

# LICENSING SUB-COMMITTEE



Report subject	<b>Riviera Bar &amp; Restaurant, 560 Christchurch Road, Bournemouth, BH1 4BH</b>
Meeting date	22 January 2025
Status	Public Report
Executive summary	<p>To consider an application by Dorset Police for the review of the premises licence, on the grounds that the premises are associated with significant crime and disorder.</p> <p>Dorset Police no longer have confidence in the Designated Premises Supervisor (DPS) or premises licence holder to uphold the licensing objectives.</p>
Recommendations	<p><b>It is RECOMMENDED that:</b></p> <p><b>Members consider the following options: -</b></p> <ul style="list-style-type: none"> <li><b>(a) Modify the conditions of the licence; and/or</b></li> <li><b>(b) Exclude a licensable activity from the scope of the licence; and/or</b></li> <li><b>(c) Remove the Designated Premises Supervisor; and/or</b></li> <li><b>(d) Suspend the licence for a period not exceeding three months; or</b></li> <li><b>(e) Revoke the licence; or</b></li> <li><b>(f) Leave the licence in its current state.</b></li> </ul> <p><b>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.</b></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>

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 West;
Classification	For Decision

## Background

1. An application for review of the premises licence, under Section 51 of the Licensing Act 2003, was made by Dorset Police on 7 November 2024.
2. Dorset Police have applied for the review on the basis that this premises is associated with significant crime and disorder and are concerned that if the crime and disorder continues, there is a risk to public safety associated with these premises. Dorset Police no longer have any confidence in the DPS and premises licence holder to uphold the prevention of crime and disorder and public safety licensing objectives.
3. A copy of the review application is attached at Appendix 1.
4. The premises have had the benefit of a premises licence under the Licensing Act 2003 since November 2005. The current licence holder and DPS have been in place since January 2021. A copy of the current premises licence is attached at Appendix 2.
5. The premises has previously been subject to a review which was submitted by Dorset Police on 18 November 2019 on the grounds that the prevention of crime and disorder licensing objective was being undermined. At the time of this review the premises licence holder was Mr Singh who is the current DPS. Information on the review can be found on <https://democracy.bcpccouncil.gov.uk/mgAi.aspx?ID=2297>.
6. Dorset Police have submitted further information in support of their review application. Copy is attached at Appendix 3. Dorset Police have also provided CCTV footage that will be shown at the hearing.
7. When the premises reopened in June 2024 following a period of closure, Dorset Police and the Licensing team undertook an engagement visit in order to support the licence holder to comply with the licence conditions, at that time minor infringements were noted. Dorset Police sent the premises licence holder and DPS two letters following the visit. These are attached at Appendix 4.
8. Dorset Police have raised concerns about the licence plan not including the courtyard/smoking area to the rear of the premises. Mr Singh was advised by the Principal Licensing Officer that this area was not licensed, therefore no licensable activities are permitted. It should be noted that the consumption of alcohol is not a licensable activity and as the premises licence permits the sale of alcohol both on and off the premises, patrons are permitted to purchase alcohol within the licensable area and then drink it outside the licensable area which would include the courtyard

and smoking area. No variation application is necessary. The Principal Licensing Officer has clarified this for both Mr Singh and copied this to Dorset Police. A copy of the email is attached at Appendix 5.

9. On the 30 December 2024, the Licensing Department were copied into an email sent to Mr Singh by Dorset Police enclosing a breach letter following a visit they carried out as the result of an incident at the premises on the 17 December 2024. At the time of this visit there was only one member of staff on duty who advised the officers she had not received training and was unable to assist them. This email which included a list of the breaches is attached at Appendix 6.
10. The Licensing Department received a report that a new food business had been established within the remit of the Riviera Bar and Restaurant without the appropriate authorisation. This food business advertises on their website that they trade to 1am Sunday to Thursday and to 3am on Fridays and Saturdays. Sales of hot food and drink after 11pm is a licensable activity and require a licence for late night refreshment. The Principal Licensing Officer emailed Mr Singh on the 30 December 2024 to request more information about this business and a copy of this email is attached at Appendix 7. At the time of writing the report, no update has been provided.
11. On the 31 December 2024, Sergeant Gosling of Dorset Police provided further supplementary information following their visit to the premises on the 23 December 2024 including the email sent on the 30 December 2024. This is attached at Appendix 8.
12. Dorset Police have advised that the licence holder has appointed Mr Panchal of Personal Licensing Courses to represent them and to attempt mediation. They were proposing to change the premises licence holder and DPS. A copy email from Dorset Police setting out the proposals made by the applicant's representative is attached at Appendix 9. We have been advised that if mediation is successful, further information will be provided.

### **Consultation**

13. A copy of the review application was served on all responsible authorities and the licence holder on 8 November 2024.
14. A Licensing Officer attended the premises on the 8<sup>th</sup> of November 2024 and erected two site notices on 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.
15. No representations were received in connection with the application.

### **Options Appraisal**

16. 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 and public safety.
  - The Licensing Act 2003, Regulations, Guidance and the Council's Statement of Licensing Policy.

### **Summary of financial implications**

17. 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**

18. 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**

19. There are no human resource implications.

### **Summary of sustainability impact**

20. There are no sustainability impact implications.

### **Summary of public health implications**

21. There are no public health implications.

### **Summary of equality implications**

22. There are no equality implications.

### **Summary of risk assessment**

23. There is no requirement for a risk assessment.

### **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](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 – Dorset Police Supplementary Information.
- 4 – Copy Breach and Warning Letters from Dorset Police.
- 5 – Copy email from Principal Licensing Officer.
- 6 – Copy Breach Email and Letter of 30 December 2024.
- 7 – Copy Email from Principal Licensing Officer regarding a new business.
- 8 – Further supplementary information from Dorset Police.
- 9 – Email from Dorset Police regarding proposed mediation.