

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 Andrew Hill on behalf of BCP Council Environmental Health

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description The Governor Bar and Lounge 364 Lymington Road	
Post town Christchurch	Post code (if known) BH23 5EY

Name of premises licence holder or club holding club premises certificate (if known) Ms Syeda Ruzina Khatun

Number of premises licence or club premises certificate (if known) BH175103

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

Andrew Hill
BCP Council Civic Centre
Bourne Avenue,
Bournemouth
BH2 6DY

Telephone number (if any)

[REDACTED]

[REDACTED]

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

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

☐☐☒☐

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

The Prevention of Public Nuisance

On the 6th of February 2024, BCP Council received a letter from a concerned member of the public regarding the high levels of noise and anti social behaviour coming from the above premises since it opened on the 12th January 2024. The concerned member of the public had sent a letter to the proprietor of the venue outlining their concerns and detailing a catalogue of events which had occurred often into the early hours of the morning.

I have attached a copy of this letter to assist the committee. **[ATH 01]**

On the 12th of February 2024 I wrote out to the premises advising that I had received a number of complaints and reminded them of their obligations under the Environmental Protection act 1990 as well as the licencing act 2003 to ensure that they take adequate steps to prevent public nuisance to the residences in the vicinity of their premises.

I have attached a copy of this letter to assist the committee. **[ATH 02]**

I received no response from the venue in relation to the above letter.

On the 5th of March 2024 the Environmental Health Team received a further complaint from a concerned member of the public regarding the above venue. The complainant made an enquiry regarding the premises licence of the venue as he alleged that the premises had been playing loud music in the evenings and most weekends since opening which had had a detrimental effect on local residents. On this occasion the complainant was awoken at 4:50 AM by loud music emanating from the venue.

I undertook some enquiries and identified that this premises licence had limited conditions attached to the licence in respect to noise and benefits from a 24 hour license. There were therefore no restrictions on regulated entertainment or indeed the hours of operation. Further enquiries revealed that there are a number of residential properties situated above the venue who in the past were not affected by noise as the premises did not operate as a live music venue in its previous iteration as Napoleon's bar.

On the 4th of April 2024 an e-mail was sent to the premises once again advising of the ongoing nuisance arising from the premises and inviting the operators to a meeting at the venue to discuss my concerns. In the letter I made it clear that I was seeking to review the premises licence and therefore the attendance of the operators at the meeting is important I advised the operators that if they cannot attend the meeting to appoint a representative from the organisation who is able to speak on behalf of the premises and make decisions in respect to the conditions of the premises licence.

I also encouraged the business to seek legal representation from a licencing solicitor I made it clear that I was seeking to review or even revoke the premises licence and therefore this matter required their urgent attention.

I have attached a copy of this email to assist the committee. **[ATH 05]**

We continued to receive complaints from residents regarding this venue and disturbances caused by music.

On the 8th of April 2024 I received an e-mail from the premises advising me that the operators had to return to London to attend a family function due to Ramadan, and therefore were unable to make the meeting I proposed for the 10th of April 2024.

The decision was made that due to the ongoing concerns both myself the police and the licencing team had about the venue that we would still attend on the 10th of April and meet with the management to discuss our findings I advised the operators that I would be doing so and they agreed to this.

On the 10th of April 2024 a visit was undertaken to the premises where I was accompanied by colleagues from Dorset Police licencing as well as a colleague from BCP licencing team. Upon entering the premises we met with Will Dicks a member of staff who introduced himself as the barman however during the meeting it became apparent Mr Dicks had no authority in relation to making decisions regarding the premises licence.

During this meeting a number of matters were discussed including conditions I would like attached to the premises licence in respect to noise as well as a reduction in the operating hours of the venue. Colleagues in Dorset Police also discussed a number of concerns they had with the venue as well as conditions that would need to be attached to the premises licence to satisfy their requirements.

An e-mail was sent to the premises on the 23rd of April 2024 by Ellie King, the licencing officer who attended the meeting requesting that the operators submit a minor variation to have the conditions discussed attached to their premises licence.

I have attached a copy of this email to assist the committee. **[ATH 06]**

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 The Governor Bar and Lounge 364 Lymington Road, Christchurch is being submitted by BCP Council Environmental Health as we can demonstrate that this premises has undermined the licensing objectives of the Prevention of Nuisance.

As an Environmental Health team we pride ourselves on our ability to proactively work with businesses to ensure that they do not have an adverse impact on the community. We acknowledge that we should not be overly restrictive on businesses, and the value that late night licenced venues have for the nighttime economy within BCP. We acknowledge that residents living in close proximity to licenced venues cannot expect the same protection from noise as they may expect living in a non-commercial setting. However residents can not be expected to endure noise levels which amount to a statutory noise nuisance and result in sleep disturbance.

It is our expectation that all licensees will endeavour to engage with us and the community to ensure that they do not have an adverse impact on the community. Thus far this engagement has not been forthcoming.

BCP council's Environmental Health team consistently receive report's of noise from this premises occurring until the early hours of the morning on most weekends.

More recently we have received a report from a member of the public who was viciously attacked within the premises by a patron and therefore I also have concerns under the Health and Safety at Work act 1974 for the welfare and safeguarding for customers and staff within the venue and in particular the risk of workplace violence.

In considering the section 182 Guidance which accompanies the Licensing Act 2003 it states that *the relevant enforcing authority under the Health and Safety at Work etc Act 1974* can bring a review and therefore it is assumed that the provisions of the Health and Safety at Work act may also be applicable to this licencing review. BCP Council have enforcement responsibility for this venue under the Health and Safety (Enforcing Authority) Regulations 1998. This business is therefore not only failing in their duties under the Licensing Act 2003 but also failing in their duty to ensure that members of the public as well as employees are protected from violence in the work place under the relevant provisions of the Health and Safety at Work Act 1974.

I wish this information to also be considered by the committee, and understand that colleagues in Dorset Police will provide additional information to the committee in relation to the assaults within the venue.

I hope I have been able to demonstrate above my attempts to engage with the Licence Holder following reports of incidents of concern at the premises . The Premises Licence Holder has elected not to respond to my attempts to improve the situation for local residents.

No attempt has been made to mediate with me regarding the proposed conditions which was sent to the licensee via the BCP Council Licensing officer and this department continues to receive complaints from the public in relation to the venue.

This has led to the submission of this Application for Review of the Licensed Premises.

I do not consider at this time that revocation of the premises license would be appropriate as it cannot be argued that the license holder has consistently failed to meet the conditions of their licence as appropriate conditions have not been attached to the premises license.

I 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 the addition of the following conditions to the premises license:

A report shall be submitted detailing the potential for noise from (amplified music and patrons) at the premises affecting neighbouring noise sensitive properties and residential properties above the premises.

The report shall include a detailed scheme of noise mitigation measures to show that nuisance will not be caused to the occupiers of the noise sensitive properties by noise from the licensed premises.

The report shall be submitted to and approved in writing by the Council through an authorised officer of the Environmental Health Team and all recommended works carried out in full prior to the commencement of any further regulated entertainment.

The noise assessment shall be carried out by a suitably qualified acoustic consultant/engineer and shall take into account the provisions of BS4142: 2014. "Method of rating industrial noise affecting mixed residential and industrial areas" and BS 8233: 1999 "Sound Insulation and Noise Insulation for Buildings - Code of Practice".

Furthermore, I would ask that the subcommittee consider the addition of the following conditions to the premises license;

Disapply the provisions of the Live Music Act under section 177A of the Licensing Act 2003 so that any provision of live or recorded music at any time is licensable and subject to conditions on the licence.

The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.

A noise limiter shall be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder.

The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device

No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance. This includes noise from the television

A lobbied entrance (that is two sets of doors that are set so that one is closed when the other one is open) shall be installed at the premises.

All windows and external doors shall be kept closed after (23:00) hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.

The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.

A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.

Furthermore, I would request that the terminal hour for this business be reduced to

Sunday to Thursday 23:00 and Friday and Saturday 00:00.

If the Licensing Sub-Committee were to impose the additional conditions on the premises licence, and in particular impose a reduction in hours of operation as proposed, BCP Council's Environmental Health team are of the view that provided these conditions are complied with, the negative impact of this business on local residents will be minimised.

Please tick ✓ yes

☐

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

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, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

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 *Andrew Hill*

.....

Date **6th June 2024**

.....

Capacity **Environmental Health Officer**

.....

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

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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.



6 February 2024

Dear Sir,

Reference: Anti Social Behaviour, Coming from :-
The Governor Bar and Lounge
364, Lymington Road, Highcliffe, Christchurch,
Dorset. BH23 5EY.

I am writing on behalf of the residents of Highcliffe affected by the Anti Social behaviour emanating from the newly opened Governor Bar Lounge on Lymington Road and Stanley road Highcliffe.

Since its doors opened to the public on 12 January 2024, following the closure of Napoleons Wine Bar last year, there have been numerous occasions of Anti Social Behaviour, to include :- loud music, shouting, jeering, swearing, mass brawl fighting, flicking cigarette ends at passing traffic, urinating in driveways opposite the Lounge Bar and an attempted Van Ram-raid on Saturday 3 February 2024 at 9.18pm, of the main entrance to the Lounge Bar, involving a large Police attendance.

I enclose a letter sent to the Proprietor of the Bar Lounge on 6 February 2024, detailing a three week catalogue of events.

I wonder if you would look into this
situation and treat it as a matter of urgency.

Many thanks,

Yours faithfully,

[Redacted]

[Redacted]

[Redacted]

N.B

The Staff at The Governor Bar Lounge
claim that they have a licence to stay open
till 5am !! Can this be true? Surely not.

I have not given my personal details to the Bar
Proprietor.

COPY OF LETTER SENT TO

THE PROPRIETOR, THE GOVERNOR WINE BAR
364, LYMINGTON ROAD HIGHCLIFFE, CHRISTCHURCH.
DORSET. BH23 5EY

Dear Sir,

Reference: Anti Social Behavior, Loud noise
and late night early morning disturbances

I am writing on behalf of the Highcliffe
Residents of Stanley road and Lymington Road.

On Friday 12 January 2024, your bar
opened to the public. At 3am there was
a large gathering of drinkers and revellers causing
an unacceptable level of loud noise and disturbance
to the local residents, by shouting, swearing and
flicking Cigarette ends at passing traffic.

On Saturday 13 January 2024 at 5am there
was another large gathering of drinkers and
revellers again shouting outside of your premises and
creating noise and disturbance to local residents

On Thursday 18 January 2024 at 1.30am
there was a very large gathering of people
outside your premises, The Governor Wine Bar
Highcliffe, shouting, jeering, flicking cigarette ends
across the main Lymington Road, urinating in

drive ways of buildings opposite, and generally causing a major disturbance to residents in Highcliffe.

On Thursday 25 January 2024 at 11.45pm, there was a mass brawl, with several people involved, fighting outside your premises, the middle of Lymington Road and ending up on the opposite side of the road, with blood spattered against shops and the pavement. The Police had to be called before someone was very seriously injured or killed.

On Friday 2 February there was loud music and noise disturbance until gone 12pm midnight.

On Saturday 3 February 2024 at 9.15pm there was loud noise and disturbance, people shouting and swearing, at 9.18pm a white transit style van attempted to ram-raid the main entrance to your premises, on one occasion the van, while positioning itself to charge the entrance, reversed into oncoming traffic on the main A337 Lymington Road and very narrowly missed hitting the passing cars.

The Police were called and a full report of the incident was given.

On several occasions, visitors to your premises, park their cars on double yellow lines on both sides of Stanley Road, on one occasion blocking the entrance into and out of Stanley Road.

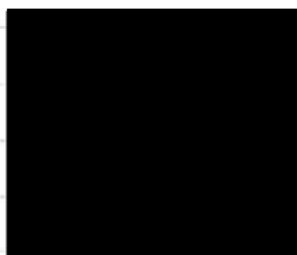
This level of Anti Social Behaviour Will not be tolerated by the residents of Highcliffe. A daily and nightly report is being kept of all the activities surrounding your Premises, and an Events Diary of The Governor Bar Lounge is being written.

Prior to your occupation of the Premises, Napoleons Wine Bar existed, the Proprietor had a Commitment of care and understanding for local Highcliffe residents by showing dignity and respect by keeping noise levels to a minimum and no Anti Social Behaviour.

Therefore, will you kindly ask your customers to Show respect and consideration to the local residents, who are trying to enjoy a peaceful existence and get a decent nights Sleep, weekdays and weekends.

A Copy of this letter, together with a formal letter, e-mail, has been sent to B.C.P. Council Bourne valley Road, Bournemouth. BH2 6DY.

Yours faithfully,



ON BEHALF OF ALL RESIDENTS,
STANLEY ROAD, LYMINGTON ROAD HIGHCLIFFE.

Andrew Hill

From: Andrew Hill
Sent: 12 February 2024 15:35
To: [REDACTED]
Subject: The Governors Inn Ltd, 364 Lymington Road

Licensing Act 2003
Environmental Protection Act, 1990
Noise and Antisocial Behaviour
The Governor 364 Lymington Road Highcliffe Christchurch BH23 5EY

I am writing to you as the premises licence holder to advise that complaints regarding **Noise and Anti-social behaviour** have been received.

Whilst at this stage no formal investigation has taken place, I would inform you that under provisions laid down in Section 80 of the Environmental Protection Act 1990 the Local Authority has a duty to act against persons responsible for noise amounting to a nuisance.

In addition, you have obligations under the Licensing Act 2003 to ensure that you take adequate steps to prevent public nuisance to residences in the vicinity of your premises.

The complainant has been advised to keep a record of any incidents that disturb them which we will use as part of our investigation. We also may use noise monitoring equipment and/or make visits to witness the noise for ourselves. If sufficient evidence is gathered that a statutory noise nuisance exists an abatement notice will be served which will prohibit the noise nuisance from occurring. Failure to comply with the notice is an offence and if the matter is taken to court you could be liable to a fine of up to £20,000. Also, if breaches of licence conditions are found they will be referred to the Licensing Section.

In addition to this if evidence is gathered that the premises is not operating under the licensing objective '*prevention of public nuisance*' the pollution section may decide to review your premises licence. This involves a hearing in front of the licensing board and may result in the imposition of further licence conditions, restrictions on opening times or even the revocation of the licence.

It is very much hoped that further action will not be necessary so I would ask that you ensure activities undertaken at the above premises do not give rise to further complaint.


Should you wish to discuss this further please contact me as detailed above.

Yours sincerely

Mr Andrew Hill
Senior Environmental Health Officer



**WITNESS STATEMENTS
(CRIMINAL PROCEDURE RULES, PART 27)**

<p align="center">Statement of witness (Criminal Procedure Rules, r27.2; Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980,s.5B)</p> <p>STATEMENT OF (name of witness) Matthew Browning</p> <p>Age of witness (if over [18] enter over [18]) _Over 18</p> <p>Occupation of witness _Environmental Protection Officer, BCP Council</p>
<p>This statement (consisting of 1 page signed by me) is true to the best of my knowledge and belief and I make it knowing that, it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.</p> <p>Dated the 9th day of March 2024</p> <div style="text-align: center; margin-top: 20px;">  </div> <p>Signed: _____</p>
<p>[if witness unable to read statement]</p> <p>_____ being unable to read the above statement, I _____ of _____ read it to him/her before she signed it.</p> <p>Dated the ____ day of _____ 20____ Signed: _____</p> <p align="right">Signature of person who read the statement</p>

On the evening of Saturday 9th March I was the duty officer for nuisance complaints, I received a Out of Hours report of loud music coming from the Governor Bar, Lymington Road Christchurch, I then called the Complainant [REDACTED] to arrange a visit. Accompanied by an Insight security officer, I arrived at the Complainants address [REDACTED] Lymington Road Christchurch at 2140 v [REDACTED] I then met [REDACTED] at the front communal door of the shared property and followed him through the hallway to his studio/bedroom. Apon entering the room I Immediately could hear loud music at unreasonable level, it was clear enough to hear vocals of the music, I would consider this to have been statutory nuisance level. [REDACTED] then told me the music plays most evenings but said he tolerates noise during the week but at weekends it can go on until 1am which is why he contacted the Council. I said to [REDACTED] would report what I've witnessed tonight to the case officer (Mr Andy Hill), I then proceeded to exit the property at approx 2200.

Andrew Hill

From: Andrew Hill
Sent: 18 March 2024 15:22
To: [REDACTED]
Matt Browning; Sarah Rogers - Licensing
Subject: Noise and Antisocial Behaviour - The Governor 364 Lymington Road Highcliffe
Christchurch BH23 5EY

Dear SYEDA RUZINA KHATUN

Environmental Protection Act, 1990
Noise and Antisocial Behaviour
The Governor 364 Lymington Road Highcliffe Christchurch BH23 5EY

I am writing to you as the premises licence holder to advise that complaints regarding **Noise and Anti-social behaviour** continue to be received from local residents regarding your venue.

I would inform you that under provisions laid down in Section 80 of the Environmental Protection Act 1990 the Local Authority has a duty to act against persons responsible for noise amounting to a nuisance and therefore as a result of this formal investigation has taken place. An officer from our Out Of Hours noise team visited a complainants property on the 9th March 2024 and witnessed excessive noise from the venue.

The complainants have been advised to keep a record of any incidents that disturb them which we will use as part of our investigation. We also may use noise monitoring equipment and/or make further visits to witness the noise for ourselves. If sufficient evidence is gathered that a statutory noise nuisance exists an abatement notice will be served which will prohibit the noise nuisance from occurring. Failure to comply with the notice is an offence and if the matter is taken to court you could be liable to a fine of up to £20,000.

In addition, you have obligations under the Licensing Act 2003 to ensure that you take adequate steps to prevent public nuisance to residences in the vicinity of your premises. If sufficient evidence is gathered that the premises is not operating under the licensing objective '*prevention of public nuisance*' then I may decide to review your premises licence. This involves a hearing in front of the licensing board where I will ask the committee to impose further licence conditions in respect to noise as well as restrict the opening times of the premises. The board may also consider revocation of the licence.

It is very much hoped that further action will not be necessary so I would ask that you ensure activities undertaken at the above premises do not give rise to further complaint.

Should you wish to discuss this further please contact me as detailed above.

Yours sincerely



Andrew Hill
Senior Environmental Health Officer
Communities

Andrew Hill

From: Andrew Hill
Sent: 04 April 2024 08:42
To: [REDACTED]
Cc: Busfield, Louise; Sarah Rogers - Licensing
Subject: RE: Noise and Antisocial Behaviour - The Governor 364 Lymington Road Highcliffe
Christchurch BH23 5EY

Dear SYEDA RUZINA KHATUN

I refer to the email I sent you on the 18th March 2024 regarding complaints we are receiving about excessive noise from your premises.

I received a number of complaints over the weekend once again. The local authority has a duty under the Environmental Protection Act 1990 and the Licensing Act 2003 to protect local residents from nuisance premises. Therefore I am now obligated to take formal action to prevent the continued recurrence of the nuisances arising from your premises.

I am disappointed that you have not engaged with either myself or colleagues in the licensing team regarding the ongoing concerns with your venue and therefore myself and colleagues from Dorset Police Licensing will visit your premises on Wednesday the 10th April at 12:15 to discuss these matters and consider further actions to be taken in respect to your premises license.

I would remind you that this is a serious matter and I am seeking to review your premises license. Therefore your attendance at this meeting is important. If you cannot make the meeting, I would suggest a representative from your organisation who is appointed to speak on behalf of the premises and make decisions in respect to the conditions on the premises license attend the meeting.

I would encourage you at this stage to seek legal representation from a licensing solicitor who would be welcome to attend the meeting. I would like to outline my intentions to seek a review or even revocation of the premises license and would need assurances at this meeting that the licensing objectives in respect to 'Prevention of Nuisance' will be upheld moving forward.

I would be most grateful if you can acknowledge receipt of this email so that I know that formal communications are being received. Moving forward I will need to serve legal documents on your organisation and need to ensure proper service of notices.

A formal letter will be sent recorded delivery to your registered business address outlining the above.

Regards



Andrew Hill
Senior Environmental Health Officer
Communities
T. 01202 123186
bcpcouncil.gov.uk



From: Andrew Hill

Sent: Monday, March 18, 2024 3:22 PM

To: [REDACTED]

Cc: Matt Browning <matt.browning@bcpcouncil.gov.uk>; Sarah Rogers - Licensing <sarah.rogers@bcpcouncil.gov.uk>

Subject: Noise and Antisocial Behaviour - The Governor 364 Lymington Road Highcliffe Christchurch BH23 5EY

Dear SYEDA RUZINA KHATUN

Environmental Protection Act, 1990

Noise and Antisocial Behaviour

The Governor 364 Lymington Road Highcliffe Christchurch BH23 5EY

I am writing to you as the premises licence holder to advise that complaints regarding **Noise and Anti-social behaviour** continue to be received from local residents regarding your venue.

I would inform you that under provisions laid down in Section 80 of the Environmental Protection Act 1990 the Local Authority has a duty to act against persons responsible for noise amounting to a nuisance and therefore as a result of this formal investigation has taken place. An officer from our Out Of Hours noise team visited a complainants property on the 9th March 2024 and witnessed excessive noise from the venue.

The complainants have been advised to keep a record of any incidents that disturb them which we will use as part of our investigation. We also may use noise monitoring equipment and/or make further visits to witness the noise for ourselves. If sufficient evidence is gathered that a statutory noise nuisance exists an abatement notice will be served which will prohibit the noise nuisance from occurring. Failure to comply with the notice is an offence and if the matter is taken to court you could be liable to a fine of up to £20,000.

In addition, you have obligations under the Licensing Act 2003 to ensure that you take adequate steps to prevent public nuisance to residences in the vicinity of your premises. If sufficient evidence is gathered that the premises is not operating under the licensing objective '*prevention of public nuisance*' then I may decide to review your premises licence. This involves a hearing in front of the licensing board where I will ask the committee to impose further licence conditions in respect to noise as well as restrict the opening times of the premises. The board may also consider revocation of the licence.

It is very much hoped that further action will not be necessary so I would ask that you ensure activities undertaken at the above premises do not give rise to further complaint.

Should you wish to discuss this further please contact me as detailed above.

Yours sincerely



Andrew Hill

Andrew Hill

From: Ellie King
Sent: 23 April 2024 15:43
To: [REDACTED]
Cc: Dorset Police Licensing; Andrew Hill; Busfield, Louise
Subject: R298832- The Governor - 364 Lymington Road, Christchurch

Importance: High

Follow Up Flag: Follow up

Flag Status: Flagged

Good Afternoon,

Further to our visit on 10 April 2024 and discussion with Will Dicks, I have now heard back from both Dorset Police Drug and Alcohol Harm Reduction Team and Environmental Health and as agreed I have shown below the conditions which have been proposed for inclusion on a minor variation application.

Dorset Police Drug and Alcohol Harm Reduction Team proposed conditions.

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.

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.

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.

SIA

A minimum of 2 SIA to be employed on Fridays, Saturdays, and any day preceding a Bank Holiday from 20:00 until close and the last customer has dispersed the immediate area

All SIA to wear hi viz jackets or vests at all times they are on duty

A register of SIA personnel employed on the premises shall be maintained in a legible format and kept on the premises at all times and made available to police upon reasonable request.

The register should be completed by the DPS or Duty Manager at the commencement and end of each shift, by each member of security staff.

Details recorded to include: Full name, 16 digit SIA badge number, time of commencement and end of duties.

The security operative should then sign their name against these details.

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.

Risk Assessments

If it is intended to show any major sporting event on a television within the premises (other than Snooker or Pool tournaments, golf, motor racing events, athletics competitions or tennis or cricket matches), or to hold any function, special event or live music, the Premises will conduct a written risk assessment to determine whether it is appropriate to deploy door supervisors for a period of time before the event is scheduled to start, during the event and for a period of time after the event is scheduled to end and will deploy door supervisors in accordance with the outcome of the risk assessment.

Such risk assessments will also be conducted at the request of the police in respect of any other event scheduled to take place at the premises.

Copies of all risk assessments shall be retained on the premises for a minimum period of 6 months and shall be made available for inspection by police and other authorised officers on request.

Environmental Health proposed conditions.

Queues

The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.

Noise Report

A report shall be submitted detailing the potential for noise from (amplified music and patrons) at the premises affecting neighbouring noise sensitive properties and residential properties above the premises.

The report shall include a detailed scheme of noise mitigation measures to show that nuisance will not be caused to the occupiers of the noise sensitive properties by noise from the licensed premises.

The report shall be submitted to and approved in writing by the Council through an authorised officer of the Pollution Control Team and all recommended works carried out in full prior to the commencement of any further regulated entertainment.

The noise assessment shall be carried out by a suitably qualified acoustic consultant/engineer and shall take into account the provisions of BS4142: 2014. "Method of rating industrial noise affecting mixed residential and industrial areas" and BS 8233: 1999 "Sound Insulation and Noise Insulation for Buildings - Code of Practice". The recommended design criteria for dwellings are as follows: Daytime (07.00 – 23.00) LAeq(16 hours) 35 dB & Noise Rating Curve NR35 in all rooms. Nighttime (23.00 – 07.00) LAeq(8 hours) 30 dB & Noise Rating Curve NR20 to NR25 in bedrooms NP34.

Noise Limiter

A noise limiter shall be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder.

The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

Noise

- *No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance. This includes noise from the television*
- *A lobbied entrance (that is two sets of doors that are set so that one is closed when the other one is open) shall be installed at the premises.*
- *All windows and external doors shall be kept closed after (23:00) hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.*

Smoking area

The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.

A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.

Please note that in addition to the proposed conditions the hours of operation proposed by both Dorset Police Drug and Alcohol Harm Reduction Team and Environmental Health are as follows:

Sunday to Thursday 23:00
Friday and Saturday 00:00

All of this information has been provided following our visit on 10 April 2024 and as discussed it is recommended that a minor variation application is made. Should you decide to make an application to vary the licence, please ensure that the application is submitted no later than 08 May 2024.

The minor variation application has been suggested in an attempt to remedy the issues which have been reported and experienced by residents from the premises. Should your premises continue to cause problems, as a result of not upholding the licensing objectives, a more formal approach may be taken by way of review of your premises licence.

Please don't hesitate to contact me if I can be of any further assistance.

Kind Regards

Ellie