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Dancing Jug, Southbourne, Bournemouth

This report is to be considered alongside the formal representation submitted in respect of an Application for a Premises Licence submitted to the Licensing Authority. It is the intention of Dorset Police to avoid any repeat of information previously submitted and to provide both the applicant (or their representative) and members of the Licensing Sub-Committee with additional information, context and evidence in support of the representation. This report is being completed and submitted as soon as practicable for the benefit of all parties. Whilst all details are correct at the time of completion, Dorset Police reserve the right to amend / introduce additional information and evidence in advance of the hearing.

Background

This is a new application for a restaurant/bar located within the vibrant area of Southbourne. There are a variety of hospitality and retail businesses within the community of Southbourne, which generally operate well amongst the residential properties which are woven between and surround the high street areas.

Naturally, there are challenges around crime prevention in many areas of BCP Council and the local Neighbourhood Policing Team and partners within the BCP Council Community Safety Department aim to address matters that are reported by the public as quickly as possible. Common issues in Southbourne include street drinking, aggressive begging and theft, alongside common issues such as Anti-Social Behaviour.

Dorset Police are keen to support new businesses throughout Dorset, however, care and attention must be given to ensuring that there is a high level of trust and confidence that any new or enhanced licensable activity does not adversely impact on the community which it serves.

Concerns

This premises would add to the significant existing provision available at Southbourne, many of which operate during the late evening. The applicant is keen for their premises to form part of this licensed community and the investment into this popular area will be most welcome.

The concerns for Dorset Police relate primarily to the operating hours at the new proposed premises. This premises is intended to deliver both Restaurant and Late Evening Entertainment provisions, which will impact upon the levels of noise, ASB and other disorder in this area. Offering this provision at the proposed times is unacceptable for Dorset Police as it is likely to undermine the licensing objectives.

Available Outcomes to the Sub-Committee

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

Grant the Premises Licence as applied for

Dorset Police are of the view that to grant the application as proposed would likely result in an increased demand for Police and other public services' support whilst undermining the significant efforts that have been undertaken by the whole community to ensure that Southbourne maintains a balance by offering licensable activities in a predominantly residential area.

Modification of the Conditions of the Premises Licence it considers appropriate for the promotion of the licensing objectives

Dorset Police are grateful for the mediation that has occurred between Dorset Police and the applicant's licensing consultant.

A variety of additional conditions and modifications have been offered, however, Dorset Police maintain the position that to permit the application to take effect as proposed is likely to undermine the licensing objectives.

If the members of the Sub-Committee determine that it is appropriate to grant a premises licence to permit the sale of alcohol, Dorset Police would invite the members of the Sub-Committee to apply the conditions as offered by Mr Wallsgrove, or similar, to the Premises Licence to ensure that the premises is meeting the minimum standards required of a premises of this nature.

Dorset Police do not consider that applying the above conditions will fully mitigate the concerns identified above.

Exclusion of a licensable activity from the scope of the Premises Licence

Dorset Police have considered this premises offering both a 'restaurant' style offering alongside late evening entertainment. To avoid the additional scrutiny and imposition of conditions to this premises licence, consideration may be given to removing Late Night Entertainment from the premises licence and to invite the applicant to focus on providing a Restaurant which would likely be less impactful on the local residents.

Refuse to specify a person in the licence as the Designated Premises Supervisor (DPS)

Dorset Police consider each applicant upon the requirements of the Licensing Act 2003. The police can object to an individual being specified on a premises licence as DPS where we are satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objectives.

There is currently no 'fit and proper' test for objecting to the appointment of a DPS.

Dorset Police do not currently have any grounds upon which to object to the applicant being the DPS.

Refuse the Application for a Premises Licence

Dorset Police continue to support the view that this option should always 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 draw on our expertise to encourage applicants to adopt proportionate measures to ensure that the licensing objectives can consistently be promoted. This premises is within a prime location in Southbourne, and it is imperative that it remains a welcome and beneficial contributor to the area. The proposal as submitted risks damaging the harmonious relationship between the hospitality community and the residents of Southbourne.

Whilst Dorset Police are keen to support responsible and appropriate licensable activities, we remain of the view that this application, given its location and current conditions being offered should be granted cautiously and only where the Sub-Committee can be satisfied that the Premises Licence Holder can uphold the Licensing Objectives with the appropriate restrictions and conditions.

Conclusion

The Sub-Committee are reminded that Paragraph 2.1 of the Licensing Act 2003 Section 182 Guidance produced by the Home Office states that, "*Licensing authorities should look to the police as the main source of advice on crime and disorder*". We believe that we have provided an evidence-based summary of our concerns above, as required by Paragraph 9.43 of the Section 182 Guidance.

Dorset Police invite the members of the Sub-Committee to carefully consider each of the available options, however, to consider refusing this application on the grounds that it will likely not promote the licensing objectives if it is not significantly altered.

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

There are other licensed premises operated throughout Bournemouth under the same 'Dancing Jug' brand. In assessing the suitability of this application, Dorset Police have assessed this application upon its own merit.