

BCP Council

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I Sergeant Gareth Gosling on behalf of the Chief Officer of Dorset Police

(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
Pirata 125 Charminster Road	
Post town Bournemouth	Post code (if known) BH8 8UH

Name of premises licence holder or club holding club premises certificate (if known)
Enrico GUADAGNO

Number of premises licence or club premises certificate (if known)
BH093467

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

☐

2) a responsible authority (please complete (C) below)

☒

3) a member of the club to which this application relates (please complete (A) below)

☐

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes
☐

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Drug & Alcohol Harm Reduction Team Bournemouth Police Station 5 Madeira Road Bournemouth Dorset BH1 1QQ
Telephone number (if any)
E-mail address (optional) licensing@dorset.pnn.police.uk

This application to review relates to the following licensing objective(s)

- | | | |
|---|-------------------------------------|---------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> | Please tick one or more boxes ✓ |
| 2) public safety | <input checked="" type="checkbox"/> | |
| 3) the prevention of public nuisance | <input type="checkbox"/> | |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> | |

Please state the ground(s) for review (please read guidance note 2)

The Prevention of Crime and Disorder, Public Safety & Protection of Children from Harm

Over the past 12 months there have been regular reports of concern reported by the public and Police Officers regarding this premises, raising concerns that the premises is presenting a risk to some of the most vulnerable in our communities.

Police Licensing Officers and our partners have had cause to attend the premises and have identified breaches of the existing premises licence, alongside other issues that present concerns of public safety.

Section 11.28 of the Revised Guidance issued under Section 182 of the Licensing Act 2003 by the Home Office states that “*Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.*”

Dorset Police have attempted to engage the current operator to understand the significance of compliance both with licence conditions and ensuring that the licensing objectives are consistently being promoted. Dorset Police have recently become concerned that the operator is no longer willing to engage with our officers or implement any improvements, which we believe should now be brought to the attention of the BCP Council Sub-Committee for their consideration.

Dorset Police no longer have confidence in the DPS or Premises Licence Holder to uphold the licensing objectives at this premises.

Please provide as much information as possible to support the application (please read guidance note 3)

This application for a review of the premises licence for Pirata, 125 Charminster Road, Bournemouth, is being submitted by Dorset Police as we can demonstrate that this premises has undermined the licensing objectives of the Prevention of Crime & Disorder, Public Safety and the Protection of Children from Harm.

It is and always has been the intention of Dorset Police Drug & Alcohol Harm Reduction Team to engage and support licensees throughout Dorset to promote the four licensing objectives of Preventing Crime & Disorder, Preventing Public Nuisance, Promoting Public Safety and Protecting Children from Harm.

It is our expectation that all licensees will endeavour to meet these objectives and fulfil their duty as licensees with responsibilities to uphold these objectives and meet the conditions of their premises licence.

Dorset Police are receiving increased reports of concern regarding this premises, which includes intelligence and evidence which links the operator of this premises with Class A drugs, their lack of welfare and safeguarding for customers and staff (particularly relating to incidents of assault), their inability to meet key conditions of their premises licence, and that the operator no longer wishes to engage with Dorset Police, removing our ability to engage positively with the premise to encourage and support improvement.

Regarding our concerns that the operators of this premises are involved in Class A drugs, Dorset Police have received considerable intelligence from the public which indicates that the operator is supportive of the use of Class A drugs within their premises. We will relentlessly pursue anyone that is supporting or facilitating the use and distribution of Class A drugs in our communities, particularly when linked to a Licensed Premises.

Whilst further detailed information will be provided for the benefit of the members of the Sub-Committee in due course, including the addition of video footage, Dorset Police have evidence that the Licence Holder and Designated Premises Supervisor for this premises has consumed Class A drugs within the premises.

Dorset Police have received two reports of the Premises Licence Holder engaging in sexual activity with another within the public areas of the premises, with at least one of these occasions being visible from the public area outside, and therefore within the sight of passing children and other members of the public conducting their business in this busy area.

Both occasions have allegedly occurred whilst the Premises Licence Holder was operating the premises whilst intoxicated through drink and/or drugs. There have been further incidents, not directly associated with the premises, which supports the view that the Premises Licence Holder is frequently under the influence whilst responsible for the delivery of licensed activities.

Most recently, the Premises Licence Holder failed to produce CCTV footage or effectively manage an incident of violence that emanated from Pirata and escalated in the street outside. This particularly vicious incident that involved several customers and partially obstructed traffic along Charminster Road, led to several females being injured, one of whom appeared to be rendered unconscious, whilst the Premises Licence Holder, responsible for the premises on that evening, failed to act to safeguard any of the victims or de-escalate the situation.

Tackling Violence Against Women & Girls is a priority for Dorset Police and this behaviour must not be tolerated and formal action must always be supported by licence holders and their staff.

Licensing Officers from Dorset Police have attempted to engage with the Licence Holder following reports of incidents of concern at the premises and breaches of the existing premises

licence being identified. The Premises Licence Holder has elected not to respond to the support and advice being offered, which has led to the submission of this Application for Review of a Licensed Premises.

The Section 182 Guidance issued under the Licensing Act 2003 envisages at section 11.28 that *‘Police...and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime’* and that *‘where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered’*.

Dorset Police, through our Drug & Alcohol Harm Reduction Team, working with other colleagues within Dorset Police and partners in BCP Council and other responsible authorities, support licensed premises to provide value to their communities and to do so compliantly and in promotion of the licensing objectives. This premises has been identified as not operating to the high standards that are expected by Dorset Police and our partners.

Dorset Police invite the Sub-Committee to consider all of the options available to them under the Licensing Act 2003 with particular consideration to be given to revocation of the Premises Licence as we do not consider at this time that the other options available to the Sub-Committee would sufficiently meet the intentions of Licensing Act 2003 Section 182 Guidance given that the licence holder has consistently failed to meet the conditions of their licence and been subject of many other concerns associated with public safety.

As part of our Supplementary Document, which will be submitted in advance of the hearing, Dorset Police will provide observations associated with each of the outcomes available to the members of the Sub-Committee. This will also likely include an updated schedule of conditions that the members of the Sub-Committee may wish to impose on the existing licence if the revocation of the licence is not considered to be the most appropriate outcome.

It is anticipated that the licence holder may seek to engage in mediation during the forthcoming period of consultation, however, Dorset Police are unlikely to endorse any outcome other than the revocation of the premises licence due to the association of the Licence Holder with Class A drugs.

Whilst fiscal matters are not of concern to the Sub-Committee; if the Licensing Sub-Committee were to revoke the premises licence, Dorset Police are of the view that the business will remain viable given that the community is made up of residential and commercial premises with a high occupancy rate.

Further details of our concerns will be prepared for the benefit of the Sub-Committee members in advance of the hearing.

5

Day Month Year

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If you have made representations before relating to the premises please state what they were and when you made them

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date **15th May 2024**

.....

Capacity **Police Sergeant**

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.



Pirata, 125 Charminster Road, Bournemouth

This representation is in support of an Application for Review of a Licensed Premises submitted on behalf of Dorset Police. This report is intended to provide both the members of the Licensing Sub-Committee and the licence holder (and their representative) with additional information, context, and evidence in support of the representation. This representation 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

Pirata is a small bar located on Charminster Road, Bournemouth, which is a busy street comprising a variety of commercial and residential properties at the centre of this vibrant suburb of Bournemouth. The premises has been called a variety of different names over many years. The current premises licence has been held by Mr Enrico Guadagno since the licence was issued to him on the 23rd January 2020. Mr Guadagno is also the Designated Premises Supervisor (DPS) and primary member of staff responsible for the delivery of licensable activities at this premises.

Records held by Dorset Police demonstrate that this premises, and Mr Guadagno, have come to the attention of Dorset Police since October 2021. During this time, Dorset Police have attempted to engage and support Mr Guadagno to achieve improvements and promote the licensing objectives, however, you will note from the below summary that these efforts have failed.

Concerns

On the 10th October 2021 Mr Guadagno was convicted of drink driving and received a 40-month ban from driving as a consequence. This is not the standard of behaviour that is expected of a licensee, who is expected to consistently conduct themselves in accordance with the law. This incident, whilst not brought immediately to the attention of the Drug & Alcohol Licensing Team, undermined the confidence in Mr Guadagno to be capable of delivering safe and compliant licensable activities.

Other concerns can be categorised as follows and will be further explained below –

- Breach of Conditions of existing premises licence
- Mismanagement of violent incidents
- Use of Class A drugs within the premises

Breach of Conditions

Many of the current conditions are themselves not enforceable due to the wording that has been used, however, following visits conducted by Dorset Police, breaches of the following conditions have been apparent –

- 2.3 ...alcohol will not be served to anyone who is drunk
- 2.5 There will be a strict zero tolerance to drugs and alcohol abuse
- 2.8. Staff shall be trained in-house to deal with public safety and well being.
- 2.10. Staff will also be trained to deal with any person who appear drunk, in a safe and appropriate manner by not serving them alcohol.
- 2.19. The tables and chairs in the outside area shall be removed at 22:00 each Day.

Whilst relatively minor in nature, these breaches demonstrate that there has been a lack of control over the premises prior to our visits. During the most recent visit on the 12th October 2023, the DPS was invited to address these conditions and requested advice as to how to remove conditions from the premises licence.

A further email was sent to the DPS with suggested conditions that might support better promotion of the licensing objectives, alongside the removal of conditions that were operationally challenging for them to meet, including the moving of chairs and tables at the end of each evening. No response was received, and no response was received to the follow-up email sent to the licence holder on the 3rd April 2024.

Mismanagement of Violent Incidents

There has been considerable community intelligence which suggests that it is common for incidents of disorder not to be reported to Police or recorded at the premises. Most notably, an incident which occurred in the early hours of the 7th April 2024 involved a group of adults involved in a confrontation as they left Pirata. CCTV footage from elsewhere captured one primary aggressor assaulting several females, appearing to cause one of the females to become unconscious.

When asked to provide an account of the incident, the licence holder provided a muted version of events and declined to support the Police investigation with a witness statement. When asked to produce the CCTV from within the premises, the licence holder stated that the CCTV system was working, however, had been turned off at the time that this incident had occurred.

CCTV footage from nearby clearly shows that the licence holder has made minimal efforts to intervene and was known to have visited a nearby licensed premises whilst the incident continued to unfold, and medical attention was required. No call had been made to the Police by the licence holder and the premises was left unattended.

Use of Class A drugs within the premises

Dorset Police have received several separate intelligence reports from a variety of sources between October 2022 and May 2024 that the licence holder is involved in the use of drugs at Pirata during operating hours.

There have been some additional intelligence reports that the licence holder is linked to the supply of drugs to young people, however, this has not been corroborated at this time.

Most concerningly, Dorset Police have received evidence that corroborates that the licence holder is linked to the use of drugs within the premises during operating times. This evidence will be shared with members of the Sub-Committee and the respondent in due course.

The use of any illegal substance within licensed premises will not be tolerated. It is unfortunate that despite the efforts of licence holders to implement measures to discourage and prevent drug use within licensed premises, the presence of drugs within licensed premises remains a constant challenge for many licensed premises.

The intelligence and evidence available to Dorset Police indicate that the licence holder is encouraging the use of drugs at the premises.

Available Outcomes to the Sub-Committee

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

Take No Action

Dorset Police are concerned that not only has this premises been brought to our attention for several reasons on numerous occasions over the past 12 months, but also that the licence holder is failing to engage with our team to achieve the necessary improvements to ensure that the licensing objectives are being consistently promoted.

It is accepted that there may be a requirement for support and engagement to achieve compliance, thereby providing a valuable asset for the community. Ensuring that the premises is safe and not presenting a risk to the community is imperative.

Dorset Police are concerned, however, that despite the efforts of Dorset Police and our partners to seek improvements, this premises continues to undermine the licensing objectives.

The concerns identified by Dorset Police and those highlighted by the public, demonstrates that taking no action is not an appropriate determination following this hearing.

Exclude Licensable Activities from the Premises Licence

The current Premises Licence permits the following licensable activities -

Films

Monday – Sunday 20:00 – 23:00

Exhibition of films will take place indoors.

Live Music

Monday – Sunday 18:00 to 02:00

Performance of live music will take place indoors.

Recorded Music

Monday – Sunday 08:00 to 03:00

Playing of recorded music will take place indoors.

Performances of Dance

Monday – Sunday 18:00 to 02:00

Performance of dance will take place indoors.

Late Night Refreshment

Monday – Sunday 23:00 to 03:00

Provision of late-night refreshments will take place indoors and outdoors.

Supply of Alcohol

Monday – Sunday 10:00 to 02:00

Whilst daytime operating is permitted, this premises is rarely open during daytime hours and is instead operated principally as a late-night bar with entertainment. Dorset Police cannot provide any evidence which suggests that reducing the hours permitted for the sale of alcohol or other licensable activity will reduce the likelihood of the licensing objectives being undermined.

Sub-Committee members may wish to consider this option if it was intended to significantly alter the impact of this premises by reducing the operating hours of the premises. Whilst not necessarily applicable to this premises, Dorset Police receive significantly less crime and disorder concerns associated with premises with terminal hours of 2300hrs or earlier.

Dorset Police accept that if no licensable activities were taking place the premises could remain operational and that many of the concerns highlighted above would remain. This would then be managed by the authorities under legislation outside of the Licensing Act 2003.

Modify / Add Existing Conditions

If the Sub-Committee members were inclined to consider modifying the existing conditions, Dorset Police draw the attention of the members to the existing conditions attached to the Premises Licence, which were agreed some time ago. Several of these conditions are no longer considered appropriate to this premises which has evolved considerably through the various changes in ownership, without any significant changes to the premises licence.

Dorset Police do not consider that any further conditions would resolve the concerns that have been detailed above, however, if the members of the Sub-Committee were inclined to allow the Premises Licence to remain in place, Dorset Police would ask that consideration be given to the following amendments to the conditions attached to the existing premises licence-

~~2.1. Films will be shown for their musical dance content and shown to an all ticket audience, on special dates, with restricted entrance.~~

~~2.2. Live music shall be played on special days and entrance restricted and controlled.~~

2.3. Staff will also be trained not to serve alcohol to anyone who is under the legal age of 18 (unless accompanied by parents or an adult), and identification of anyone who appears to be under 18 will be checked. In addition alcohol will not be sold to any person who appears to be drunk.

Replace with:

All staff working at the premises concerned with the sale of alcohol shall be trained in accordance with an accredited training scheme 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.

~~2.4. Drinks will be served in plastic containers on event days and consumption in the outside licensed area shall be restricted until 23.00 hrs.~~

~~2.5. There will be a strict zero tolerance to drugs and alcohol abuse.~~

2.6. Entrance numbers shall be restricted.

Replace with :

*There shall be no more than **** customers on premises at any time (check with your Fire Risk Assessment)*

2.7. Fire exits shall be kept clear and any hazards removed.

~~2.8. Staff shall be trained in-house to deal with public safety and well being.~~

2.9. Outdoor area shall be swept and debris cleared regularly.

~~2.10. Staff will also be trained to deal with any person who appear drunk, in a safe and appropriate manner by not serving them alcohol.~~

2.11. Customers shall be asked to leave premises quietly and notices shall be displayed detailing such.

~~2.12. Smokers shall be restricted to the outside licensed area and asked to respect neighbours.~~

2.13. All doors and windows will be kept closed after 2130 hours on any day when regulated entertainment takes place (except for access and egress). The exception being when incidental music only is being played (e.g. music played at a low level in the background) when all doors and windows will be closed after 2300 hours).

2.14. Live music shall consist of no more than two performers at any one time.

2.15. No rubbish including bottles will be moved, removed or placed in outside areas between 23:00 and 08:00.

2.16. Before the variation takes effect in relation to recorded music and live music a noise limiter shall be installed and set to a level to the satisfaction of the Environmental Health Officer. Only when written approval is given shall the variation (in relation to recorded and live music) take effect.

2.17. There shall be no more than 2 events per week which involve the provision of live music and/or recorded music until 02:00. (Except on Bank Holiday weekends when there can be up to 3 such

events). At all other times the provision of live music shall cease at 00:00 hrs and the provision of recorded music shall cease at 01:00.

2.18. The outside pavement area shall only have 2 tables and 4 chairs at any one time.

~~2.19. The tables and chairs in the outside area shall be removed at 22:00 each Day.~~

2.20. After 23:00 only customers wishing to smoke shall use the outside area.

2.21. There shall be no consumption of alcohol ~~and/or food~~ after 23.00 in the outside area.

2.22. There shall be appropriate signage advising customers of the arrangements outside.

2.23. There shall be active staff monitoring of the outside area when the premises is open.

~~2.24. No children shall be permitted in the bar on events nights, except for dining times and family parties.~~

~~2.25. Young children should be accompanied by adults for dining before 19:00.~~

~~2.26. Identification shall be sought from any person who appears to be under the age of 21 before the sale of alcohol.~~

~~2.27. Children will no be served alcohol and staff will be trained to abide by the laws regarding the sellin or serving of alcohol to children who are under 18, unless the children are accompanied by parents or adults. If there is any doubt to the age of the person wishing to buy alcohol, staff will be trained to ask for proof of identification to confirm the persons age.~~

NEW Conditions proposed -

An incident log shall be kept at the premises. The log shall include the date and time of the incident and the name of the member of staff who has been involved. and made available on request to an authorised officer of the Council or the Police, which shall record the following:

- (a) any complaints received
- (b) any incidents of disorder
- (c) any faults in the CCTV system /or searching equipment / or scanning equipment
- (d) any refusal of the sale of alcohol
- (e) any visit by a relevant authority or emergency service
- (f) all crimes reported to the venue
- (g) all ejections of patrons
- (h) all seizures of drugs or offensive weapons

This log to be checked on a weekly basis by the DPS of the premises.

A personal Licence holder to be on the premises at all times that licensable activities are provided.

A minimum of 2 staff to be employed on the premises at all times that licensable activities are provided.

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 I Holographically marked PASS scheme identification cards). Appropriate signage advising customers of the policy shall prominently displayed in the premises.

A CCTV system shall be installed to cover all entry and exit points enabling frontal identification of every person entering in any light condition. 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. It shall operate during all times when customers remain on the premises. 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. The CCTV system shall be updated and maintained according to police recommendations.

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 recent data or footage with the absolute minimum of delay when requested.

CCTV shall be downloaded on request of the Police or authorised officer of the council. Appropriate signage advising customers of CCTV being in operation, shall be prominently displayed in the premises.

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.

The premises shall maintain membership of the PubWatch scheme (or any successor scheme); a senior member of staff shall attend all PubWatch meetings unless an emergency arises preventing such attendance and the premises will support PubWatch initiatives.

There must be a minimum of 2 SIA Door Supervisors to be employed Thursday – Saturday, and any day preceding a Bank Holiday from 21:00 – close and the last customer has dispersed from the vicinity. A Risk Assessment must be conducted to determine any additional SIA resources and the outcome of that risk assessment to be met and available for inspection by an authorised person or Dorset Police upon request.

An SIA Log Book to be completed detailing the name and 16 digit badge number of the SIA on duty and the register signed by the DPS or duty manager at the end of each shift. This log must always remain on the premises.

Dorset Police do not consider that these conditions would fully address the concerns detailed above. No comment have been made in respect of conditions that relate to Public Nuisance which are the responsibility of BCP Council Environmental Health.

These proposals would simply update the current conditions attached to the existing premises licence and add conditions that are commensurate to this type of premises under appropriate management.

Remove the Designated Premises Supervisor

Paragraph 11.21 of the Revised Guidance under Section 182 of the Licensing Act 2003 states that, *“licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decision made by the individual”*.

Dorset Police can evidence that the current Premises Licence Holder and DPS is responsible for the mismanagement of this premises and is the cause of much of the concern detailed above. They have failed to meet the conditions of the premises licence, support their customers to do the same and have been the subject of some of the more serious concerns highlighted above.

If the members of the Sub-Committee have no confidence in the current DPS, who is the same person as the PLH, Dorset Police invite the members of the Sub-Committee to reflect this by revoking the Premises Licence. The only other alternative would be to transfer the Premises Licence to another PLH, which is not an option available to members of this Sub-Committee.

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

Any temporary suspension of this Premises Licence is unlikely to result in any substantial improvement as we have, together with our partners, attempted to support and encourage improvement at this premises on several occasions over the past 12 months, with no success.

Dorset Police would only support a suspension of the Premises Licence if the Sub-Committee members considered it necessary to assist the Premises Licence Holder to put any necessary measures in place.

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 and to ensure that we support an outcome which reflects the concerns identified. If this premises were to have the permission for the sale of alcohol revoked, they could diversify to other activities or purpose.

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 becomes detrimental to a community or presents a risk to those that enjoy the use of a licensed premise, appropriate action must be taken to seek improvement and address those concerns.

Dorset Police have identified and continue to receive reports of concerns associated with this premises. No further engagement tools are available to Dorset Police that will support the management of this premises to improve their operating practices to enable compliance and if this Premises Licence were to remain in effect, then it is likely that the conditions of the licence will continue to be breached, mismanagement will continue to occur, and the licensing objectives will be undermined.

Conclusion

Dorset Police invite the Sub-Committee to follow the Section 182 Guidance, issued by the Secretary of State, which invites the members of the Sub-Committee to consider the above options in their determination. It is our view that to avoid the revocation of the Premises Licence, the members of the Sub-Committee should be satisfied that one of the alternative outcomes will mitigate the concerns that have been highlighted above.

This premises has benefitted from a disproportionately high level of support and intervention than other premises of a similar nature and size throughout the BCP Council area. Dorset Police and our partners recognise our role to engage positively and support licence holders to achieve compliance and to uphold the licensing objectives. Whilst Dorset Police value the significance of each of the licensing objectives, concerns are heightened when there is a risk to the prevention of crime and disorder, where immediate action is prioritised.

This is particularly the case for matters where violence against women and girls (VAWG) is apparent, which has been associated to this premises as has been evidenced. Dorset Police invite the members of the Sub-Committee to consider this report, alongside the appendices and CCTV footage, and support us to ensure that we only support licensed premises that operate to the highest standard in the BCP Council area.

The association between class A drugs and the licence holder, coupled with violence, cannot be ignored. Dorset Police consider that revocation of this licence would be proportionate in support of our efforts to tackle the use of Class A drugs in our communities, particularly when associated with licensed premises.

Dorset Police do not intend to repeat our above concerns to the members of the Sub-Committee during the hearing, however, as the Licensing Authority's main source of advice on matters relating to crime and disorder, we will be pleased to answer any further questions that you may have during the hearing.