

# Supplementary Papers for Licensing Sub-Committee

Date: Wednesday, 21 December 2022



---

<b>5. Ratio Bar (formerly known as Xchange), 4 The Triangle, Bournemouth</b> Supplementary evidence from Dorset Police is enclosed.	3 - 10
--	--------

Published: 19 December 2022

This page is intentionally left blank

# Application for Premises Licence– Supplementary Information in Support of Representation

.....

## Xchange Bar / Ratio Bar, 4 The Triangle, 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**

This premises, which we understand is intended to be renamed 'Ratio Bar', is currently vacant but was once a licensed premise known as Xchange. The premise is located at 4 The Triangle, an area largely known as a diverse and vibrant area with a variety of commercial premises encompassing hospitality, retail, and office environments, alongside a variety of relatively high-density residential properties. The area's proximity to the Town Centre and nearby beaches leads to high levels of footfall, both with people passing through the area and people travelling to the Triangle as their destination.

The Ground Floor of 4 The Triangle is used as the licensed premises with the 1<sup>st</sup> and Second Floors used as accommodation for staff. Previously, the First Floor also accommodated the CCTV room and the staff office. The applicant has advised that the First and Second floor accommodation will no longer be utilised.

This premises had previously operated as Xchange for many years until 27<sup>th</sup> November 2019 when Dorset Police, following a sustained period of crime and welfare concerns for patrons and staff, applied to the BCP Council Licensing Sub-Committee for a Review of the premises. To provide background and to avoid duplication, we attach a copy of the Application for Review for the information and draw the attention of the Sub-Committee to the concerns that led to the Revocation of that Premises Licence.

The Licensing Sub-Committee accepted the concerns of Dorset Police that the operators of this premises had failed in their duty to uphold the Licensing Objectives and had not incorporated changes, at the advice of Dorset Police and our partners, to enhance the safety of guests and staff. This led to significant levels of crime, including sexual offences and drug offences, also associated with staff at the premises.

### **Concerns**

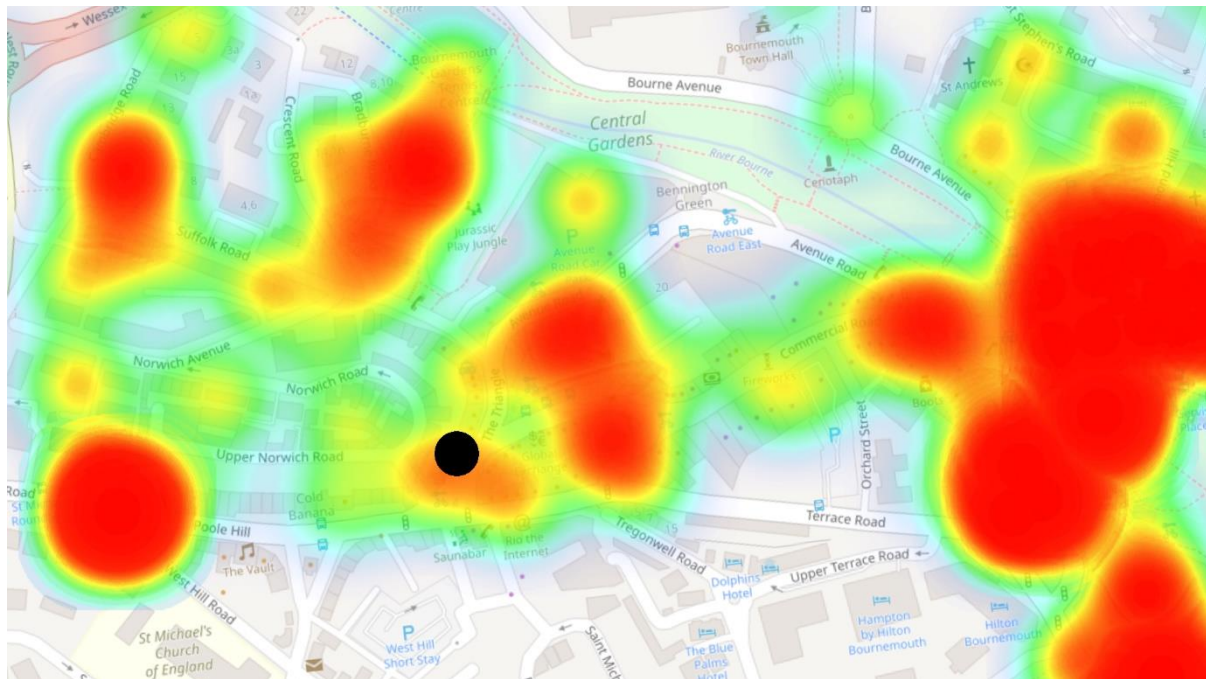
As briefly highlighted above, this area is a diverse community with several licensed premises within close proximity to 4 The Triangle; many of which operate extended hours. Our experience is that the late hours of operation does lead to levels of crime and disorder which cause a significant amount of demand on public services, including the Police.

We accept that the applicant has offered proposals within their application to partially mitigate the risk of crime and disorder and improve the safety of the customers and staff at the premises, including the provision of 6 x SIA Door Supervisors at all times that the premises is open for business. For a premise



of this size, this is both welcome but also unusual. I am concerned that the applicant will seek to reduce this level of SIA cover within a short period of opening the premises.

In respect of the challenges faced by the premises in this area, please see below graphic illustrating the levels of crime and disorder which occur in this area over a 12 month period, 1<sup>st</sup> December 2021 – 1<sup>st</sup> December 2022.



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

Much of the demand is environmental and the area of Poole Hill is busy street with late-night off-sales alcohol provision and significant issues of anti-social behaviour.

In respect of the application submitted by the applicant, please find below details of concerns that remain in respect of the application -

➤ Terminal Hours for Alcohol Provision and Opening Times

The applicant has proposed to reduce the terminal hour for alcohol provision from 0500hrs Sunday – Thursday to 0300hrs, however, propose to retain 0500hrs as the terminal hour for alcohol Friday & Saturday night.

The applicant has chosen not to offer any condition relating to last entry times for customers, which will likely lead to this premises being used by customers leaving other premises during the early hours of the morning who may otherwise have dispersed and left the area.

Dorset Police consider that, given our concerns and current demand in this area, this is excessive and will likely increase the levels of crime and disorder experienced in The Triangle, particularly during periods of dispersal.

In the event that the Sub-Committee were inclined to grant this Premises Licence, Dorset Police propose a terminal hour of **0300hrs 7 days a week**, with all customers and staff to have vacated the ground floor of the premises by 0330hrs. Previous concerns regarding staff hosting 'private' events as residents of the First Floor of the building support this proposal.

Dorset Police are aware that there are no immediate plans for staff to be accommodated within the building. Dorset Police would welcome a condition which would require all persons to be vacant from building outside of the licensed hours.

➤ CCTV Condition – coverage and availability of staff

There is insufficient information contained within the Licence application confirming what areas of the building 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 which covers all public areas of the building (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 premises.

➤ Training – Every 6 months

It would be expected by Dorset Police, if the Sub-Committee grant the Premises Licence, that staff should undertake training every 6 months and not annually as has been proposed. Training should be provided by an Accredited organisation.

➤ Use of Glass for Champagne

The applicant has failed to fully appreciate the risks presented by glass in busy, densely populated environments. Dorset Police encourage the Sub-Committee, if they are inclined to grant the Premises, to introduce a condition removing all glass receptacles from use at the premises.

The risks of glass being used as weapons are overshadowed by the risk posed through breakages, which are difficult to detect in busy, dark environments. Slips and trips are known to occur, and any residual glass can significantly add to risk of injury.

➤ Drug Policy missing

There are no conditions relating to the detection and management of drugs contained within the Premises Licence. This is a significant omission given the previous association of the premises with drugs which Dorset Police consider should be addressed in the event that the Sub-Committee grant the Premises Licence.

➤ Pubwatch / Town Watch

To promote collaborative working between local Licensed Premises and the Public Authorities, including Dorset Police, we recommend that the Premises Licence, if granted, include a condition requiring the operators of the premises to be active members of any Town Watch / Pubwatch scheme that is place for that area. This should include membership of any Town Watch Radio schemes that exist.

Dorset Police rely on the sharing of information both between premises and the authorities and also between premises to tackle crime and disorder within premises to achieve our aim of reducing levels of alcohol-related crime and disorder in our communities. Town Watch / Pubwatch schemes are imperative to achieving these aims.

This proposed condition is also supported by the Licensing Act 2003 Section 182 Guidance which promotes the use of radio links for premises operating within Town Centre environments.

➤ 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.

➤ Drinks Promotions

Dorset Police are delighted that the applicant proposes not to offer any drinks promotions. Dorset Police would encourage the applicant to include this undertaking in their schedule of conditions offered.

➤ 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 alcohol provision up to 0500hrs. Periods up to and beyond 0300hrs 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.

➤ Personal Licence Holder Requirement

Premises operating during high-risk and high-demand periods often perform to a notably higher standard if there is a Personal Licence Holder at the premises during licensable hours.

Introducing a condition requiring a Personal Licence Holder to be present during licensable hours will ensure that the premises can be managed by someone who is qualified and has the required knowledge to promote the licensing objectives.

➤ Dispersal Policy

Dorset Police welcome the proposed condition to include SIA condition for 30 minutes beyond the terminal opening hour for the premises. If the Sub-Committee grant a Premises Licence, it would be reassuring for a condition to be included which requires a Dispersal Policy to be implemented and regularly reviewed.

'Dispersal' of customers is often construed to simply be the removal of customers from the vicinity of the premises, however, it is at 'closing time' that Dorset Police receive the highest number of calls to a premise. Dorset Police welcome requirements for a policy which will require the operator to consider (amongst other factors) the welfare of customers leaving the premises, effective minimisation of conflict that occurs within the vicinity of the premises and the reduction of noise emanating from customers leaving the premises.

This proposed condition is supported by Paragraphs 2.8 and 2.10 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.

**The section of this submission that follows is included as exempt Appendix 1 and is restricted by virtue of paragraphs 1 and 2 of Schedule 12A of the Local Government Act 1972**

Exempt information – Categories 1 (information relating to any individual) and 2 (information which is likely to reveal the identity of an individual).

### **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 believe that 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.

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 premise and the surrounding community, coupled with the information and intelligence gathered in relation to the applicant and their staff in putting forward the proposed conditions and we assure the Sub-Committee that no 'standard' conditions have been proposed.

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

This licence applies for the following –

- Supply of Alcohol for consumption ON the premises Monday – Sunday 2200 – 0500
- Live Music Monday – Sunday 2100 – 0500
- Recorded Music – Monday – Sunday 2100 – 0500
- Performances of Dance – Monday – Sunday 2100 – 0500
- Hours Open to the Public – Monday – Sunday 2100 – 0530

*Dorset Police have been advised that the applicant would be willing to reduce their times for the Provision of Alcohol Sunday – Thursday to 2100 – 0300hrs and opening hours to terminate at 0330hrs on the same days, however, this was during mediation and to our knowledge has not been formally amended to the application.*

Dorset Police draw the attention of the Sub-Committee to the above concerns regarding the provision of alcohol and the operating hours.

#### **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 this fact 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. In order 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 in imposing conditions which are likely to promote the licensing objectives to prevent crime and disorder and public safety.

These 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 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 happy to answer any further questions that you may have during the hearing.