

Application to Vary Premises Licence Supplementary Submission

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The Vibe, 4 The Triangle, Bournemouth

This report is to be considered alongside the formal Representation submitted in respect of the Application to Vary the above 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

The application for a Premises Licence in 2022 received objections from both Dorset Police and Environmental Health.

Dorset Police were grateful for the conditions that were eventually agreed, both during informal mediation in advance of the hearings, and which were offered by the licence holder and their representative during the hearings. Many of these conditions were supported by the members of the Sub-Committee and imposed to the Premises Licence

As per the agreement that works to the satisfaction of EHO would be completed, and policies and procedures agreed by Dorset Police would be in place in advance of opening to the public, Dorset Police and EHO visited the premises on 19th July 2023.

The premises opened Friday 28th July 2023.

Police Licensing contacted Mr Mouhana after the first trading weekend, on Monday 31st July 2023, to discuss the weekend, the operator expressed concerns that conditions relating to the provision of SIA were proving financially costly.

Within a relatively short timescale, 13 days of opening, a variation was received to reduce the number of SIA, which Dorset Police objected to. Further to a hearing, the variation was granted subject to additional conditions.

Police Licensing met at the request of Mr Mouhana on December 20th 2023, to consult his proposal to open until 06:00. Mr Mouhana advised that for the business to be financially viable, he is seeking these extended hours.

Mr Mouhana was advised at that time, that Dorset Police are unable to consider financial matters, and that to support a licensed premises operating until 06:00 hours would not give us the assurances that the Licensing Objectives would be promoted. It is evidenced that later opening hours contribute significantly to Crime and Disorder, as late-night premises likely attract customers leaving other premises during the early hours of the morning who may otherwise have dispersed and left the area.

Concerns

By submitting this variation, Dorset Police is concerned that the applicant is failing to acknowledge the additional demand a late night premises has on Dorset Police and their partners, and is prioritising financial matters over the safety and wellbeing of his customers, staff and the wider community.

Dorset Police are further concerned that an amendment is being sought after only 5 months of opening, despite the terminal hour being agreed following a lengthy mediation process when the licence was initially applied for, and which was endorsed by the Sub-Committee at that time.

Applications to vary conditions are frequently submitted and are often motivated or justified by changes to the overall operating schedule or other similar factors. This premises has not been open for any significant length of time.

Mr Mouhana expressed that the conditions imposed on him were too restricted. Mr Mouhana stated that in the previous month he had only opened Saturdays and that, when he does open, he does not open past 01:00.

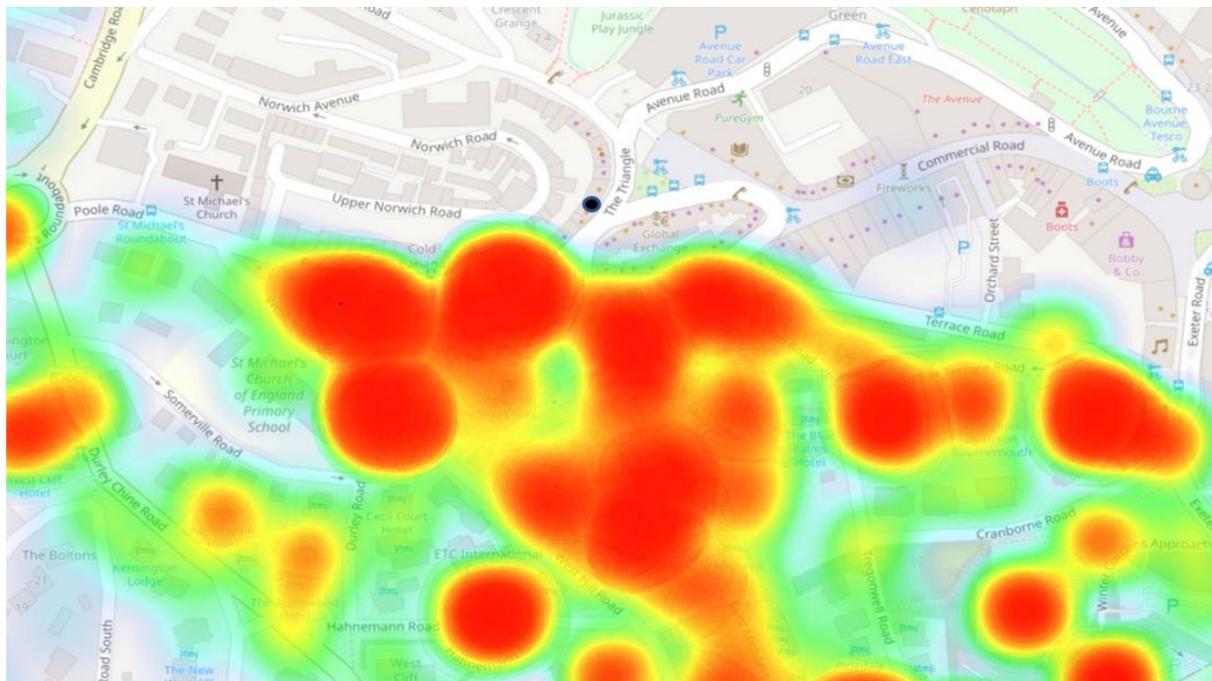
During the peak summer period, Bournemouth attracts significant numbers of visitors and residents to the town, generating income and employment whilst showcasing the excellent facilities and businesses that service these visitors throughout the daytime and evening.

This increase in visitors to the town results in increased demand on public services, especially Dorset Police.

Dorset Police remains concerned that the variation to apply for increase licensable hours 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 Triangle Area between the hours of 0300-0600 from 29th July – current.

The location of the premises is indicated with a black circle.



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 to Vary an Existing Licence -

Application Granted

Dorset Police have already been supportive of an extension of the operating hours, with the terminal hour unaltered, as earlier operating hours have a negligible impact on Police demand. Whilst matters of a fiscal nature are of no concern to members of the Sub-Committee, Dorset Police are of the view that this earlier hour applied for was to enhance the commercial opportunity for the premises.

Dorset Police are of the view that granting the variation as applied for would risk undermining the decision of the members of the Sub-Committee on the 21st March 2023 and invite the members of the Sub-Committee to exercise caution in considering this application when the venue has been open for a relatively short period of time.

Application Granted subject to Conditions

There is the opportunity for the Sub-Committee to grant this application subject to additional conditions. However, we are unable to propose any conditions that we consider might mitigate the changes being proposed.

Reject the application

It is the view of Dorset Police that this application should be rejected for the applicant to demonstrate over a period 12 months, from the date of opening, that they can consistently operate within the existing licence conditions, before applying for significant changes to the existing Premises Licence.

Conclusion

Matters of fiscal interest are not of concern to this Sub-Committee. The applicant has undertaken, following previous Sub-Committee hearings, to meet the conditions as imposed/agreed associated with this Premises Licence.

The applicant was notified of the Appeal procedure following the conclusion of the hearing in March 2023 and failed to make any representations in the following 28-day Appeal period. There have been no significant changes brought to the attention of Dorset Police which would give rise to this reduction in preventative measures which are designed to prevent and deter crime from occurring.

Whilst it is the default position to grant a variation, the Sub-Committee members must do so only when there are no genuine concerns raised by the Responsible Authorities or residents. There are concerns with this application, which is being submitted solely for fiscal reasons. Given these concerns, the Sub-Committee are invited to reject this application to be confident that this premises can successfully and responsibly promote 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.

Dorset Police do not intend to repeat our concerns that have been detailed above, 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 forthcoming hearing.