to sell alcohol.	Accepted. Good
2.32	No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.	2.26	With the exception of signage relating to the venue on the structures and surrounding fencing, no advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment its premises or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public	Do not want alcohol being advertised from outside. This should be focused on food provision as a primary product.
2.33	The PLH/DPS will operate to a written dispersal policy which ensures the safe and gradual dispersal of customers from the premises. The policy will be agreed with Dorset Police. The PLH/DPS will ensure that staff receive training on the policy and a record of	2.27	The Premises Licence Holder (PLH)/DPS will operate to a written dispersal policy which ensures the safe and gradual dispersal of customers from the premises. The policy will be agreed with Dorset Police. The PLH/DPS will ensure that staff receive training on the policy	Accepted – 2.44 of original licence is a duplicate

	training shall be kept/made available to an authorised officer upon request.		and a record of training shall be kept/made available to an Authorised Officer upon request.	
2.44	Plans for effective dispersal will be requested for any supplier using the premise licence.			
<u>Public Safety</u>				
2.35	HSE Guidance shall be followed where applicable to include 'The Event Safety Guide' and other appropriate publications.	2.28	HSE Guidance shall be followed where applicable to include 'The Event Safety Guide' and other appropriate publications.	Accepted, however, there is reference to 'event organisers' and this suggests that the site may be used by external operators to operate events which extend far beyond the confines of this site.
2.36	All event organisers shall be asked to provide confirmation of Public Liability Insurance and Risk Assessments for every aspect of their event.			
2.37	All Health and Safety requirements shall be agreed prior with organisers and contractors prior to the event and contracts drawn up confirming these requirements. Regular checks shall take place to ensure that this is being adhered to.	2.29	All Health and Safety requirements shall be agreed prior with organisers and contractors prior to the event and contracts drawn up confirming these requirements. Regular checks shall take place to ensure that this is being adhered to.	This condition raises further concern that this site could be used, if 'Off-Sales' are permitted, for the hosting of large festivals on the beach. The alcohol provision could be sold from the site to patrons who gather off the site to enjoy the entertainment, thereby creating a festival.
2.38	HSE Guidance shall be followed where appropriate to include 'The Event Safety Guide' and other appropriate publications.	2.30	HSE Guidance shall be followed where appropriate to include 'The Event Safety Guide' and other appropriate publications.	No comment
2.39	Access for emergency vehicles shall be kept clear in respect of those areas under the control of the operators of the premises.	2.31	Access for emergency vehicles shall be kept clear in respect of those areas under the control of the operators of the premises.	Accepted although this will be difficult for the organiser to influence. Consideration to be given to removal of this condition.
2.40	All temporary staging and large marquees shall be checked by a	2.32	All temporary staging and large marquees shall be checked by a	No details of structures have been provided and this condition once again

	qualified person for safety purposes.		qualified person for safety purposes.	suggests that the site could be used to host festivals.
<u>Prevention of Public Nuisance</u>				
2.41	An appropriate marshalling plan shall be agreed for each event.	2.33	An appropriate marshalling plan shall be agreed for each event.	Insufficient detail and no enforceable elements to this condition which once again indicates that this site may be intended for use as a festival.
2.42	Where music provision is planned to be more than background music, a Noise Management Plan (NMP) must be submitted at least 28 days before the event, the NMP must be agreed by the Licensing Authority. The NMP must include schedule, breaks, details on any amplification, sound levels and the process in place to minimise disruption to residents including contact telephone numbers of the responsible person on-site during the event with which noise complaints can be addressed if they arise. If a noise officer from BCP regulatory team receives adequate complaints to justify visitation and their visit determines the noise levels to be a statutory nuisance, the event may be closed down without prior warning	2.34	Where music provision is planned to be more than background music a Noise Management Plan (NMP) must be submitted at least 28 days before the event and this NMP must be agreed by the Licensing Authority. The NMP must include schedule, breaks, details on any amplification, sound levels and the process in place to minimise disruption to residents including contact telephone numbers of the responsible person on-site during the event with whom noise complaints can be addressed if they arise. If a noise officer from BCP regulatory team receives adequate complaints to justify visitation and their visit determines the noise levels to be a statutory nuisance, the event may be closed down without prior warning.	No comment
2.43	Regular contact shall be maintained with the Police, authorised officers of the Council in charge of Environmental Health by the Seafront Operations Team to manage the contractors onsite.	2.35	Regular contact shall be maintained with the Police, authorised officers of the Council in charge of Environmental Health by the Seafront Operations Team to manage the contractors onsite.	This condition is unenforceable and vague. Difficult to compel anyone other than the PLH to comply with conditions.
2.45	Music noise levels shall not exceed 65dB(A) over a 15 minute period when measured at the	2.36	Music noise levels shall not exceed 65dB(A) over a 15 minute period when measured at the	

	boundary of any noise sensitive premises.		boundary of any noise sensitive premises.	
2.46	Low frequency noise shall be adequately controlled particularly 63Hz and 125Hz which shall not exceed 70dB(A) at any time when measured at the boundary of any noise sensitive premises.	2.37	Low frequency noise shall be adequately controlled particularly 63Hz and 125Hz which shall not exceed 70dB(A) at any time when measured at the boundary of any noise sensitive premises	
Protection of Children from Harm				
2.47	A lost child procedure shall be implemented for all events and modified as necessary.	2.38	A lost child procedure shall be implemented for all events and modified as necessary.	Further detail required. This detail could be included in an EMP.
2.48	Where there are supervised activities with or without parental/guardian supervision, the organisers of those activities shall be Criminal Record Bureau (CRB) checked.	2.39	Where there are supervised activities with or without parental/guardian supervision, the organisers of those activities shall be Disclosure & Barring Service (DBS) checked.	Are there planned events without adult supervision? Will alcohol provision be permitted during these times?
2.49	Where children under the age of 8 are left at a supervised activity without a parent or guardian, the organiser shall need to comply with the requirements of the Children's Act 2004.	2.40	Where children under the age of 8 are left at a supervised activity without a parent or guardian, the organiser shall need to comply with the requirements of the Children's Act 2004.	Are there planned events without adult supervision? Will alcohol provision be permitted during these times? Restrictions on children being present at Licensed Premises is already restricted by the Licensing Act 2003.
2.50	Organisers employing staff for events shall have detailed written management procedures in place covering the protection of children from harm.	2.41	Organisers employing staff for events shall have detailed written management procedures in place covering the protection of children from harm.	Unenforceable due to being vague, however, this once again highlights the potential for festivals to take place at this site.

Assessment of the conditions proposed

Please see below list of the conditions proposed which cause Dorset Police concern.

In summary, 20 of the conditions proposed have been Accepted by Dorset Police, 17 require further consideration and **only 11 conditions cannot be agreed.**

Conditions requiring further consideration/discussion

Condition Number	Subject Matter
2.1	Requirement for Event Management Plan
2.8	Risk Assessment for Door Supervisors/Marshalls
2.11.2	Records to be maintained for Staff Training and available for inspection
2.12	Suitable checks of infrastructure in the absence of detailed plans
2.14	Evacuation Plan - Implication of separate 'operator'
2.17.1	CCTV Requirement – Implies 24hrs each day
2.19	Security of alcohol when premises closed – No plan showing structures
2.20	Maximum number of persons at any 'event – Concern regarding use of site
2.23	First Aid provision – implies will be provided 24hrs each day
2.24	Welfare provision – Lacking sufficient detail to be enforceable
2.28	'The Event Safety Guide' to be followed – suggests events may be held at this site
2.29	HSE Requirements – Further suggestion that events may be hosted at this site
2.32	Temporary staging/marquee requirements – Evidence of events being hosted at this site
2.38	Lost child procedure – May be better suited in the EMP
2.39	Requirements for unsupervised children are insufficient
2.40	Unclear what events for children will take place at this licensed premise
2.41	Reference to 'organisers' of events for children. Suggests events will take place

Conditions that cannot be agreed by Dorset Police

Condition Number	Subject Matter
2.2	Safety Advisory Group requirements are unenforceable
2.2.1	Safety Advisory Group participants cannot be enforced
2.6	Significant reduction in SIA provision when compared to the existing premises licence.
2.11	Staff training must meet the standards expected and an alternative condition is proposed.
2.11.3	Significant reduction in the standard of training to be provided to all members of staff at the premises. This is a concern and indicates a lack of appreciation of the importance of delivering up-to-date and accredited training.
2.13	This condition should ensure that there is the ability for Dorset Police to influence and mandate an increase in the number of SIA staff in accordance with any increase in threat or risk in the area.
2.17	No details of the fencing plans for the site have been produced and this affects the ability to assess the CCTV requirements for this site.
2.22	Alcohol provision for consumption off the site significantly increases the risk of crime and disorder. Additionally, the applicant has removed the condition relating to the provision of food alongside alcohol (Condition 2.26 of the existing licence), indicating that this premises will be focused on sales of alcohol. The limit on the number of alcoholic purchases is difficult to enforce and no restrictions made on measures. This condition will be further discussed below.
2.26	Signage advertising alcohol will likely be displayed for the attention of all visitors to the Pier as a result of this amendment to the condition attached to the existing premises licence.
2.33	The inclusion of a 'Marshalling Plan' further indicates that this site may be utilised as a festival or event site.
2.35	This is unenforceable as it is mandating other persons to carry out certain actions.

Summary of Concerns regarding Licence Conditions

You will note that Dorset Police have invested significant time in reducing the areas of concern to those of the highest priority and which cause the greatest concern.

It is clear that this application has failed to demonstrate how the site is intended to be used.

The proposed conditions, if agreed, will effectively permit the site to be operated as a festival site, permitting the sale of alcohol from within the boundary of the premises for the consumption of customers at/nearby to the site, essentially extending the footprint of the premises.

The addition of Regulated entertainment will then permit the display of live music from stages and marquees (highlighted within this application as being required) for the enjoyment of persons located outside of the premise's footprint. **This application will effectively permit a Festival on the beach**, the only aspect of which requiring formal management by the applicant being the footprint of the site, with the remainder of the beach being the responsibility of the authorities, including Dorset Police.

Additional Conditions Proposed

In addition to the changes to the proposed conditions, Dorset Police believe that the addition of the following conditions would likely increase the opportunity for the Premises Licence Holder to promote the Licensing Objectives –

➤ Terminal Hours for Alcohol Provision and Opening Times

Dorset Police have considered the extension of the alcohol provision and other licensable activities until 2300hrs, 1hr beyond the existing 2200hrs terminal hour for licensable activities permitted under the existing Premises Licence.

Dorset Police would not be opposed to this extension in the event that the pertinent conditions of the existing licence were replicated in this application, however, the departure from many of the key conditions attached to the existing premises licence, coupled with an extension to the operating hours would likely further undermine the ability of the licence holder to promote the licensing objectives.

➤ CCTV Condition – coverage and availability of staff

There is insufficient information contained within the Licence application confirming what areas of the site will be covered by CCTV. If the Sub-Committee were to grant the Premises Licence, Dorset Police encourage conditions requiring the Licence Holder to operate CCTV 24 hours a day to cover all public areas of site (excluding the Toilet areas), with particular attention given to the Bars, Entry/Exit points and ensuring that a clear image is captured of all persons entering and leaving the premise. This will be particularly important to safeguard the security of the stock on buildings/structures and provide a deterrent against ASB/Criminal Damage whilst the site is unoccupied.

➤ Radio connectivity between SIA and staff

Our experience is that strong communication between staff within a premise leads to early detection and management of problematic customers, reducing the demand on public services, including the Police.

Unfortunately, where some operators have elected to make cost savings by reducing the number of handheld radios in their premises, this has, on occasion, reduced the effectiveness of the management and SIA staff, leading to injury and escalation of problems which may have been avoided if handled more effectively.

➤ Welfare / First Aid provision

Whilst Dorset Police accept that the premise is relatively small in capacity, the operator must introduce proportionate measures to manage the welfare and safety of customers at their premises.

Demand on Police and Ambulance services are unprecedented. The applicant is proposing to offer late night refreshment up to 0500hrs. Periods up to and beyond midnight are of particularly high demand on all public services and the operator must

ensure that they can manage a proportionate level of the care and wellbeing of their customers during their operating hours.

If the Sub-Committee grant the Premises Licence, Dorset Police welcome conditions which help to support particularly vulnerable customers/staff or those requiring basic medical attention.

This proposed condition is supported by Paragraph 2.8 of the Licensing Act 2003 Section 182 Guidance issued by the Home Office.

The above proposed conditions, in the view of Dorset Police, meet all *General Principles* as required by Paragraph 1.16 of the Licensing Act 2003 Section 182 Guidance. We would be willing to assist with the wording of these conditions if required.

Concerns regarding existing demand at Bournemouth Beach

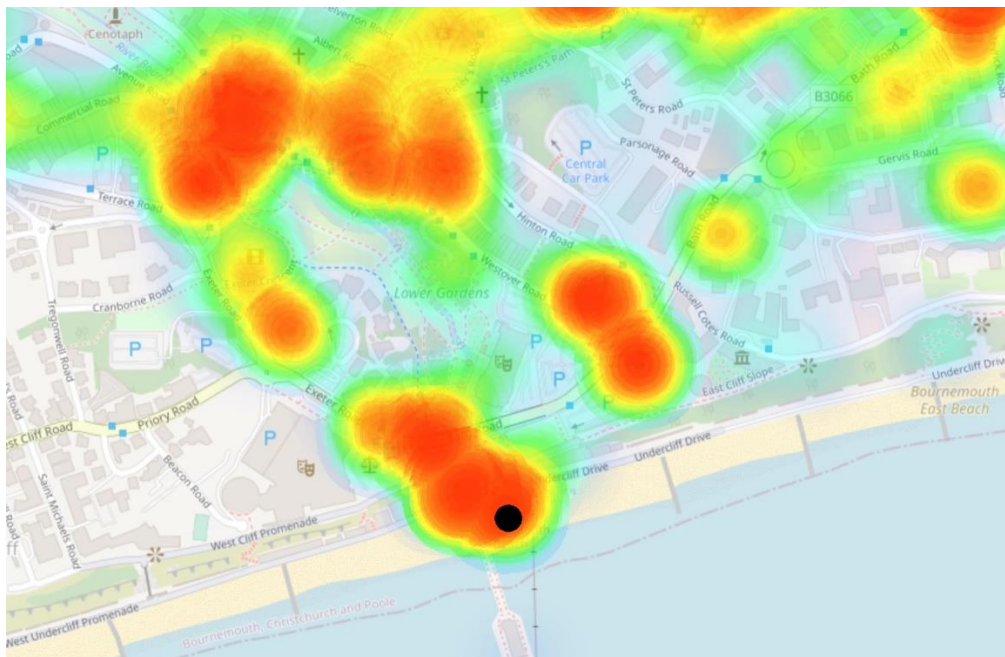
During the peak Summer period, Bournemouth beach attracts significant numbers of visitors and residents to the Town, generating income and employment whilst showcasing the excellent facilities and businesses that service these visitors throughout the daytime and evening.

This increase in visitors to the beach does result in increased demand on public services, including those of Dorset Police.

Dorset Police are concerned that the proposed conditions, notably the omission and amendment of some of the most key conditions from the existing BCP Council Premises Licence, will significantly risk undermining the licensing objectives and increase demand on our public services during the busiest periods.

To provide some context to these concerns, please see below heat map of the levels of violent crime and disorder experienced in Bournemouth Town Centre.

We have indicated the location of the proposed premises with a Black circle.



The data used to illustrate this demand reflects 12 months of demand around key 'Night-Time Economy' crimes and include the statistics for 12 months up to 1st December 2022.

It is anticipated that there will be an increase in demand at the beach locations throughout the Summer period and you will note that the software has concentrated much of the demand to one single location, representing all calls to Bournemouth Beach/Undercliff Drive.

The addition of a further late-evening venue, providing alcohol provision to those on the beach until 2300hrs will likely have a further detrimental effect on this data, particularly where there is inadequate security/welfare provision being proposed.

Available Outcomes to the Sub-Committee

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 a Premises Licence –

Grant the Premises Licence as applied for

Dorset Police are of the view that to grant the application as proposed would likely result in a significant increase in demand for Police and other public services' support during peak periods.

Dorset Police do not, therefore, consider this to be an appropriate outcome as this would risk undermining the licensing objectives to prevent crime and disorder and maintain public safety.

The Sub-Committee are reminded that Paragraph 2.1 of the Licensing Act 2003 Section 182 Guidance produced by the Home Office states that, "*Licensing authorities should look to the police as the main source of advice on crime and disorder*". We have provided an evidence-based summary of our concerns above, as required by Paragraph 9.43 of the Section 182 Guidance, in support of our submission.

Modification of the Conditions of the Premises Licence it considers appropriate for the promotion of the licensing objectives

If the Sub-Committee grant a Premises Licence to the applicant, Dorset Police request that consideration be given to the proposed conditions detailed above and amendment to those conditions which have been highlighted as being of concern above.

Paragraph 9.12 of the Section 182 Guidance specifies, "*Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions.*"

We have drawn on our extensive experience of this area and the surrounding community, coupled with the information and intelligence gathered in relation to the existing Premises Licence that has been operated by BCP Council in putting forward the proposed conditions. We can assure members the Sub-Committee that no 'standard' conditions have been proposed in consideration of this application.

Exclusion of a licensable activity from the scope of the Premises Licence

This licence applies for the following licensable activities between 10.00am and 11.00pm each day of the week with the exception of those detailed below, which essentially permits late night refreshment 24 hours a day and access to the site 24 hours a day, the latter being expected as it is a public space–

- Plays
- Films
- Live Music
- Recorded Music
- Performances of Dance
- Late Night Refreshment (2300-0500hrs)
- Supply of Alcohol for consumption ON and OFF the premises
- Hours Open to the Public (0001-0000hrs)

Dorset Police draw the attention of the Sub-Committee to the above concerns regarding the provision of alcohol and the operating hours. Dorset Police have received no details from the applicant in respect of the application for late night refreshment until 0500hrs each day.

Dorset Police are concerned that the provision of Alcohol for consumption OFF the premises is likely to increase the demand on Dorset Police and our partners at peak periods.

Refuse to specify a person in the licence as the Designated Premises Supervisor

No concerns have been raised regarding the DPS proposed to justify any objection on these grounds.

Refuse the Application for a Premises Licence

Dorset Police support the view that this option should always 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 the presence of a licensed premise is foreseen as being detrimental to a community, it is necessary to draw the attention of members of the Sub-Committee to these concerns for their consideration.

Whilst Dorset Police are keen to support responsible and appropriate licensable activities, we remain of the view that this application, given its location and the challenges faced in the area, should be granted cautiously and only where the Sub-Committee can be satisfied that the Premises Licence Holder can uphold the Licensing Objectives. Dorset Police are concerned that this premise, under the conditions proposed by the applicant, will lead to additional demand on Police resources and undermine the Licensing Objectives.

Conclusion

Paragraph 1.17 of the Licensing Act 2003 Section 182 Guidance requires that each premises application be assessed according to its own merits and in accordance with the Licensing Authority's Statement of Licensing Policy.

Dorset Police have clearly listed and described the concerns that we have in respect of this application. To assist the Sub-Committee in the event that they were inclined to grant the Premises Licence, we have drawn on our knowledge and expertise to assist the Sub-Committee by highlighting concerns that we have regarding the application that we consider will reduce the ability of the licence holder to promote the licensing objectives to prevent crime and disorder and public safety.

The conditions proposed and comments on the proposed conditions are not unnecessarily burdensome or disproportionate for the reasons explained above and are solely intended to support the Licence Holder if a Premises Licence is granted.

Dorset Police are satisfied that the existing Premises Licence, operated by the applicant on behalf of BCP Council, has not increased demand in this area since its approval. **This application departs significantly from many of the safeguards agreed between Dorset Police and BCP Council** during the extensive consultation which took place in respect of the existing premises licence. Departing from the agreed conditions and operating schedule of the existing premises licence risks increasing the demand on public services and undermining the licensing objectives.

At the time of submitting this document, no contact has been received from the applicant or their representative to mediate the concerns that were highlighted in our Notice of Representation submitted to BCP Council on Thursday 15th December 2022.

Dorset Police do not intend to elaborate a great deal on the above during the Sub-Committee hearing, however, as the Licensing Authority's main source of advice on matters relating to crime and disorder, we will be available to answer any further questions that the Sub-Committee members may raise during the hearing.