



## Application for Review of Premises

### Licence

### **Supplementary Submission**

## **The Bell, Christchurch Road, Bournemouth**

*This representation is in support of an Application for Review of a Licensed Premises submitted 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 to support the representation. This document 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 Bell is a licensed premises located opposite Pokesdown Railway Station on a busy thoroughfare in East Bournemouth and is surrounded by a wide variety of commercial and residential properties. The premises is owned and operated by Marston's, a large company which owns and operates licensed premises throughout the UK.

The premises has had a variety of tenant Managers that assume responsibility as the Designated Premises Supervisor over the past years. The premises has maintained a traditional public house atmosphere throughout these changes in management and enjoys a largely local customer base except for dates when AFC Bournemouth Football matches occur, when fans from opposing teams are also welcomed to the premises.

### **Concerns**

**The Application for Review of this licensed premises is submitted on the grounds that Dorset Police do not consider that this premises is promoting the licensing objective to prevent crime and disorder.**

On the 5<sup>th</sup> October 2022 a meeting was held at the premises with the Area Manager, representatives of Dorset Police and the Designated Premises Supervisor (DPS). The discussion centred on the premises' response to AFC Bournemouth matchday events. Staff training records were in place, albeit that they couldn't be viewed as they are electronic, and an SIA Door Supervisor is employed as a responsible measure to manage any disorder on matchdays. It was noted that no Door Supervisor log was maintained, and the rationale offered that this was due to no disorder occurring at the premises.

The DPS was advised to ensure that they employ SIA staff through an agency as they do not hold an appropriate licence to employ SIA Door Supervisors directly. It was agreed that the premises would employ an external company to provide this service, beginning on the 8<sup>th</sup> October 2022.

The Area manager was requested to provide a revised site plan to reflect changes made to the external space to the rear of the premises. During this meeting a variation was discussed to allow extended use of the outside space. Dorset Police were clear that any additional use of the outside space would likely require additional supervision and mitigation against the risk of increased crime, disorder and nuisance. It would be likely that conditions pertaining to enhanced SIA Door Supervisors would be the most appropriate mitigation.

On the 19<sup>th</sup> October 2022 an email was sent requesting details of the SIA contractor being used to provide the SIA Door Supervisors. No response was received.

On the 24<sup>th</sup> May 2023 intelligence was received that prolific shoplifters in Boscombe, Pokesdown and Southbourne are taking suspected stolen goods from local food retailers to The Bell Pub, 915 Christchurch Road, Bournemouth. It is believed the pub is then using the product to sell within. Multiple local known shoplifters were reported to have been waiting at the car park entrance to the pub and then

attending the rear car park and leaving a few minutes later without the items. This intelligence could not be corroborated, and no criminal action could be taken.

On the 2<sup>nd</sup> December 2023 incident was reported to Dorset Police which alleged that the victim had being headbutted by another customer and a pool ball thrown at their partner's head during an altercation. No significant injuries occurred as a result of the incident, which was investigated and resulted in no criminal action. As part of this investigation, information was received which suggested that unlicensed Door Supervisors were being employed and that frequent altercations were occurring and not being reported to the authorities.

During the investigation into this incident the DPS stated that the CCTV only stored footage for 11 days and that there was no legal requirement for him to operate CCTV at the premises and that they had no conditions requiring Door Supervisors which would make it difficult to verify the employment of any Door Supervision. It had also become clear that the DPS was willing to permit customers that had been excluded elsewhere within the local Pubwatch locality, increasing the likelihood of disorder occurring at this premises.

Correspondence was exchanged between Dorset Police, the Area manager for Marston's and the Licensing Solicitor for Marston's, Michelle Hazlewood. On the 20<sup>th</sup> December 2023 a virtual meeting was held between Dorset Police and Michelle Hazlewood and discussion included the addition of conditions that would reflect the minimum expectations to support a premises such as this to promote the licensing objectives.

Dorset Police are grateful for the work undertaken by the Area Manager and Michelle Hazlewood to clarify the position in respect of the incident reported and for encouraging the DPS to engage with the local Pubwatch scheme. Confirmation was provided that the SIA Door being used was an independent contractor with their own public protection liability insurance.

Further correspondence was sent to Ms Hazlewood requesting that the DPS utilise the appropriate communication channels for the Pubwatch scheme and to ensure that the SIA Door Supervisor was employed legally and in accordance with the Security Industry Authority requirements. Additional reassurance was requested that there would be a CCTV system with adequate capability for 31 days of storage installed at the premises and that previously discussed conditions would also be volunteered to be added to the premises through a Minor Variation.

On the 11<sup>th</sup> January 2024 Ms Hazlewood advised that contractor had been appointed to install a new CCTV system at the premises. It was advised that a minor variation would be considered once the Area manager had returned to work.

During a visit on the 17<sup>th</sup> January 2024 the DPS advised that a new CCTV system would be installed by Marston's which would include a storage capability of 31 days. Furthermore, a local SIA Security Contractor had been appointed to support the premises in addition to them obtaining training and certification to be able to operate as a SIA Door Supervisor if required. The DPS was advised against delivering both functions simultaneously. The DPS was advised to contact Dorset Police if they required any further support or guidance.

On the 18<sup>th</sup> May 2024 Police officers attended a report of an altercation at this premises involving a person with a bladed weapon. Officers spoke with the DPS, who was heavily intoxicated, and stated that there had been an altercation whereby a male had been drinking in the pub earlier in the day before becoming involved in an altercation with the DPS. The male refused to leave when asked and a fight occurred between the male and the DPS. The male stated that he was going to obtain an axe and returned a short while later and began threatening the DPS with the axe. The DPS was restrained by the SIA Door Supervisor and other customers before the male left the area in the direction of Southbourne. The SIA Door Supervisor stated that when the male left he was still in possession of the axe, and he followed him for around 30 metres the Door Supervisor returned to the premises.

On police arrival the DPS stated that the male was a 'friend' of his and he did not wish to make a complaint. CCTV at the pub was viewed however the time when the incident had occurred had not been recorded or had been deleted.

The male was later arrested for possessing an offensive weapon in a public place.

Upon reviewing the Town Centre CCTV footage, patrons of the pub could be seen retreating and clearly in fear of the escalation outside the premises.

The key observation from the Sergeant in attendance at the scene of this incident was that the DPS, although intoxicated, was presenting himself as being in control of the premises. Whilst he was willing to answer most questions, he did refer to the person formally responsible for the premises as being 'Dave' and their partner who was upstairs at the time of the incident.

The DPS refused to provide a statement to support a Police investigation and when officers attempted to view footage of the incident on the CCTV system, there was a period of approximately 30 minutes, during which time this incident had occurred, which was no longer available to view on the system. There was footage recorded for prior and after the incident.

When challenged on the absence of the CCTV footage, the DPS stated that there was no requirement for CCTV as a condition of their premises licence. A further explanation has been provided since which cannot be verified and relates to a shortage of power to the system at that time. Dorset Police have been advised by Marston's that this issue has now been rectified.

Additionally, an explanation has been provided as to the account of the DPS and why they became involved in the disorder. This account is inconsistent with the Town Centre CCTV which captures significant aspects of the disorder.

The lack of engagement from the DPS and the inability to produce CCTV has inhibited the ability for Dorset Police to investigate this serious incident. Tackling the presence of bladed items in our communities, particularly associated with licensed premises, is a priority for Dorset Police. Through operations such as Op Sceptre and the introduction of 'knife arches' throughout our communities, we are working with our partners to reduce the significant harm that results from possessing knives. It is imperative that licensed premises such as this support these efforts, whilst promoting the licensing objectives.

The details of the incident were also not shared through the Pubwatch portal, despite the perpetrator leaving the premises in the direction of several licensed premises nearby.

Dorset Police have attempted to engage with the DPS and representatives of Marston's to achieve an outcome that would restore our confidence in this premises. The lack of progress and the apparent continuance, and escalation of incidents has resulted in this application for review being submitted.

### **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.

Dorset Police have made every effort to ensure that recommendations are associated with the licensing objective to Prevent Crime and Disorder and to maintain Public Safety. Most other conditions relating to Public Nuisance and Protection of Children from Harm will not be considered.

### **Take No Action**

Dorset Police are concerned that not only has this premises been brought to our attention for several reasons, on numerous occasions since 2022, but also that the licence holder has failed to adopt the necessary improvements to ensure that the licensing objectives are being consistently promoted.

It is accepted that, regardless of the fact that this premises is part of a large group of licensed premises, there may be a requirement for support and engagement to achieve compliance, 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 demonstrates that taking no action would not be an appropriate outcome following this hearing.

## **Exclude Licensable Activities from the Premises Licence**

The existing Premises Licence permits the following licensable activities -

### **Live Music**

Monday - 09:00 to 00:00

Tuesday - 09:00 to 00:00

Wednesday - 09:00 to 00:00

Thursday - 09:00 to 00:00

Friday - 09:00 to 00:00

Saturday - 09:00 to 00:00

Sunday - 09:00 to 00:00

Performance of live music will take place indoors.

Non-standard timings for the performance of live music.

New Year's Eve – From start of permitted hours to the end of permitted hours on 1st January.

On each Thursday, Friday, Saturday, Sunday and Monday on a Bank Holiday weekend until 01.00 hours the following day.

### **Recorded Music**

Monday - 09:00 to 00:00

Tuesday - 09:00 to 00:00

Wednesday - 09:00 to 00:00

Thursday - 09:00 to 00:00

Friday - 09:00 to 01:00

Saturday - 09:00 to 01:00

Sunday - 09:00 to 00:00

Playing of recorded music will take place indoors.

Non-standard timings for the playing of recorded music.

New Year's Eve – From start of permitted hours to the end of permitted hours on 1st January.

On each Thursday, Friday, Saturday, Sunday and Monday on a Bank Holiday weekend until 01.00 hours the following day.

### **Performances of Dance**

Monday - 09:00 to 00:00

Tuesday - 09:00 to 00:00

Wednesday - 09:00 to 00:00

Thursday - 09:00 to 00:00

Friday - 09:00 to 01:00

Saturday - 09:00 to 01:00

Sunday - 09:00 to 00:00

Performance of dance will take place indoors.

Non-standard timings for the performance of dance.

New Year's Eve – From start of permitted hours to the end of permitted hours on 1st January.

On each Thursday, Friday, Saturday, Sunday and Monday on a Bank Holiday weekend until 01.00 hours the following day.

### **Activity like Music / Dance**

Monday - 09:00 to 00:00

Tuesday - 09:00 to 00:00

Wednesday - 09:00 to 00:00

Thursday - 09:00 to 00:00

Friday - 09:00 to 01:00

Saturday - 09:00 to 01:00

Sunday - 09:00 to 00:00

Entertainment will take place indoors.

Non-standard timings for entertainment.

New Year's Eve – From start of permitted hours to the end of permitted hours on 1st January.

On each Thursday, Friday, Saturday, Sunday and Monday on a Bank Holiday weekend until 01.00 hours the following day.

### **Late Night Refreshment**

Monday - 23:00 to 00:00

Tuesday - 23:00 to 00:00

Wednesday - 23:00 to 00:00

Thursday - 23:00 to 00:00

Friday - 23:00 to 01:00

Saturday - 23:00 to 01:00

Sunday - 23:00 to 00:00

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

Non-standard timings for provision of late-night refreshments.

New Year's Eve – From start of permitted hours to the end of permitted hours on 1st January.

On each Thursday, Friday, Saturday, Sunday and Monday on a Bank Holiday weekend until 01.00 hours the following day.

### **Supply of Alcohol**

Monday - 09:00 to 00:00

Tuesday - 09:00 to 00:00

Wednesday - 09:00 to 00:00

Thursday - 09:00 to 00:00

Friday - 09:00 to 01:00

Saturday - 09:00 to 01:00

Sunday - 09:00 to 00:00

Non-standard timings for the supply of alcohol.

New Year's Eve – From start of permitted hours to the end of permitted hours on 1st January.

On each Thursday, Friday, Saturday, Sunday and Monday on a Bank Holiday weekend until 01.00 hours the following day.

These permissions are appropriate to a premises of this nature that is operated to the high standards that are expected of all licensed premises. The extended operating hours at the weekends are common to permit events to take place that are in addition to providing an environment to gather and socialise, however, Dorset Police do have concerns that the premises can become overwhelmed and proper control is not consistently apparent.

## **Modify / Add Existing Conditions**

### Modify Conditions

If the Sub-Committee members were inclined to consider modifying the existing conditions, Dorset Police make the following observations regarding the existing schedule of conditions –

2.1. A Cooling off period of 30 minutes after last sales of alcohol is permitted. The music shall be turned off after the last sale of alcohol.

✓ Dorset Police support the removal of this condition.

2.2. Table service shall be provided during televised sporting events.

✓ Dorset Police support the removal of this condition.

2.3. The premises shall comply with the current report of the Dorset Police Crime Prevention Officer dated 09 November 2005.

✓ Dorset Police support the removal of this condition

2.4. Sale of alcohol from the external bar:

2.4.1. shall be restricted to 20 days per calendar year

2.4.2. shall not take place on any day that AFC Bournemouth play at home

2.4.3. Shall not take place after 22:00

2.4.4. shall not take place on consecutive weekends; and

2.4.5. shall not take place for more than two evenings in a row.

✓ Dorset Police support the retention of this condition

2.5. Noise from regulated entertainment shall not emanate from the premise so as to cause a nuisance to nearby noise sensitive premises.

➤ Dorset Police make no comment in respect of this condition

2.6. When regulated entertainment comprising live or recorded music is provided after 23:00 then a staff member/nominated noise monitor shall regularly check the boundary of the premises with noise sensitive properties to ensure that no nuisance from noise is occurring. The boundary checks shall be recorded in a log book and shall be available to be reviewed by an authorised Officer on request.

➤ Dorset Police make no comment in respect of this condition

2.7. Music shall be turned down to background level at least 30 minutes before closing time.

➤ Dorset Police make no comment in respect of this condition

2.8. Ensure doors & windows closed by 23:00 hours except for access and egress.

➤ Dorset Police make no comment in respect of this condition

2.9. Members of staff shall ask customers to leave quietly at closing time.

➤ Dorset Police make no comment in respect of this condition

2.10 Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

➤ Dorset Police make no comment in respect of this condition

2.11. Soft drinks and/or hot drinks such as coffee shall be available during the cooling down period.

- This condition is not required as it is addressed through the Late Night Refreshment permission

2.12. Ensure that all plant/machinery continues to be serviced.

✓ Dorset Police do not consider that this is relevant to the licensing objectives, however, you will likely hear that the cause of the CCTV outage has been associated to the operating of the dishwasher by the representatives of the licence holder.

2.13. Staff shall be trained in the identification of under 18's and current proof of age schemes.

✓ Dorset Police believe that this condition should be amended to read as follows –

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

- 2.14. The licence holder shall ensure that children are properly supervised by parents or guardians.
- ✓ Dorset Police do not consider that this condition is enforceable and should be removed.

#### Add Conditions

Dorset Police do not consider that any further conditions would resolve the concerns that we have regarding the lack of promotion of the licensing objectives by the DPS, 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 imposing the below conditions to the existing premises licence-

##### ➤ Staff Training

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.

##### ➤ Personal Licence Holder Requirement

A personal licence holder to be always on the premises when the premises is providing licensable activities.

##### ➤ First Aid Provision

First Aider to be always on the premises when the premises is providing licensable activities.

##### ➤ Incident Log

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.

##### ➤ CCTV Requirement

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 police, licensing or other authorised officers 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.

➤ Pubwatch Membership Requirement

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 and exclusions.

➤ Toilet Checks

Toilet checks to be conducted every 30 minutes from 20:00 until close, and these checks documented on sheets placed within the toilets to be retained for 6 months and available for inspection by Police or other authorised officers.

➤ Door Supervisors

The DPS will risk assess the need for door supervision. Door supervisors will be provided in such numbers, between such times and on such dates as required by the risk assessment.

All SIA to wear hi viz jackets or vests when they are on duty.

A register of SIA personnel employed on the premises shall be maintained in a legible format and always kept on the premises. The register will be 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.

At the commencement of work security personnel should ensure that they are recorded on the CCTV system and that a clear head and shoulders image showing their face clear of any hat, glasses or other obstruction is recorded.

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.

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.

Dorset Police do not consider that these conditions would fully address the concerns detailed above and 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 concerns associated with the DPS and it is our view that their mismanagement of this premises and failure to address the concerns that have been raised has led to a marked reduction in the overall confidence relating to the management of this premises. They have failed to consistently uphold the licensing objectives to maintain the safety of their staff and customers.

If the members of the Sub-Committee have no confidence in the current DPS, Dorset Police invite the members of the Sub-Committee to reflect this by removing them from the Premises Licence.

### **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 2 years, with limited 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 appropriate 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.

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. Dorset Police will continue to support the management company of this premises to improve their operating practices. If this Premises Licence were to remain in effect under the same management, with the same conditions, then it is likely that 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 significant engagement over the past few years. 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.

Dorset Police invite the members of the Sub-Committee to consider this report support us to ensure that we only permit licensed premises that operate to the highest standards in the BCP Council area.

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 prior to or during the hearing.