

LICENSING SUB-COMMITTEE



Report subject	The Bell, 915 Christchurch Road, Bournemouth, BH7 6AX
Meeting date	14 August 2024
Status	Public Report
Executive summary	To consider an application by Dorset Police for the review of the premises licence as they no longer have confidence in the designated premises supervisor (DPS) to uphold the licensing objectives and the premises licence holder have not made any significant changes to the premises licence to ensure the licensing objectives are promoted.
Recommendations	<p>It is RECOMMENDED that:</p> <p>Members consider the following options: -</p> <ul style="list-style-type: none"> (a) Modify the conditions of the licence; and/or (b) Exclude a licensable activity from the scope of the licence; and/or (c) Remove the Designated Premises Supervisor; and/or (d) Suspend the licence for a period not exceeding three months; or (e) Revoke the licence; or (f) Leave the licence in its current state. <p>Members are asked to make a decision at the end of the hearing after all relevant parties have been given the opportunity to speak. Members must give full reasons for their decision.</p>
Reason for recommendations	<p>Where a review application by a responsible authority, or any other person, has been received the scheme of delegation set out in the Council's Constitution states that these applications should be dealt with by the Sub-Committee.</p> <p>The Licensing Authority may only consider aspects relevant to the application that have been raised in the application.</p>

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Portfolio Holder(s):	Cllr Kieron Wilson – Portfolio Holder for Housing, and Regulatory Services.
Corporate Director	Jillian Kay – Corporate Director for Wellbeing
Report Authors	Tania Jardim – Licensing Officer
Wards	Boscombe East & Pokesdown;
Classification	For Decision

Background

1. An application for review of the premises licence, under Section 51 of the Licensing Act 2003, by Dorset Police was received on 10 June 2024.
2. The application relates to the prevention of crime and disorder and public safety licensing objectives.
3. The review has been sought following reports received by Dorset Police in the past 24 months that the premises present a risk to communities through failing to promote the licensing objectives. Dorset Police and their partners have attended the premises and identified breaches of the premises licence and other issues of concern. Dorset Police have made attempts to engage with the premises licence holder to agree changes to ensure the licensing objectives are being promoted, however, no amendments that sufficiently address the issues identified could be agreed. Dorset Police no longer have confidence in the Designated Premises Supervisor to uphold the licensing objectives and the Premises Licence Holder has not made significant changes to the premises licence to satisfy Dorset Police that they can uphold the licensing objectives.
4. A copy of the review application is attached at Appendix 1.
5. The premises have had the benefit of a premises licence since 24 November 2005 following conversion from the old Justices Licence and were transferred to the current licence holder and DPS in March 2021. A copy of the current premises licence is attached at Appendix 2.
6. Since the current licence holder and DPS have taken over, BCP council have received four complaints relating to noise from the premises. These complaints were received between August 2021 with the most recent one being in June 2023. The Environmental Health department investigated each complaint, on one occasion, the issues were addressed by the DPS and others were not followed up by the complainant and no further action was taken.
7. Dorset Police raised their concerns about the premises, and in particular of the incident that occurred in May, at a fortnightly intelligence meeting attended by the Licensing Authority's Licensing Department and Environmental Health. No formal referral was made to the Licensing Authority as Dorset Police were leading in the investigation.

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Consultation

8. A copy of the review application was served on all responsible authorities and the licence holder on 11 June 2024.
9. The Licensing Officer attended the premises on 11 June 2024 and displayed two site notices on the premises windows close to each of the entrance doors. On the 12 June 2024, the licensing officer placed one notice on the lamppost directly opposite the premises. Two further notices were placed in the main public noticeboards of the council offices in Bourne Avenue and St Stephen's Road. A notice was also published on the council's website.
10. No representations were received from any other responsible authorities or any other persons.
11. Dorset Police have provided supplementary information in support of their application. Copy of this attached at Appendix 3.
12. John Guant Solicitors submitted a supporting representation on behalf of their client Marston's Plc in response to Dorset Police's application to review the premises licence. Copy of representation is attached at Appendix 4.

Options Appraisal

13. Before making a decision, Members are asked to consider the following matters: -
 - The representations made by Dorset Police.
 - The submissions made by or made on behalf of the applicant.
 - The relevant licensing objectives, namely the prevention of crime and disorder, public safety and the protection of children from harm.
 - The Licensing Act 2003, Regulations, Guidance and the Council's Statement of Licensing Policy.

Summary of financial implications

14. An appeal may be made against the decision of Members by Dorset Police or the holder of the premises licence to the Magistrates' Court which could have a financial impact on the Council.

Summary of legal implications

15. If Members decide on an option available to them which Dorset Police or the premises licence holder does not agree to, they may appeal to the Magistrates' Court within a period of 21 days beginning with the day that they are notified, in writing, of the decision.

Summary of human resources implications

16. There are no human resources implications.

Summary of sustainability impact

17. There are no sustainability impact implications.

Summary of public health implications

18. There are no public health implications.

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Summary of equality implications

19. There are no equality implications.

Summary of risk assessment

20. There are no risk assessment implications.

Background papers

BCP Council – Statement of Licensing Policy

<https://democracy.bcpCouncil.gov.uk/documents/s21122/Statement%20of%20Licensing%20Policy.pdf>

Hearing Regulations

<https://www.legislation.gov.uk/ukSI/2005/44/made>

Revised Guidance issued under Section 182 of the Licensing Act 2003 (December 2023)

https://assets.publishing.service.gov.uk/media/6579dec8095987000d95e063/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_-_December_2023.pdf

Appendices

1 – Copy Review Application.

2 – Copy Premises Licence.

3 – Copy Supporting Information from Dorset Police.

4 – Copy email representation from Solicitor on behalf of Marstons PLC.