

Notice of Licensing Sub-Committee



Date: Tuesday, 26 November 2024 at 10.00 am

Venue: Committee Room, First Floor, BCP Civic Centre Annex, St Stephen's Rd, Bournemouth BH2 6LL

Membership:

Cllr D A Flagg

Cllr P Hilliard

Cllr J Richardson

Reserves:

Cllr M Dower (R1)

Cllr A Filer (R2)

All Members of the Licensing Sub-Committee are summoned to attend this meeting to consider the items of business set out on the agenda below.

The press and public are welcome to view the live stream of this meeting at the following link:

<https://democracy.bcpCouncil.gov.uk/ieListDocuments.aspx?MIId=5856>

If you would like any further information on the items to be considered at the meeting please contact: Michelle Cutler on 01202 128581 or email democratic.services@bcpCouncil.gov.uk

Press enquiries should be directed to the Press Office: Tel: 01202 118686 or email press.office@bcpCouncil.gov.uk

This notice and all the papers mentioned within it are available at democracy.bcpCouncil.gov.uk

GRAHAM FARRANT
CHIEF EXECUTIVE

18 November 2024

**DEBATE
NOT HATE**



Available online and
on the Mod.gov app



Maintaining and promoting high standards of conduct

Declaring interests at meetings

Familiarise yourself with the Councillor Code of Conduct which can be found in Part 6 of the Council's Constitution.

Before the meeting, read the agenda and reports to see if the matters to be discussed at the meeting concern your interests



What are the principles of bias and pre-determination and how do they affect my participation in the meeting?

Bias and predetermination are common law concepts. If they affect you, your participation in the meeting may call into question the decision arrived at on the item.

Bias Test

In all the circumstances, would it lead a fair minded and informed observer to conclude that there was a real possibility or a real danger that the decision maker was biased?

Predetermination Test

At the time of making the decision, did the decision maker have a closed mind?

If a councillor appears to be biased or to have predetermined their decision, they must NOT participate in the meeting.

For more information or advice please contact the Monitoring Officer
(janie.berry@bcpcouncil.gov.uk)

Selflessness

Councillors should act solely in terms of the public interest

Integrity

Councillors must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships

Objectivity

Councillors must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias

Accountability

Councillors are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this

Openness

Councillors should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing

Honesty & Integrity

Councillors should act with honesty and integrity and should not place themselves in situations where their honesty and integrity may be questioned

Leadership

Councillors should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs

AGENDA

Items to be considered while the meeting is open to the public

1. Election of Chair

To elect a Chair of this meeting of the Licensing Sub-Committee.

2. Apologies

To receive any apologies for absence from Members.

3. Declarations of Interests

Councillors are requested to declare any interests on items included in this agenda. Please refer to the workflow on the preceding page for guidance.

Declarations received will be reported at the meeting.

4. Protocol for Public Speaking at Licensing Hearings

5 - 10

The protocol for public speaking at Licensing Sub Committee hearings is included with the agenda sheet for noting.

5. Havana, 61 Charminster Road, Bournemouth

11 - 58

To consider an application by Dorset Police to review the premises licence for the premises known as 'Havana', 61 Charminster Road, Bournemouth.

This matter is brought before the Sub-Committee for consideration.

NOTE: In relation to this item of business, the Sub Committee may be asked to consider the following resolution in relation to the content of any video footage to be shown at the hearing and any supplementary information which may be submitted prior to the hearing:

"That under Section 14 (2) of the Licensing Act 2003 (Hearings) Regulations 2005, and with regard to Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that the public interest in withholding the information outweighs such interest in disclosing the information and that it involves the likely disclosure of exempt information as defined in Paragraphs 1, 2 and 7 in Part I of Schedule 12A of the Act."

No other items of business can be considered unless the Chair decides the matter is urgent for reasons that must be specified and recorded in the Minutes.

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LICENSING COMMITTEE AND SUB COMMITTEE – PROTOCOL FOR PUBLIC SPEAKING

1. Introduction

- 1.1 This protocol for public speaking applies to Licensing Committee and Sub Committee hearings in relation to matters including the licensing of alcohol, regulated entertainment, late night refreshment, gambling, sex establishments and hackney carriage and private hire drivers, vehicles and operators, as set out in Part 3.3 of the Council's Constitution.
- 1.2 These matters are considered in accordance with relevant legislation and associated regulations including the Licensing Act 2003 (as amended by the Police Reform and Social Responsibility Act 2011), the Gambling Act 2005, Part II and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by Section 27 of the Policing and Crime Act 2009) and the Local Government (Miscellaneous Provisions) Act 1976.

2. Conduct of Hearings

- 2.1 Chair welcomes everyone, matters of general housekeeping are dealt with, notification that the hearing may be recorded for live and subsequent broadcast on the Council's website, reminder to switch mobile phones to silent, etc.
- 2.2 Chair asks everyone present to introduce themselves and state their role.
- 2.3 Chair checks that all persons who have given notice of their intention to speak and any person who wishes to withdraw a representation or wishes not to speak have been identified.
- 2.4 Chair explains proposed procedure and order of speaking for hearing as set out in Appendix A or B of this protocol as appropriate. All parties confirm agreement or make representations on procedure proposed.
- 2.5 Licensing Officer's report is presented.
- 2.6 Parties speak in the order agreed.
- 2.7 With the exception of hackney carriage and private hire hearings, parties who are speaking should not repeat the information which they have already given in writing in their representation. They will be able to expand on the written information given, provided the information remains relevant. Any additional information should be limited to the grounds of their representation(s). For example, if they are objecting on the grounds of Public Nuisance, then they should confine their comments to matters relating to Public Nuisance.

- 2.8 Members of the Licensing Committee or Sub Committee may ask questions after each party has spoken and once all parties have spoken. Parties will be allowed to ask questions through the Chair.
- 2.9 Once all parties have been heard, the parties will be given the opportunity to sum up. Party who spoke first to go last. The hearing will then conclude.
- 2.10 Members will deliberate in private with the clerk and legal representative as appropriate present.
- 2.11 The decision will be taken by the Committee and notification of the decision will be given as follows:
 - 2.11.1 For Licensing Act 2003 and Gambling Act 2005 hearings, determination must be within the period of five working days beginning with the day or the last day on which the hearing was held in accordance with the relevant Regulations, unless otherwise specified (for example, the issuing of a counter notice following objection to a TEN, in which case the determination must be at the conclusion of the hearing).
 - 2.11.2 For Sex Establishment and other hearings, where possible determination will be within the period of five working days beginning with the day or the last day on which the hearing was held.
 - 2.11.3 For Hackney Carriage and Private Hire hearings, notification of the decision will be given at the conclusion of the hearing, followed by a written decision letter where possible within the period of five working days beginning with the day or the last day on which the hearing was held.
- 2.12 Notification of the decision will include information for all parties of any right of appeal as appropriate.

3 General points

- 3.1 Hearings convened under the Licensing Act 2003 and the Gambling Act 2005 and associated regulations may be held remotely as required, if the Chairman agrees it is expedient to do so in the circumstances.
- 3.2 The hearing may be adjourned at any time at the discretion of the Members.
- 3.3 Members may amend the procedure at any time if they consider it to be in the public interest or in the interest of a fair hearing.
- 3.4 The Sub Committee may decide to conduct all or part of a hearing in non-public session in accordance with the relevant Regulations and/or where exempt information is likely to be disclosed.

- 3.5 The Chair may exclude any person from a hearing for being disruptive.
- 3.6 Meetings of the Licensing Committee in public session are recorded by the Council for live and subsequent broadcast on its website.
- 3.7 The hearing will take the form of a discussion.
- 3.8 Only persons (or their representatives) who have made an application, are subject to an application or have submitted a written representation or objection to the Licensing Authority under the relevant Act are permitted to speak at the hearing.
- 3.9 Any further information to support an application, representation, objection or notice (as applicable) can be submitted before the hearing. It may only be submitted at the hearing with the consent of all parties in accordance with any relevant Regulations. Wherever possible the Licensing Authority encourages parties to submit information at the earliest opportunity to allow sufficient time for this to be considered before the hearing and avoid the need for adjournment.
- 3.10 If a party has informed the Authority that they do not intend to participate, or be represented at the hearing, or has failed to advise whether they intend to participate or not, the hearing may proceed in their absence.
- 3.11 For other matters which are the responsibility of the Licensing Committee and not included in this protocol, the Meeting Procedure Rules in Part 4D of the Council's Constitution in relation to public questions, statements and petitions shall apply. This includes such matters as making recommendations on relevant licensing policies, approving the level of fees charged by the Council, and making decisions on tariffs charged by the Public Carriage Trade.
- 3.12 The Council's Constitution can be accessed using the following link:
<https://democracy.bcpccouncil.gov.uk/ieListMeetings.aspx?CommitteeID=151&Info=1&bcr=1>

For further information please contact democratic.services@bcpcouncil.gov.uk

Appendix A

Proposed procedure and order of speaking for hearings (other than hackney carriage and private hire hearings)

1. The Licensing Officer presents report.
2. Questions of the Licensing Officer on their report. Members of the Sub-Committee to go first, then the applicant/licence holder.
3. Applicant will make their Application.
4. Questions of the Applicant by all parties, Members of the Committee/Sub-Committee to go first.
5. Responsible Authorities and Other Persons will make their representations.
6. Questions of the Responsible Authorities and Other Persons. Members of the Committee/Sub-Committee to go first.
7. All parties will be given an opportunity to sum up (with the party who spoke last to go first). The hearing will then conclude.
8. Sub-Committee will deliberate in private with Legal Adviser and Clerk present. (Councillors new to Licensing may observe but will not take part in the decision making).
9. Notification of the Sub Committee's decision will be given in accordance with the requirements of the Licensing Act and Gambling Act regulations. For other hearings, where possible determination will be within the period of five working days beginning with the day or the last day on which the hearing was held.
10. The notification of decision will include information about the right of appeal as appropriate.

Appendix B

Proposed procedure and order of speaking for Hackney Carriage and Private Hire hearings

1. The Licensing Officer presents their report.
2. Questions of the Licensing Officer on their report. Members of the Sub-Committee to go first, then the applicant/licence holder.
3. Applicant/licence holder presents their case.
4. Questions of the applicant/licence holder by all parties, Members of the Committee/Sub-Committee to go first.
5. All parties will be given an opportunity to sum up (with the party who spoke last to go first). The Hearing will then conclude.
6. Sub-Committee will deliberate in private with Legal Adviser and Clerk present. (Councillors new to Licensing may observe deliberations but will not take part in the decision making).
7. Notification of the decision will be given following deliberations at the conclusion of the hearing, to be followed by a written decision letter where possible within the period of five working days beginning with the day or the last day on which the hearing was held.
8. The Legal Adviser will advise parties of any right of appeal as appropriate at the conclusion of the Hearing. Information about the right of appeal as appropriate will also be included in the written decision letter.

Adopted by the Licensing Committee on 7.12.23

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LICENSING SUB-COMMITTEE



Report subject	Havana, 61 Charminster Road, Bournemouth
Meeting date	26 November 2024
Status	Public Report
Executive summary	<p>To consider an application by Dorset Police for the review of the premises licence they believe there is evidence that the premises are associated with significant crime and disorder.</p> <p>Ten representations have been received in support of the review application and one letter in support of the premises.</p>
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; and/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 relevant aspects that have been raised in the application.</p>

Portfolio Holder(s):	Councillor Kieron Wilson – Portfolio Holder for Housing & Regulatory Services
Corporate Director	Jillian Kay – Corporate Director for Wellbeing
Report Authors	Sarah Rogers – Principal Licensing Officer
Wards	Talbot & Branksome Woods
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 26 September 2024.
2. Dorset Police have applied for the review on the basis that there is evidence that this premises is associated with significant crime and disorder and they no longer have confidence in Mr Tarek Halabi, as the current licence holder and DPS, to uphold the prevention of crime and disorder licensing objective.
3. A copy of the review application is attached at Appendix 1.
4. The premises have had the benefit of a premises licence since transition to the Licensing Act 2003 in November 2005. Mr Halabi was the named DPS at the time of grant. It was not until July 2012 Mr Halabi became the sole premises licence holder by way of transfer from Havana (Dorset) Ltd, of which he was a Director. 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 22 December 2022. Following significant engagement with Mr Halabi Dorset Police believed that formal intervention was necessary to address concerns that had been identified to uphold the prevention of crime and disorder licensing objective.
6. Mediation took place with Mr Halabi and Dorset Police the premises agreed to submit a minor variation, amending the conditions contained on the licence.
7. The Licensing Sub-Committee, at the review hearing, were advised of the mediation that had taken place between the parties and that the premises had applied for a minor variation to update their conditions. On hearing that the concerns of Dorset Police had been satisfied, the Licensing Sub-Committee decided that the newly amended licence should be left in its current state. A copy of the decision notice is attached at Appendix 3.
8. During the period 27 February 2024 to 14 March 2024 eight (8) temporary event notice notifications were made to the licensing authority to extend the terminal hour from 03:00 until times ranging from 04:45 – 06:00. No objections were received to these notices from Dorset Police or Environmental health and no complaints of anti-social behaviour or noise were received as a result of the temporary events.

9. A noise complaint was received by Environmental Health on 8 September 2024. Environmental Health are currently investigating this but have not made any representation in respect of this review application.

Consultation

10. A copy of the review application was served on all responsible authorities and the licence holder on 26 September 2024.
11. A Licensing Officer attended the premises on 27 September 2024 to display the site notice. One was tied to the railings at the front of the premises and another stuck to the window of the side. Officers had to return on the 16 October 2024 after it was reported that the notices were no longer on display.
12. Two further notices were placed on the main public noticeboards of the Council offices at Bourne Avenue and St Stephens Road. A notice was also published on the Council's website.
13. Ten representations were received in support of the review and one letter in support of the premises. A copy of the representations and support letter are attached at Appendix 4.

Options Appraisal

14. Before making a decision, Members are asked to consider the following:-
 - The application made by Dorset Police and supplementary evidence.
 - The submissions made by or on behalf of the premises licence holder.
 - The representations made by 10 other persons in support of the review application.
 - The letter in support of the premises.
 - The relevant licensing objective, namely the prevention of crime and disorder.
 - The Licensing Act 2003, Regulations, Guidance and the Council's Statement of Licensing Policy.

Summary of financial implications

15. 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.
16. Other persons who have made a relevant representation also have the right to appeal any decision made to the Magistrates' Court.

Summary of legal implications

17. If Members decide on an option available to them which Dorset Police, the premises licence holder, or any other person 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

18. There are no human resource implications.

Summary of sustainability impact

19. There are no sustainability impact implications.

Summary of public health implications

20. There are no public health implications.

Summary of equality implications

21. There are no equality implications.

Summary of risk assessment

22. There is no requirement for a risk assessment.

Background papers

BCP Council – Statement of Licensing Policy

SOLP-2020-2025

Hearing Regulations

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

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

Revised guidance issued under section 182 of Licensing Act 2003 - GOV.UK
(www.gov.uk)

Appendices

- 1 – Copy Review Application
- 2 – Copy Current Premises Licence
- 3 – Copy Decision Notice from Previous Review Hearing
- 4 – Copy Representations/Letter of Support

**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 Sergeant Gareth Gosling on behalf of the Chief Officer of Dorset Police

(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
Havana 61 Charminster Road	
Post town Bournemouth	Post code (if known) BH8 8UE

Name of premises licence holder or club holding club premises certificate (if known)
Tarek Halabi

Number of premises licence or club premises certificate (if known)
BH084518

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 Drug & Alcohol Harm Reduction Team Bournemouth Police Station 5 Madeira Road Bournemouth Dorset BH1 1QQ
Telephone number (if any) 01202 227824
E-mail address (optional) licensing@dorset.pnn.police.uk

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

- | | |
|---|-------------------------------------|
| | Please tick one or more boxes ✓ |
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

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

The Prevention of Crime and Disorder

Dorset Police bring this premises licence before the members of the Licensing Sub-Committee for review on the basis that there is evidence that this premises is associated with significant crime and disorder.

Dorset Police no longer have confidence in the DPS or Premises Licence Holder to uphold the licensing objectives at this premises under this current premises licence.

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 Havana, 61 Charminster Road, Bournemouth, is being submitted by Dorset Police as we can demonstrate that this premises has undermined the licensing objectives of the Prevention of Crime & Disorder.

It is and always has been the intention of Dorset Police Drug & Alcohol Harm Reduction Team to engage and support licensees throughout Dorset to promote the four licensing objectives of Preventing Crime & Disorder, Preventing Public Nuisance, Promoting Public Safety and Protecting Children from Harm.

It is our expectation that all licensees will endeavour to meet these objectives and fulfil their duty as licensees with responsibilities to uphold these objectives and meet the conditions of their premises licence.

Dorset Police are receiving increased reports of concern regarding this premise, particularly relating to the association between this premises and the significant levels of disorder and violence associated with this premises. This violence is most prominent during the early hours of the morning.

There are concerns that this violence and disorder is associated with failing to uphold the conditions of the premises licence, including the conditions added to the premises by the licence holder via a Minor Variation in response to an Application for Review submitted by Dorset Police on the 22nd December 2022.

There have been several incidents of disorder and intelligence associated with the premises since December 2022, however, two of the most significant incidents have occurred over the past 3 weeks, resulting in this Application for Review being submitted.

Comprehensive details of the intelligence and incidents associated with Havana will be provided for the benefit of the members of the Sub-Committee in due course, however, members of the Sub-Committee are advised that the most serious incident, a report of grievous bodily harm, occurred at Charminster Road during the dispersal of patrons from Havana shortly after 5am.

Dorset Police are aware that there has been significant interest and complaints associated with Havana from local residents who are frequently disturbed by the activities associated with Havana. Dorset Police are also working closely with Local Councillors to explore other options to improve the overall experience for the residents of Charminster.

Dorset Police, through our Drug & Alcohol Harm Reduction Team, working with other colleagues within Dorset Police and partners in Dorset Council and other responsible authorities, support licensed premises to provide value to their communities and to do so compliantly and in promotion of the licensing objectives. This premises, having been under the control of the existing operator for many years, has been identified as not operating to the high standards that are expected by Dorset Police and our partners.

Dorset Police 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 revocation of the Premises Licence if the members of the Sub-Committee cannot be reassured that conditions may be offered which will restore confidence in the operator to deliver licensable activities compliantly and legally.

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



If yes please state the date of that application

Day		Month		Year		
2		2	1	2	0	2

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, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

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

.....

Date **26th September 2024**

.....

Capacity **Police Sergeant**

.....

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

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.

Havana, Charminster Road, Bournemouth

This representation is in support of an Application for Review of a Licensed Premises submitted on behalf of the Chief Officer of 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 in support of the representation. This representation 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 late-night premises located in Charminster, a busy suburb of Bournemouth. There is an eclectic variety of licensed premises, retailers, hospitality, and other business services offered along Charminster Road, operating through the daytime and some through to the early hours of the morning. The area hosts a variety of residential properties, including flats, homes of multiple occupancy and family dwellings of all size.

This premises has been a part of the night-time economy (NTE) of Charminster for many years. As a late-night venue delivering licensable activities until 5am at the weekend, Dorset Police do engage with the management of the premises on occasion.

On 22nd December 2022 Dorset Police submitted an Application for Review of a Premises Licence in relation to concerns that we had concerning Havana. A copy of the Review Application has been produced for the information of the members of this Sub-Committee in addition to a copy of the Decision Notice published on the 22nd February 2023 following the Sub-Committee hearing which took place on the 15th February 2023.

The outcome of the previous Application for Review of a Licensed Premises was assisted through an agreed position between Dorset Police and the representative of Havana in advance of the hearing. The representative submitted a Minor Variation which, if granted, would address the concerns that had been highlighted by Dorset Police in advance of the Application for Review being submitted. The members of the Sub-Committee agreed that these changes would support the business to promote the licensing objectives.

A summary of the changes achieved agreed through the Minor Variation were as follows –

Reduce the terminal hour for Recorded Music and Supply of Alcohol on Friday and Saturday nights from 05:00 to 04:45 hours - to allow for drinking up time and dispersal.

Reduce the opening hours on a Saturday to 05:00

Add the following conditions:

Under the Prevention of Crime and Disorder

Customers shall not be admitted or re-admitted to the premises after 03:30 hours on any Friday or Saturday night, save for customers who have temporarily left the premises to smoke, make a telephone call or for some other legitimate reason.

An incident log and refusals register shall be maintained at the premises, either as written or computer records and either combined or separately.

The incident log shall include the date and time of the incident and the name(s) of the member(s) of staff who involve and shall record the following:

- (a) any incidents of crime and/or disorder occurring in or immediately outside the premises (the latter only when the premises are open) and any crime reported to the premises.*
- (b) any ejections from the premises*
- (c) any seizure of drugs, weapons or other prohibited items.*
- (d) any faults in the CCTV system and/or any equipment used at the premises for the purpose of searching or scanning.*
- (e) all visits by authorised officers*

The refusals register shall record any refusal of the supply of alcohol.

The incident log and refusals register is to be checked on a weekly basis by the DPS of the premises or their deputy and will be made available for inspection on request by a police or other authorised officer.

The premises shall maintain membership of the local 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.

A drug safe shall be available on the premises to deposit any illegal substances found. The holder of the licence will notify the police of the seizure of any significant quantity of drugs (i.e. more than might be reasonably be regarded as for personal use) as soon as is reasonably practicable and will also notify the police when the drugs safe needs to be emptied. Any drugs will either be handed to the police or disposed of in a manner recommended by the police.

There shall be a clear visible notice displayed on the premises advising those attending that the Police shall be informed if anyone is found in possession of controlled substances or weapons.

Toilet checks will be conducted at least once every hour from 22:00 hrs until all customers have left the premises and the time and signature or initials of the person conducting these checks to be documented and retained for 6 months.

Under Public Safety

All staff involved in the sale of alcohol will also be instructed as to steps to be taken in the event that a customer appears to be unwell as a result of consuming drugs or too much alcohol.

This to include ensuring that the person concerned is:

Given appropriate First Aid if necessary, by a suitably qualified member of staff; and

Accompanied by a responsible person or member of staff until either arrangements are made for the customer to safely leave the premises or appears to have recovered.

Staff will also be trained regarding the "Ask Angela" scheme whereby a person concerned about their own welfare may discretely ask for assistance.

Under Protection of Children from Harm

The premises shall operate a "Challenge 25" policy whereby any person who appears to be under the age of 25 shall be required to produce photographic proof of age in the form of a driving licence, passport, residence permit, military ID or a holographically marked "PASS" scheme identification card. Appropriate signage advertising the policy shall be prominently displayed in the premises.

All staff working at the premises concerned with the sale of alcohol shall be trained on the law relating to prohibited sales, the age verification policy adopted by the premises in accordance with the Local Authority Trading Standards package of training No Proof of Age No Sale - (NPOANS) – or other recognised training scheme and also trained in the conditions attaching to the premises licence (including in particular conditions relating to the welfare of customers and the dispersal policy).

Refresher training shall be provided at least once every 6 months. A written 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.

Regarding existing conditions

Conditions 2.1 and 2.2 to be replaced with the following:

A CCTV system shall be installed and thereafter maintained in good working order 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. Facilities to view recordings shall be made available immediately upon the request of Police or an authorised officer of the council throughout the preceding 31 day period and copies of recordings shall be provided in playable format as soon as reasonably practicable provided that the requests are compliant with data protection legislation and that the person or organisation requesting copies of the recording(s) agree to return any USB or other storage device used for this purpose within 6 months of the same being given to them.

To facilitate compliance with this condition, a staff member from the premises who is conversant with the operation of the CCTV system shall be always on the premises when the premises are open to the public.

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 and any fault recorded.

Condition 2.3 (including 2.3.1, 2.3.2, 2.3.3 and 2.3.4) to be replaced with the following:

A minimum of 1 SIA registered doorstaff shall be deployed on Friday and Saturday nights (and any Sunday falling on a Bank Holiday weekend) from 22:00 hours, 2 such doorstaff from 23:00 hours and 3 from midnight until the premises close and all customers have departed the immediate area.

All doorstaff stationed at the entrance to the premises will be provided with Body Worn Video (BWV).

Door staff will be instructed to:

Randomly search customers for drugs and weapons, to confiscate any such items found and to report the same to the police;

Monitor persons smoking outside the premises, limit their numbers to no more than 12 at any one time, encourage passers-by who might stop to talk to smokers to move on and to ensure that noise caused by persons outside the premises is kept to a minimum.

Comply with the conditions relating to dispersal.

The Incident book shall be used to record the full name, date of birth and 16-digit badge number of any SIA doorstaff who are deployed on the premises. Door staff will be instructed to document any incident occurring at the premises before going off duty and to record the number of customers in the premises on an hourly basis after 22:00.

The DPS will risk assess the need for door supervision for other times and dates.

Door supervisors will be provided in such numbers, between such times and on such dates as determined by the outcome of the 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.

Condition 2.4 to be deleted

Condition 2.5 to be deleted

Condition 2.6 to remain although it should be noted that the external area is not included within the licensed area and the licence authorises the supply of alcohol for consumption on the premises only so arguably, this condition is superfluous.

Condition 2.7 to be amended to read as follows (additional words highlighted): The folding front door of the premises shall be closed no later than 23:00 hours and not reopened (save for normal access, egress and in the event of an emergency) until the following day.

Conditions 2.8, 2.9 and 3.1 to be replaced with the following

The premises will operate a dispersal policy whereby:

On Friday, Saturday and any other night that the premises are open after 03:00 hours: The lights will be turned up no later than 15 minutes before closing, the sale/supply of alcohol shall cease and the volume of music will be reduced to no more than background levels.

On all nights the premises are open, a senior member of staff will station themselves at the front door of the premises at least 15 minutes before the scheduled closing time to ensure that customers are asked to leave quietly and to encourage them to disperse from the immediate area as quickly as possible. Whenever door staff are deployed, they will also be instructed to ask customers to leave quietly and to encourage them to disperse from the immediate area as quickly as possible requesting that Customers respect neighbours and leave the premises quickly and quietly.

Conditions 2.10 to 2.13 inclusive and 3.2 to be deleted and replaced with the following:

There shall be no performances by live musicians or bands at any time (but for the avoidance of doubt, this will not prevent records being played by Disc Jockeys in the premises).

Condition 2.14 to remain.

Conditions 3.3 and 3.4 to remain

Conditions 3.5 and 3.6 to be deleted

Members of this Sub-Committee will note that the extent of this Minor Variation was substantial and was the outcome of considerable mediation and discussions between Dorset Police and the representative of Havana.

On the 16th February 2023 an email was received from a local resident which expressed gratitude for the action that had led to the Application for Review being submitted. The email read as follows -

Dear Sgt Gosling

Having viewed the review, I would like to thank you for flagging up the issues and opportunities to me prior to this meeting. We appreciated being included as part of process and hope this combined involvement will assist in bringing down the crime, disturbance and ASB to a level that is acceptable to both the police and residents. To that end we shall continue to provide evidence of any further issues. Should Havana not meet the agreed improvements, we will work with you to remove their licence and the real physical risk to both residents and their customers.

Regards & thanks

A further Minor Variation was submitted by the solicitor, acting on behalf of Havana, on the 2nd November 2023, which included the following amendments -

To amend condition 2.2 (but not 2.2.1 to 2.2.7 inclusive) so that the condition reads as follows:

A minimum of 1 SIA registered door staff shall be deployed on Friday and Saturday nights (and any Sunday falling on a Bank Holiday weekend) from 22:00 hours and 2 from 23:00 hours until the premises close and all customers have departed UNLESS the basement of the premises are in operation in which case 3 door staff shall also be deployed from 01:00 hours until the premises close and all customers have departed.

This was intended to reduce the levels of SIA support that had been agreed earlier that year following the Review hearing.

Further context was provided to this Minor Variation in the application –

In recent times, attendance at the premises has fallen and it is only very rarely that the total number of customers present exceed 100 persons. The requirement as a default to deploy a minimum of 3 door staff from midnight is not economically viable unless an event is taking place at the premises.

Condition 2.2.6 (which it is not intended should be amended) adequately caters for “events” in requiring a risk assessment to be undertaken and the deployment of (additional) door staff as might be determined by the outcome of the risk assessment.

This application has been the subject of an informal consultation with the police who have indicated their agreement.

As statutory consultees, Dorset Police assess each application upon its merits and at the time of receiving this application, anticipated that the licence holder would continue to deploy SIA Door Supervision responsibly.

Dorset Police have continued to engage with the operators at Havana, particularly during the periodical Bournemouth North Pubwatch meetings which are attended by the management of Havana.

Concerns

The attention of Dorset Police and our partners has been drawn to the late-night activities that occur in Charminster Road following increased reporting of crime and anti-social behaviour in the area.

Working with partners from the Local Authority, other statutory partners and other departments with Dorset Police, efforts have been made to address specific issues, some of which relate to licensed premises and other issues which are related to environmental factors outside of the responsibility of specific buildings or businesses.

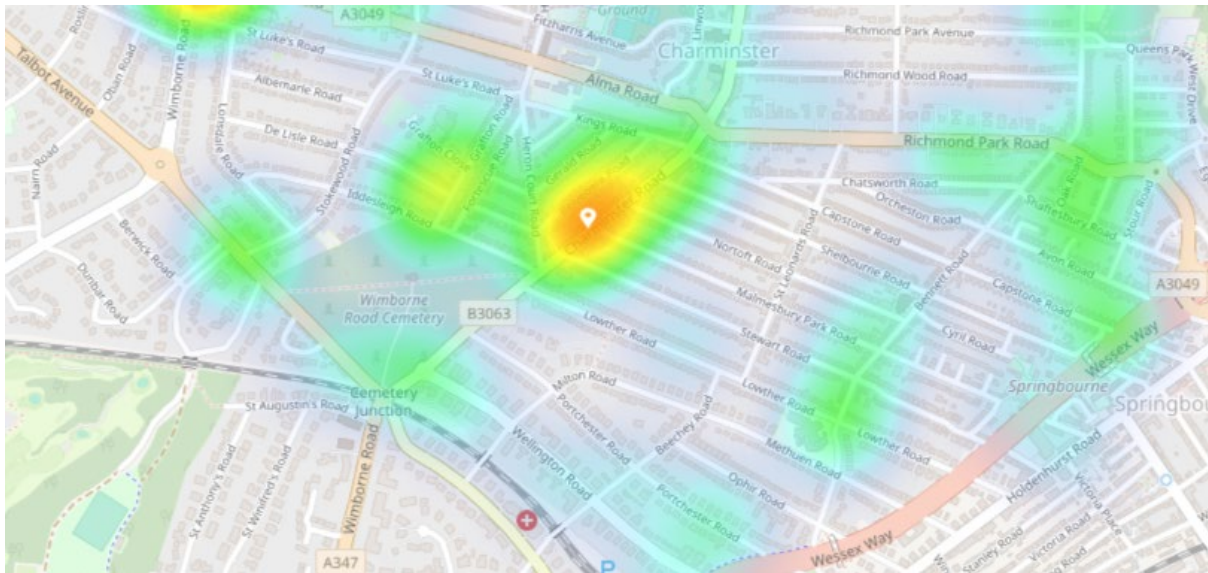
Data Analysis

To put some additional context to these concerns, please see the below ‘Heat Maps’ which provide Dorset Police and our partners with illustrations as to the source of demand.

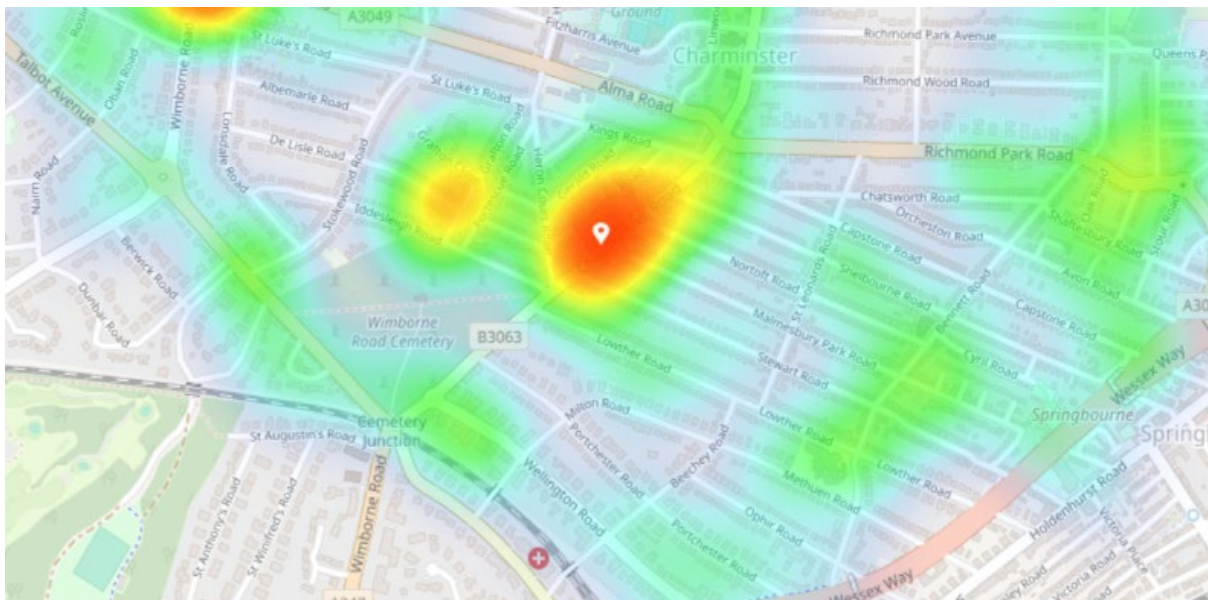
To assist the members of this Sub-Committee, the location of Havana has been clearly identified using a white placement marker in the centre of the illustration.

The data analysed to create these ‘Heat maps’ include reports of Anti-Social Behaviour (ASB), concerns around Public Safety and Crime Occurrences which include matters relating to sexual offences, assaults, other disturbances, and threats of violence.

The below illustrates the level of reporting of the above matters between **12am and 2am** between **25th April 2024 – 25th October 2024**. Members of the Sub-Committee will note a distinct level of activity around Havana when compared to other surrounding areas.



The below illustration shows the same level of demand, using the same criteria and times, between **12am and 2am**, for 12 months between **25th October 2023 – 25th October 2024**. You will note that over a period of 12 months, the concentration of demand associated in the area of Havana increases whilst surrounding area remain relatively unchanged.



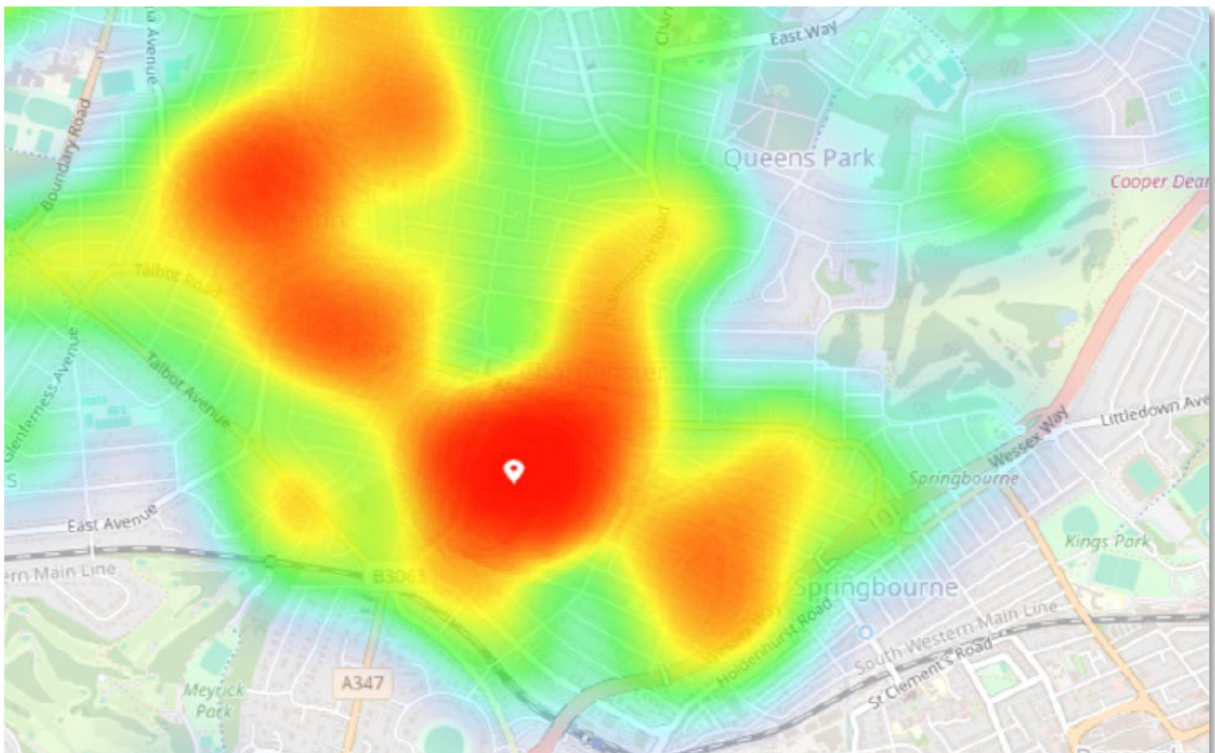
Havana is one of the relatively few premises open beyond 2am in Charminster Road. The below illustrations highlight the level of demand associated to the area occupied by Havana between **2am and 5am**.

The first illustration illustrates the level of demand, using the same criteria as above for **6 months** between **25th April 2024 and 25th October 2024**.

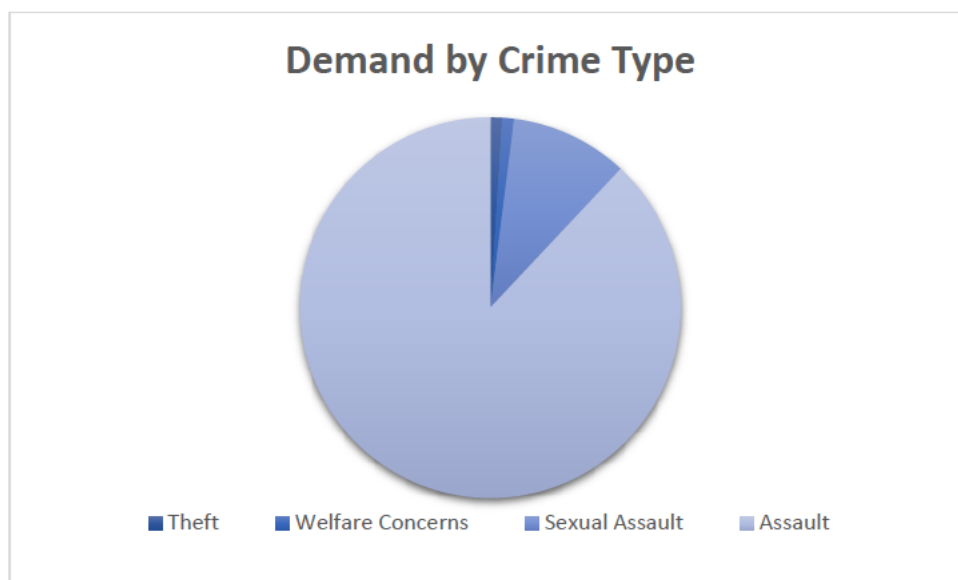


The enhancement of the heat in that area and the relatively unchanged demand elsewhere demonstrates that this area is a focus for crime and disorder.

The below illustration depicting **12 months** of demand (using same criteria between **25th October 2023 and 25th October 2024**) in this area between **2am and 5am** provides less clarity, however, does continue to highlight a significant issue around Havana.



The demand that can be associated with Havana can be categorised as follows -



The most prevalent concern reported to Dorset Police is Assault which accounts for 88% of all reports to Police over the past 12 months. It is of concern that 10% of all reports relate to Sexual Assault.

Dorset Police will now provide details of some of the key reports and intelligence that has been received in respect of Havana since the last Review was determined.

Between July 2023 and October 2023 Dorset Police received intelligence from multiple sources which suggested that drug distribution and gangs were related to Havana. This could not be substantiated, and no further details can be provided at this time.

On the 25th February 2024 intelligence was received that a victim of an alleged stabbing was received by Dorset Police from a neighbouring licensed premises. The victim had sustained a serious injury and first aid had been administered by Havana before they escorted the victim out of the premises via a rear exit to avoid CCTV coverage. Enquiries were made on 18th March 2024; 19th March 2024 and 9th April 2024 requesting details of this incident and other less significant reports.

The Licence Holder later contacted Police and advised that details had been passed by voicemail. No voicemails had been received. Details were requested by email.

The Licence Holder described the incident in an email as being unconnected to Havana and the only connection being that a member of SIA staff had intervened in an incident involving a male customer of Havana. Whilst dealing with the male, the member of SIA staff identified that the male had sustained a stab injury to his back before escorting him to hospital, despite the male's reluctance to go to hospital. The SIA member of staff is then reported to have stayed with the male at hospital for some time.

Further intelligence was received in April 2024 indicating that the management of Havana were involved in the supply of drugs within the premises, using customers and staff to distribute the items. This could not be substantiated, and no further action was taken in relation to this intelligence. Further similar intelligence was received in May 2024, and again, could not be substantiated and no further action was taken.

In June 2024 Dorset Police received a report that a female had left a late-night venue in Charminster Road during the early hours of the morning having been denied any further alcohol due to her apparent level of intoxication. This female was permitted entry to Havana where she continued to be served alcohol for some time. This female reportedly left Havana with a male who was not known to her and was after subjected to a serious sexual assault. This crime remains under investigation and no further details can be provided at this time.

On the 9th July 2024 Dorset Police were advised of a male that was 17 years old and was frequently in attendance at Havana. Following communication with the management of Havana, an image of a fake CitizenCard of poor quality was shared with Dorset Police, indicating that the male was over 18 years of age. Intelligence received by Dorset Police up to November 2024 suggests that this male continues to be admitted entry to the premises.

On the 19th August 2024 following a Pubwatch meeting, the management requested whether it was permitted to continue to allow staff from other premises to attend Havana post the last permitted time for entry for customers, citing a conversation in which Dorset Police had previously agreed this practice. No such agreement had ever been made and the management were advised to meet the requirements of the licence with no exception.

In September 2024, Dorset Police were informed that nominals that had been excluded through the Pubwatch scheme were being permitted entry to the premises. No specific names or dates/times when they attended were provided and this intelligence could not be verified.

In the early hours of the 8th September 2024 residents were woken by a loud disturbance at approximately 3am. This disturbance was reported as being associated with Havana and several partners were engaged by the complainants and other residents to seek action for the ongoing concern being caused by Havana.

Communication followed between Local Councillors, the Neighbourhood Policing Team, residents and Local Authority partners which resulted in additional concerns being identified, such as late night ASB being associated with Havana and the use of NO2 gas canisters by people visiting Charminster Road in the early hours of the morning.

The video of the disturbance, which is shocking and demonstrates a distinct lack of control over the dispersal of persons from the premises, justified further investigation amid concerns that the impact on residents and the safety of persons in Charminster Road during the early hours of the morning, particularly at weekends, were at risk.

Whilst this investigation was taking place, on Dorset Police received a report of a serious assault that took place in Charminster Road in the early hours of 22nd September 2024. This incident remains under investigation; however, we can update that those involved in the incident were directly associated with Havana. Information obtained indicates that this incident followed a 'miscommunication in the pub' between patrons.

This incident led to the victim sustaining Grievous Bodily Harm (GBH) level of injuries and following the review of CCTV relating to incident, highlighted significant shortfalls in the performance of staff at Havana who otherwise may have been able to prevent the incident from developing in the way that it did. The call for Police support was requested via a 999 call from a member of the public, despite the staff having knowledge of the incident developing outside.

During this incident, which was initiated by customers of Havana soon after leaving the premises, the group of customers had been observed by SIA staff from Havana to be involved in an altercation outside the premises. No intervention took place and this situation developed further, resulting in the group moving steadily along Charminster Road as assaults continued to take place between individuals within the group. The situation escalated significantly when the group reached the area of Golden Supermarket when one individual, utilising a discarded glass bottle, used the bottle to strike another more than once, causing significant injuries. CCTV and mobile phone footage of this footage was circulated and passed to Police for investigation.

During a meeting between Dorset Police and the Premises Licence Holder of Havana, the Licence Holder provided an account that they had been outside dispersing customers from the area. He was not aware of any incident and one of his SIA staff had left to catch a bus

whilst the others had removed their Body Worn Video. He first claimed to become aware of an incident when his attention was drawn to illuminated blue lights from the first-floor window of his office, which he noted to be an Ambulance. Soon afterwards, he left the premises with three members of staff and walked to Malmesbury Park Road.

Dorset Police were concerned following that meeting and the Application for Review was submitted.

There was significant interest from the public in the Application for Review and Dorset Police agreed to attend a meeting of residents at a local church hall, intended to allow residents to express any concerns that they have regarding the premises, seek reassurance and to ask any further questions that they might have regarding the Review process.

Whilst it is outside of the control of this Sub-Committee, this Review application has identified that members of the public can often be overwhelmed by the responsibility and perceived risk that results from formally supporting a Review. You will note that local Councillors have agreed to represent the views of the public

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

engaged in mediation to agree measures that should have resulted in reduced levels of violence.

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.

Take No Action

Dorset Police are concerned that this premises continues to be associated with Crime & Disorder. Whilst it is accepted that there is a requirement for support and engagement from Responsible Authorities to support a licensee to achieve compliance, and consequently a safe and valuable facility for the community, you will note that despite the engagement through Pubwatch and the other engagement to seek improvements, concerns remain. Dorset Police are concerned 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 and those highlighted by the public, demonstrates that taking no action should not be an appropriate outcome following the hearing.

Exclude Licensable Activities from the Premises Licence

The current Premises Licence permits a variety of licensable activities as follows –

Live Music

Monday - 12:00 to 03:00
Tuesday - 12:00 to 03:00
Wednesday - 12:00 to 03:00
Thursday - 12:00 to 03:00
Friday - 12:00 to 03:00
Saturday - 12:00 to 03:00
Sunday - 12:00 to 03:00
Performance of live music will take place indoors.

Recorded Music

Monday - 12:00 to 03:00
Tuesday - 12:00 to 03:00
Wednesday - 12:00 to 03:00
Thursday - 12:00 to 03:00
Friday - 12:00 to 04:45
Saturday - 12:00 to 04:45
Sunday - 12:00 to 03:00
Playing of recorded music will take place indoors.

Late Night Refreshment

Monday - 23:00 to 03:00
Tuesday - 23:00 to 03:00
Wednesday - 23:00 to 03:00
Thursday - 23:00 to 03:00
Friday - 23:00 to 05:00
Saturday - 23:00 to 05:00
Sunday - 23:00 to 03:00
Provision of late-night refreshments will take place indoors.

Supply of Alcohol

Monday - 12:00 to 03:00
Tuesday - 12:00 to 03:00
Wednesday - 12:00 to 03:00
Thursday - 12:00 to 03:00
Friday - 12:00 to 04:45
Saturday - 12:00 to 04:45
Sunday - 12:00 to 03:00

The **opening hours** for the premises are currently as follows –

Monday - 12:00 to 03:00
Tuesday - 12:00 to 03:00
Wednesday - 12:00 to 03:00
Thursday - 12:00 to 03:00
Friday - 12:00 to 05:00
Saturday - 12:00 to 05:00
Sunday - 12:00 to 03:00

The members of the Sub-Committee will note that concerns are not contained to the weekend activities. The above activities are commensurate of a nightclub environment and the removal of any of these activities would likely impact on the viability of the business, except for late-night refreshment. Dorset Police associate the concerns with Supply of Alcohol and provision of Regulated Entertainment.

Removing Supply of Alcohol or Regulated Entertainment would effectively result in a revocation of the premises licence. If the members of the Sub-Committee were inclined to significantly reduce the permitted hours for licensable activity, then this would likely reduce the levels of crime and disorder and the adverse impact of this premises on residents.

Any reduction will be for the members of the Sub-Committee to determine; however, Dorset Police could only support a minimum reduction in the terminal hour for licensable activities to **12am** with no additional amendments to the conditions attached to the premises licence.

Dorset Police are of the view that if the members of the Sub-Committee were inclined to allow this premises to continue delivering licensable activities, any provision with a terminal hour beyond 12am should be permitted with significant changes to the operating schedule.

One of the key outcomes to the consultation has been that several members of the public making representations or expressing their concern regarding the current activities at Havana have stated that they do not wish for the operator to lose their investment and their livelihood. These individuals do, however, believe that significant change is necessary to ensure a cohesive relationship is re-established with the wider community and this business.

Modify / Add Existing Conditions

If the Sub-Committee members were inclined to consider modifying the existing conditions, Dorset Police draw the attention of the members to the existing conditions attached to the Premises Licence, which have been amended and supplemented following the past Review (and associated Minor Variation) and the most recent Minor Variation to adjust the levels of SIA staff required.

This premises licence, except for the changes made as part of the most recent Minor Variation, has robust licence conditions that if met, should result in a compliant and safe licensed premises if the management and staff also promote the licensing objectives.

Several of these conditions are not currently being met.

Dorset Police do not intend to share details of all known breaches following the visits to the premises, however, please see the below examples of occasions where the conditions have been known to be breached –

2.3 Customers shall not be admitted or re-admitted to the premises after 03:30 hours on any Friday or Saturday night, save for customers who have temporarily left the premises to smoke, make a telephone call or for some other legitimate reason.

The Premises Licence Holder stated during a meeting on the 19th August 2024 that they were routinely permitting entry to staff from other venues beyond 0330hrs.

2.4 An incident log and refusals register shall be maintained at the premises, either as written or computer records and either combined or separately. The incident log shall include the date and time of the incident and the name(s) of the member(s) of staff who involve and shall record the following:

- (a) *any incidents of crime and/or disorder occurring in or immediately outside the premises (the latter only when the premises are open) and any crime reported to the premises.*
- (b) *any ejections from the premises*
- (c) *any seizure of drugs, weapons or other prohibited items.*
- (d) *any faults in the CCTV system and/or any equipment used at the premises for the purpose of searching or scanning.*
- (e) *all visits by authorised officers*

Whilst not corroborated, there is intelligence from several sources which suggest that incidents, and associated actions, are not consistently recorded within the Incident Log.

- 2.11 *There shall be no drinking outside the premises and customers shall not be allowed to take drinks purchased on the premises out of the premises.*

It is evidenced in the CCTV of the 22nd September 2024 that SIA Door Supervisors have decanted drinks from glass into plastic vessels to enable customers to leave the premises with their drinks.

- 2.13 *The premises shall operate a dispersal policy whereby:*

- c. *On all nights the premises are open, a senior member of staff shall station themselves at the front door of the premises at least 15 minutes before the scheduled closing time to ensure that customers are asked to leave quietly and to encourage them to disperse from the immediate area as quickly as possible. Whenever door staff are deployed, they shall also be instructed to ask customers to leave quietly and to encourage them to disperse from the immediate area as quickly as possible.*

This is evidenced in the CCTV of the incident on the 22nd September and from footage obtained by local residents by mobile phone.

- 3.2 *Noise from the premises shall not be audible at nearby residential properties between the hours of 23:00 and 07:00 hours.*

This is evidenced by the footage passed to Police by residents.

Dorset Police do not consider that any further conditions would resolve the concerns that have been detailed above, however, if the members of the Sub-Committee were inclined to allow the Premises Licence to remain, Dorset Police would ask that consideration be given to a requirement for a Personal Licence Holder to be always present at the premises when licensable activities are taking place and that additional SIA staff are to be employed with an emphasis on ensuring that they reduce the impact of this premises on residents nearby and diffuse confrontation emanating from the premises.

Dorset Police do not consider that these additions would fully address the concerns above.

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 that the current Premises Licence Holder and DPS is present at most times that the premises is delivering licensable activities. Despite their best intentions, they have failed to consistently meet the conditions of the premises licence, support their staff to do the same and have been present or nearby when much of the complaints and incidents have been reported.

If the members of the Sub-Committee have no confidence in the current DPS, who is the same person as the PLH, Dorset Police invite the members of the Sub-Committee to reflect this by revoking the Premises Licence.

The only other alternative would be to transfer the Premises Licence to another PLH, which is not an option available to members of this Sub-Committee.

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 few years, with some success.

Despite these efforts, and when considering the volume and extent of the concerns raised within the representations that have been submitted in support of this Application for Review, Dorset Police are concerned that the progress has been limited during this time.

Dorset Police only support a short suspension of the Premises Licence if the Sub-Committee members would be reassured that a short suspension, whilst the Premises Licence Holder put in place any necessary measures as required in the final determination, would assist the Premises Licence Holder and provide increased confidence to the members of the Sub-Committee.

Dorset Police reaffirm that it is not appropriate to impose a suspension as a punitive measure.

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. If this premises were to have the permission for the sale of alcohol removed, the business currently being delivered would no longer be viable and the building would need to be repurposed.

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 premises, 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. No additional engagement tools are available to Dorset Police that will support the management of this premises to improve their operating practices to enable compliance and if this Premises Licence were to remain in effect, then it is likely that the conditions of the licence will continue to be breached and the licensing objectives will continue to 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 demanded a disproportionately high level of support and intervention than other premises of a similar nature and size throughout the BCP Council area. 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 heightened risk of Violence Against Women & Girls (VAWG). Reducing VAWG is a key priority for Dorset Police and we are concerned that there are levels of VAWG offences associated with Havana which are higher than other similar-sized venues.

This premises has been subject to a relatively recent Review process and continues to cause concerns both to Dorset Police and the residents nearby despite the changes that have been imposed on the conditions of the licence.

Whilst it is for the members of the Sub-Committee to make a final determination, Dorset Police have considered the previous engagement, intervention and enforcement action taken and are of the view that **revocation of the premises licence** is the most appropriate outcome to this hearing.

CCTV

This report is being submitted 7 days in advance of the initial hearing and will be accompanied by CCTV footage which will be shared over the next 48 hours with the Licensing Authority and the representatives of the Licence Holder.

This CCTV is not to be made available to the public and/or press due to the ongoing investigation.

Mediation

Dorset Police intend to remain available for informal mediation in advance of the hearing to ascertain and support the licence holder to deliver any mitigating changes to the operating schedule that might address the above concerns.

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Premises Licence Part A

Premises licence number: BH084518

Postal address of premises, or if none, ordnance survey map reference or description:	
Havana 61 Charminster Road	
Post town: Bournemouth	Post Code: BH8 8UE
Telephone number: 01202 789777	

Licensable activities authorised by the licence:
Live Music Recorded Music Late Night Refreshment Supply of Alcohol

The times the licence authorises the carrying out of licensable activities:
Live Music Monday - 12:00 to 03:00 Tuesday - 12:00 to 03:00 Wednesday - 12:00 to 03:00 Thursday - 12:00 to 03:00 Friday - 12:00 to 03:00 Saturday - 12:00 to 03:00 Sunday - 12:00 to 03:00 Performance of live music will take place indoors. Recorded Music Monday - 12:00 to 03:00 Tuesday - 12:00 to 03:00 Wednesday - 12:00 to 03:00 Thursday - 12:00 to 03:00 Friday - 12:00 to 04:45 Saturday - 12:00 to 04:45 Sunday - 12:00 to 03:00 Playing of recorded music will take place indoors. Late Night Refreshment Monday - 23:00 to 03:00 Tuesday - 23:00 to 03:00 Wednesday - 23:00 to 03:00 Thursday - 23:00 to 03:00 Friday - 23:00 to 05:00 Saturday - 23:00 to 05:00 Sunday - 23:00 to 03:00 Provision of late-night refreshments will take place indoors. Supply of Alcohol Monday - 12:00 to 03:00 Tuesday - 12:00 to 03:00 Wednesday - 12:00 to 03:00 Thursday - 12:00 to 03:00 Friday - 12:00 to 04:45 Saturday - 12:00 to 04:45 Sunday - 12:00 to 03:00

The opening hours of the premises:

Monday - 12:00 to 03:00
 Tuesday - 12:00 to 03:00
 Wednesday - 12:00 to 03:00
 Thursday - 12:00 to 03:00
 Friday - 12:00 to 05:00
 Saturday - 12:00 to 05:00
 Sunday - 12:00 to 03:00

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies:

Alcohol will be consumed on the premises.

Part 2**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:**

Mr Tarek Halabi
 61 Charminster Road
 Bournemouth
 BH8 8UE

Registered number of holder, for example company number, charity number (where applicable):

N/A

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:

Mr Tarek Halabi

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

BH13970
 Bournemouth Borough Council

Annex 1 – Mandatory conditions

Mandatory Conditions (Sections 19,20,21 LA 2003)

- 1.1. There shall be no sale or supply of alcohol when there is no designated premises supervisor in respect of this premises licence or at a time when the said premises supervisor does not hold a personal licence or when his/her licence is suspended.
- 1.2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 1.3. Any person used to carry out a security activity as required under condition 2.2 (2.2.1 to 2.2.7) below must be licensed by the Security Industry Authority.

The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014

- 1.4.
- 1.5. The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 1. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises –
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (iii) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (b) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (c) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti- social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (d) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
- 1.6. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 1.7.
 1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 2. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

3. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

1.8. The responsible person must ensure that -

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

The Licensing Act 2003 (Mandatory Conditions) Order 2014

1.9.

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1 -
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) “permitted price” is the price found by applying the formula —

$$P = D + (D \times V)$$

Where –

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence -
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

- (iv) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (d) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
- 3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the operating schedule

Prevention of Crime and Disorder:

- 2.1. A CCTV system shall be installed and thereafter maintained in good working order 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.
 - 2.1.1 Facilities to view recordings shall be made available immediately upon the request of Police or an authorised officer of the council throughout the preceding 31 day period and copies of recordings shall be provided in playable format as soon as reasonably practicable provided that the requests are compliant with data protection legislation and that the person or organisation requesting copies of the recording(s) agree to return any USB or other storage device used for this purpose within 6 months of the same being given to them.
 - 2.1.2 To facilitate compliance with this condition, a staff member from the premises who is conversant with the operation of the CCTV system shall be always on the premises when the premises are open to the public.
 - 2.1.3 Appropriate signage advising customers of CCTV being in operation shall be prominently displayed in the premises.
 - 2.1.4 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 and any fault recorded
- 2.2. A minimum of 1 SIA registered door staff shall be deployed on Friday and Saturday nights (and any Sunday falling on a Bank Holiday weekend) from 22:00 hours and 2 from 23:00 hours until the premises close and all customers have departed UNLESS the basement of the premises are in operation in which case 3 door staff shall also be deployed from 01:00 hours until the premises close and all customers have departed.
 - 2.2.1 All door staff stationed at the entrance to the premises shall be provided with Body Worn Video (BWV).
 - 2.2.2 Door staff shall be instructed to:

- (a) Randomly search customers for drugs and weapons, to confiscate any such items found and to report the same to the police;
- (b) Monitor persons smoking outside the premises, limit their numbers to no more than 12 at any one time, encourage passers-by who might stop to talk to smokers to move on and to ensure that noise caused by persons outside the premises is kept to a minimum.
- (c) Comply with the conditions relating to dispersal.

2.2.3 The Incident book shall be used to record the full name, date of birth and 16 digit badge number of any SIA door staff who are deployed on the premises. Door staff shall be instructed to document any incident occurring at the premises before going off duty and to record the number of customers in the premises on an hourly basis after 22:00.

2.2.4 The DPS shall risk assess the need for door supervision for other times and dates.

2.2.5 Door supervisors shall be provided in such numbers, between such times and on such dates as determined by the outcome of the risk assessments.

2.2.6 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 shall 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 shall deploy door supervisors in accordance with the outcome of the risk assessment. Such risk assessments shall also be conducted at the request of the Police in respect of any other event scheduled to take place at the premises.

2.2.7 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.

2.3 Customers shall not be admitted or re-admitted to the premises after 03:30 hours on any Friday or Saturday night, save for customers who have temporarily left the premises to smoke, make a telephone call or for some other legitimate reason.

2.4 An incident log and refusals register shall be maintained at the premises, either as written or computer records and either combined or separately. The incident log shall include the date and time of the incident and the name(s) of the member(s) of staff who involve and shall record the following:

- (a) any incidents of crime and/or disorder occurring in or immediately outside the premises (the latter only when the premises are open) and any crime reported to the premises.
- (b) any ejections from the premises
- (c) any seizure of drugs, weapons or other prohibited items.
- (d) any faults in the CCTV system and/or any equipment used at the premises for the purpose of searching or scanning.
- (e) all visits by authorised officers

2.4.1 The refusals register shall record any refusal of the supply of alcohol.

2.4.2 The incident log and refusals register is to be checked on a weekly basis by the DPS of the premises or their deputy and shall be made available for inspection on request by a police or other authorised officer.

- 2.5 The premises shall maintain membership of the local 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 shall support Pubwatch initiatives.
- 2.6 A drug safe shall be available on the premises to deposit any illegal substances found. The holder of the licence shall notify the police of the seizure of any significant quantity of drugs (i.e. more than might be reasonably be regarded as for personal use) as soon as is reasonably practicable and shall also notify the police when the drugs safe needs to be emptied. Any drugs shall either be handed to the police or disposed of in a manner recommended by the police.
- 2.7 There shall be a clear visible notice displayed on the premises advising those attending that the Police shall be informed if anyone is found in possession of controlled substances or weapons.
- 2.8 Toilet checks shall be conducted at least once every hour from 22:00 hrs until all customers have left the premises and the time and signature or initials of the person conducting these checks to be documented and retained for 6 months.

Public Safety

- 2.9 All staff involved in the sale of alcohol shall also be instructed as to steps to be taken in the event that a customer appears to be unwell as a result of consuming drugs or too much alcohol. This to include ensuring that the person concerned is:
 - (a) Given appropriate First Aid if necessary by a suitably qualified member of staff; and
 - (b) Accompanied by a responsible person or member of staff until either arrangements are made for the customer to safely leave the premises or appears to have recovered.
- 2.10 Staff shall also be trained regarding the "Ask Angela" scheme whereby a person concerned about their own welfare may discretely ask for assistance.

Prevention of Public Nuisance

- 2.11 There shall be no drinking outside the premises and customers shall not be allowed to take drinks purchased on the premises out of the premises.
- 2.12 The folding front door of the premises shall be closed no later than 23:00 hours and not reopened (save for normal access, egress and in the event of an emergency) until the following day.
- 2.13 The premises shall operate a dispersal policy whereby:
 - (a) On Friday, Saturday and any other night that the premises are open after 03:00 hours:
 - (b) The lights shall be turned up no later than 15 minutes before closing, the sale/supply of alcohol shall cease and the volume of music shall be reduced to no more than background levels.
 - (c) On all nights the premises are open, a senior member of staff shall station themselves at the front door of the premises at least 15 minutes before the scheduled closing time to ensure that customers are asked to leave quietly and to encourage them to disperse from the immediate area as quickly as possible. Whenever door staff are deployed, they shall also be instructed to ask customers to leave quietly and to encourage them to disperse from the immediate area as quickly as possible.
- 2.14 A notice shall be prominently displayed on or near the exit from the premises requesting that Customers respect neighbours and leave the premises quickly and quietly.
- 2.15 There shall be no performances by live musicians or bands at any time (but for the avoidance of doubt, this shall not prevent records being played by Disc Jockeys in the premises).

Protection of Children from Harm

- 2.16 Children shall not be permitted to the premises except for private, pre-arranged functions.
- 2.17 The premises shall operate a "Challenge 25" policy whereby any person who appears to be under the age of 25 shall be required to produce photographic proof of age in the form of a driving licence, passport, residence permit, military ID or a holographically marked "PASS" scheme identification card. Appropriate signage advertising the policy shall be prominently displayed in the premises.
- 2.18 All staff working at the premises concerned with the sale of alcohol shall be trained on the law relating to prohibited sales, the age verification policy adopted by the premises in accordance with the Local Authority Trading Standards package of training No Proof of Age No Sale - (NPOANS) – or other recognised training scheme and also trained in the conditions attaching to the premises licence (including in particular conditions relating to the welfare of customers and the dispersal policy).
 - 2.18.1 Refresher training shall be provided at least once every 6 months.
 - 2.18.2 A written 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.

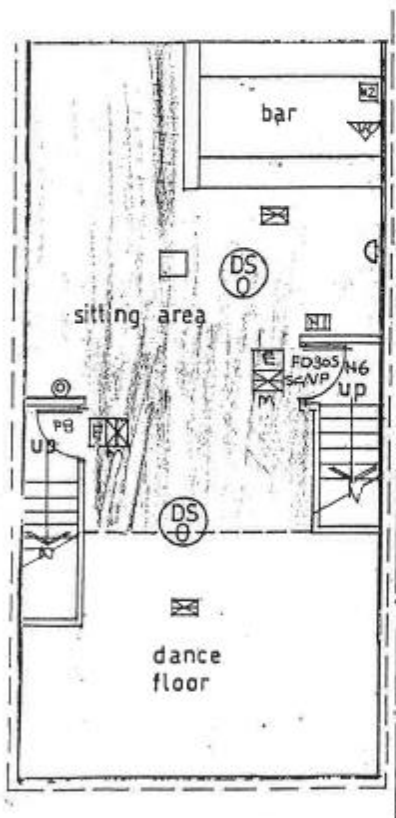
Annex 3 – Conditions attached after a hearing by the licensing authority

- 3.1 When regulated entertainment takes place all windows and doors – including the door to the basement area – shall remain shut at all times, except for entry and exit of customers.
- 3.2 Noise from the premises shall not be audible at nearby residential properties between the hours of 23:00 and 07:00 hours.

Annex 4 – Plans

This licence is issued in accordance with the plan submitted with the application, dated 31 December 2013 numbered M137539, as attached.

HAVANA WINE BAR
 61 CHARMINSTER ROAD
 BOURNEMOUTH
 BH8 8UE
 SCALE: 1-100



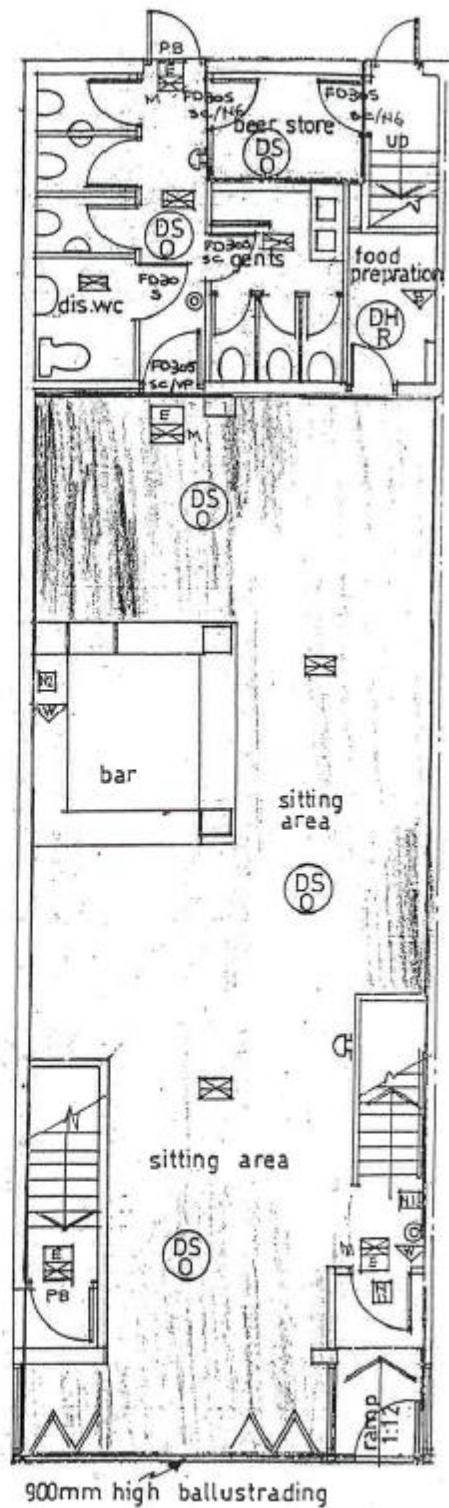
BASEMENT

BOURNEMOUTH BOROUGH COUNCIL
 LICENSING SECTION

31 DEC 2013

APPROVED

REF. No. M 137539



PROPOSED GROUND FLOOR LAYOUT

Premises Licence Part B

Premises licence number: BH084518

Postal address of premises, or if none, ordnance survey map reference or description:	
Havana 61 Charminster Road	
Post town: Bournemouth	Post Code: BH8 8UE
Telephone number: 01202 789777	

Licensable activities authorised by the licence:
Live Music, Recorded Music, Late Night Refreshment, Supply of Alcohol

The times the licence authorises the carrying out of licensable activities:
Live Music (Indoors): Monday to Sunday - 12:00 to 03:00 Recorded Music (Indoors): Sunday to Thursday - 12:00 to 03:00 Friday to Saturday - 12:00 to 04:45 Late Night Refreshment (Indoors): Sunday to Thursday - 23:00 to 03:00 Friday to Saturday - 23:00 to 05:00 Supply of Alcohol: Sunday to Thursday - 12:00 to 03:00 Friday to Saturday - 12:00 to 04:45

The opening hours of the premises:
Sunday to Thursday - 12:00 to 03:00 Friday to Saturday - 12:00 to 05:00

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies:
Alcohol will be consumed on the premises.

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:
Mr Tarek Halabi, 61 Charminster Road, Bournemouth, BH8 8UE

Registered number of holder, for example company number, charity number (where applicable):
N/A

Name of designated premises supervisor where the premises licence authorises the supply of alcohol:
Mr Tarek Halabi

State whether access to the premises by children is restricted or prohibited:
See condition 2.16



Issued: 24 November 2005

Revised: 17 November 2023 (Minor Variation)

Mrs Nananka Randle
Licensing Manager

Sergeant G Gosling
Dorset Police Licensing
Drug and Alcohol Harm Reduction
5 Madeira Road
Bournemouth
BH1 1QQ

Date: 22 February 2023
Our Ref: LDBv3: Misc. Act.: 203753: TMJ02596
Contact: Mrs Tania Jardim
Email: tania.jardim@bcpcouncil.gov.uk
Tel: 01202 817895

SENT VIA EMAIL

Dear Sergeant Gosling,

Licensing Act 2003 – Notice of Decision
Havana Wine Bar 61 Charminster Road Bournemouth BH8 8UE

The Licensing Sub-Committee sat on 15 February 2023 to consider the application dated the 22 December 2022 for the review of the premises licence in respect of Havana Wine Bar, 61 Charminster Road, Bournemouth, BH8 8UE. I can confirm that Bournemouth Christchurch and Poole Council has reached the following decision:

Decision

RESOLVED that having considered the application to review the premises licence, submitted by Dorset Police under Section 51 of the Licensing Act 2003, for the premises known as 'Havana Wine Bar', 61 Charminster Road, Bournemouth, BH8 8UE, received by the Licensing Authority on the 22nd of December 2022, in relation to the prevention of crime and disorder licensing objective, the Sub-Committee has decided to leave the licence in its current state, that being the licence that was amended via a minor variation on 11 February 2023.

Reasons for Decision

The Sub-Committee gave detailed consideration to all of the information which had been submitted before the hearing and contained in the report and appendices for Agenda Item 6, in particular the written evidence provided by Dorset Police in support of the application for review and the verbal submissions made at the hearing by Sergeant Gosling on behalf of Dorset Police, by Mr Philp Day, Laceys Solicitors, acting on behalf of Mr Tarek Halabi, the Premises Licence Holder and the responses given to all questions asked at the hearing.

In determining the review, the Sub-Committee considered the options available as set out in the recommendations of the report and the Licensing Act 2003.

The Sub-Committee heard from Sergeant Gosling that more recently, there had been a period of significant crime and disorder and violence associated with 'Havana Wine Bar', which in the past had generally operated well. Sergeant Gosling informed the Sub-Committee that since Dorset Police had submitted its application for review, a significant amount of communication had taken place between

Dorset Police and Mr Day on behalf of the Premises Licence Holder, to find a way forward and agree conditions, which would promote the prevention of the crime and disorder licensing objective.

Mr Philip Day, Solicitor, representing the Premises Licence Holder, had informed the Sub-Committee that following mediation with Dorset Police, the Premises Licence Holder had applied for a minor variation of the Premises Licence, as shown at Appendix 1 of the Report, and that the minor variation with a slight reduction in hours and newly attached conditions sought to 'tidy up' the licence and comply with the requests made by Dorset Police. The application for a minor variation took effect on 11 February 2023.

Sergeant Gosling confirmed that the concerns raised by Dorset Police had been met by the amended premises licence. The only point not agreed was a last entry time. The Premise Licence Holder had proposed a last entry time of 03:30hrs and Dorset Police would have preferred an earlier time of 03:00 hours, however, Dorset Police were prepared to accept a last entry time of 03:30 hours and will continue to monitor the premises going forward. The Licensing Sub-Committee was satisfied that Dorset Police would continue to monitor the premises and that Dorset Police had opened an additional line of communication for neighbours, through a local resident's group, who have been encouraged to report any ongoing issues.

The Sub-Committee was grateful for the discussions that had taken place between Dorset Police and the Premises prior to the hearing and felt that the conditions covered by the minor variation were very comprehensive. Given that the minor variation had already taken effect and the concerns of Dorset Police had been met, the Sub-Committee determined that no further action needed to be taken. The Sub-Committee was assured that the Premise Licence Holder had learned his lesson and was satisfied that if the Premises operated in accordance with the conditions now on the premises licence and as described at the hearing, that the premises should not undermine the licensing objectives and could operate in a safe and compliant manor.

It was noted that a further review of the premises licence could be applied for at any time by a Responsible Authority or any other person should there be any issues associated with the premises in the future that undermined the licensing objectives.

In making this decision the Sub-Committee have had regard to the Bournemouth, Christchurch and Poole Council Licensing Policy, the revised guidance, as set out by the Secretary of State and the licensing objectives, as set out in the Licensing Act 2003.

Right of appeal

You do have a right of appeal against this decision. An appeal against the review decision may be made to Designated Officer, Dorset Magistrates' Court, Deansleigh Road, Bournemouth, BH7 7DS within 21 days of the appellant being notified of the Licensing Authority's determination on the review. An appeal may be made by the premises licence holder, the Chief Officer of Police and/or any interested person who made relevant representations.

Yours sincerely

Tania Jardim

Mrs Tania Jardim
Licensing Officer

HAVANA 61 CHARMINSTER ROAD BOURNEMOUTH

REVIEW OF PREMISES LICENCE

REPRESENTATIONS RECEIVED

(1)

19.10.24 @ 13:51

My children and I moved to Charminster in July after living in Poole for 14 years.

We left the very quiet neighbourhood of Oakdale following an eviction notice.

Living in Charminster has been radically different. Living so close to a main road was not by choice but rather the only property we managed to let after months of looking.

I live in one of the streets off Charminster road very close to the Havana night club.

Between around 4:30 and 5:30 am at weekends (Friday, Saturday) those who have attended the club spill out onto the streets inebriated shouting, fighting, screaming or talking in the street very loudly under my window for 5 to 20 minutes at a time.

I have also looked out of the window after being woken up at 5am to find someone using my driveway as a public toilet shielding themselves with the hedge to relieve themselves.

My daughter attends Summerwood campus, a SEND school on Northoft road again off of Charminster road close to the Havana club.

On the walk to school last Friday morning we had to navigate around a large puddle of vomit.

I have to wear ear plugs at night not to get woken up at the weekend. My teenage son whose bedroom also faces the street close to the club frequently complains about being woken up (he does not like wearing ear plugs) and has said that he feels unsafe in this neighbourhood because of it.

Last night actually I went to bed very late and dropped off in front of the TV in bed. I woke up with my ear plugs in my hand, I had forgotten to put them in.

I was awoken by the most hideous screams, it sounded like someone was being murdered around 5am. It did not sound like someone messing around or being just drunk and silly or drunk and disorderly. It sounded like someone (female) having a crazy amount of pain inflicted on her or who received the news that someone had died.

Honestly I felt I ought to call the police or check the person was safe but I just went to the toilet, put my ear plugs in and crashed back to sleep...

These noises/disturbances are very acute and loud always around 4:30 to 5:30 am Friday and Saturday.

I often hear it when I get up in the night to use the toilet as I take my ear plugs off.

Please do not hesitate to get in touch should you need to contact me with any questions.

Regards

(2)

19.10.24 @ 12:45

I have lived on the road opposite for two years and there is constantly issues regarding this location such as loud music to the point me and my child can't sleep but main issues is people coming out of this location shouting arguing and starting fights I've even had to call the police previously due to people that have come out of this location shouting arguing and then causing hard to people it has been getting worse the last two years I feel that it will continue to do so if this licence isn't reviewed many thanks

(3)

20.10.24 @ 15:46

This out of control place should be closed down immediately!! Every weekend there is on going trouble fighting on the streets glasses and bottles thrown across the streets even had fighting outside my house how ... [not complete]

(4)

20.10.24 @ 10:34

I am expressing my concerns for the above premise license for Havana nightclub, Charminster Road

I am a resident who lives within the first 5 houses in Malmesbury park Road, directly opposite Havana nightclub.

I have witnessed on many occasions groups of people outside the nightclub in the early hours of the morning, shouting/ fighting/ general noise nuisance.

Many occasions people are stood in the road (Charminster Road)

Due to the current licence which I believe is 5am, many people congregate at the top of Malmesbury park road.. again very loud... many fights (recently there have been 2 police incidents) I believe have stemmed from people leaving Havana nightclub.

I believe the licence needs to be changed to earlier hours i.e 12-2am

People vomiting outside my house / fighting directly outside.. vandalism or cars / property next door when it was vacant / building work going on/ smashed bottles / empty cream canisters on the road ..

Although this cannot be stopped completely.. if the licence were changed to earlier times it would perhaps elevate the problem of people doing this at 4am/5am in the morning

Regards

Resident Malmesbury Park Road

(5)

22.10.24 @ 12:22

Dear Sir/Madam

We live on Malmesbury Park Road but would like to remain anonymous because of intimidation.

We have suffered at least 15 years of lack of sleep because of Havana night club staying open until 5am.

We have suffered from Havana club goers directly outside the club and with shutters open in the summer, shouting, screaming and fighting as many have had a lot to drink.

We have seen Havana club goers using laughing gas before going into Havana club. We have seen Havana club goers using laughing gas and getting in there cars and driving off.

There is always some kind of altercation going on outside Havana club.

We have seen the Police called to Havana club many times over the years.

We have seen Havana club goers acting very aggressively and we have witnessed Havana club goers assaulting each other outside Havana club with weapons being shown and used.

We have witnessed many arguments outside Havana club.

Over the years the music from Havana club has been very loud disturbing our sleep hundreds of times.

Our mental and physical health has suffered detrimentally due to a lack of sleep and not being able to function during the day. Havana club has made our life a misery.

Yours Faithfully

Malmesbury Park Road Resident

(6)

22.10.24 @ 20:57

I have recently moved to the area and since i moved almost every saturday and sunday morning due to late licencing of Havana(Bar) untill 5am in the morning extreme Anti Social behaviour is going on. Which it wakes me, my wife and my boys up between 3am and gone past 5am with extreme screams and shouting and fights.

Because all the other bars close early so they move onto Havana as they are still open.i strongly believe in a highly residential area a bar should not be open till that late in the morning.

They are highly drunk,intoxicated and unaware of the disturbance They are causing to the locals that needs to go to work the next day and As a Security i feel sorry that They have to put up with all the fights going on outside the Bar which i think They can't be bothered or They don't want to risk their own life for some irresponsible people.

There have been glass bottle stabbing, urinating, drug dealing outside the premises and in the area. Which I believe it needs tough decisions has to be taken by the Local Authority Before something else bad happens.

It is Horrible to see every time I pick up a local news Paper and on social media knowing that my family lives there makes me feel unsafe and it's extremely worrying what the future of next young generation in the area going to be if nothing is done. please Take this matter Serious as I'm worried about my families mental health and safety. kind

(7)

24.10.24 @ 09:44

I write in response to the license review for Havana Wine Bar.

I'm a resident on Malmesbury Park Road and live in close proximity to the venue.

We have lived here for 5 years during which time we have observed a number of incidents that we believe are a result of the frankly ludicrous opening hours of Havana Wine Bar. Incidents we've witnessed include :

- noise disruption pretty much every Saturday night, which is especially bad in the Summer when closing windows is not an option.
- Violence ranging from small fights to large scale brawls in the middle of the street.
- Examples of other behaviour such as urinating in people's driveways, littering and drug taking/dealing.

I understand that not all of these incidents are necessarily within Havana's control , but they are nearly always involving their patrons. This is further evidenced by the fact that alot of these incidents seem to occur after 4am, when it is the only establishment open in the area.

To me there is no logical reason for such a ridiculous closing time of 5am. Charminster is a highly populated residential area and the bar is mere metres away from people trying to sleep and go about their day to day lives.

The noise and trouble we have seen have led us to conclude that Charminster is not a place we want to raising our young child and as such will be seeking to relocate.

I hope this license review goes towards making Charminster a safer and more peaceful place.

Kind regards

(8)

24.10.24 @ 16:45

Sharon.Carr-Brown@bcpcouncil.gov.uk

I am writing as a ward Councillor for Queen's Park and Charminster to support Dorset Police's application for a review of Havana Wine Bar's licence on the basis that the premises is not complying with the licensing objective of the prevention of crime and disorder.

I would go further and add that there is evidence that this establishment is also failing to promote public safety and prevent public nuisance.

There is a cumulative impact on the local community and businesses as people lose confidence that they will be safe and the area is degraded by the effects of drunk people on the streets to all hours and the behaviour that comes with that. It is entirely inconsistent with a predominantly residential area and local high street set up. This is not the town centre and should not resemble it.

This is the second time in 20 months that the Police have had cause to ask for the licence to be reviewed and it's not clear that the conditions agreed in February 2023 are currently being met. Those conditions are there to help ensure the premises abides by the three licensing principles outlined above. If they are not being met, it follows that the licensing conditions aren't either.

The current review was prompted by a very disturbing incident that occurred on September 21st that involved a fight that emanated from Havana Wine Bar and ended up with someone being 'bottled' across the road, causing sections of Charminster and Nortoft Roads to be cordoned off by the police. This is not what local people want to wake up to and it calls into question the ability of Havana's staff to control incidents within the premises and to ensure there's no crime and disorder spilling onto the street. This incident is clearly a threat to public nuisance and threatens public safety as it continued outside the bar.

There is also video from the weekend of 6/7th September 2024 at 3am of a large crowd outside Havana and shouting and screaming that can clearly be heard some distance down nearby residential roads. The noise disturbed the resident and brought her out of her house to see what was going on. You can see from the video just how far down the road she lives. She doesn't live right on the corner, she's more like 50-100m away.

All the businesses along this stretch of high street have people living above them. In addition, eight residential roads branch off this short section. This is the densest housing in our ward and some of the densest in Bournemouth. It is entirely incompatible with the residential profile of this area to have a bar open until 5am. I would suggest that anything past midnight is already pushing what is acceptable in such a strongly residential area.

On a recent engagement event, we learnt from businesses around this venue that they are fed up with the aftereffects of antisocial behaviour and crime associated with it – whether it's cleaning up the litter in the morning or police tape after an incident that makes people fearful of the area. It is not conducive to feeling welcomed or safe in an area when large crowds are gathered and people are shouting and being aggressive.

Finally, I recently had some case work from a local resident who catches the bus to work very early in the morning. She told me how she's run into people still drunk in the street, how the road is untidy and how she feels unsafe walking to the bus stop. She can't link this directly to Havana but it is the venue open the latest and the one with the greatest concerns

attached to it in terms of respecting the terms of its licence and so it certainly contributes to this deteriorating profile of the area.

Cllr Sharon Carr-Brown

(9)

24.10.24 @ 19:53

Alasdair.keddie@bcpcouncil.gov.uk

I am writing as one of the councillors for Queen's Park & Charminster, following contact from a number of residents who live near this premises. I welcome this opportunity for residents of my ward to have their voices heard and to share their experiences.

On Saturday 31st August, I received reports from residents living on Malmesbury Park Road regarding ongoing late night disturbances relating to Havana night club on Charminster Road. They informed me that this was a regular occurrence for them on Friday and Saturday nights and that it is causing them significant distress and disruption. They noted that the disturbances were at their worst around 5am, with customers leaving Havana and congregating loudly outside the venue while in an intoxicated state.

There are a large number of families who live nearby, in the flats above the retail units on Charminster Road, and the residential streets adjacent to Charminster Road.

2 households have described how they have had to move their bedrooms to the rear of their houses to try and avoid the disturbances. A young couple informed me that they wanted to start a family but were concerned that the late night noise from the premises opposite would have a negative effect on their ability to raise a child. Another family have recently sold their house, citing the frequent disturbance from the venue as a contributing factor in their decision. Other residents have described having their sleep being disturbed and impacts on their physical and mental health.

There is a general feeling from households nearby that 5am is too late for a premises operating in a largely residential area.

One resident agreed to keep an anti-social behaviour diary to log the disturbances going forward. They also began recording photos and videos on the occasions when they were being woken up in the early hours of the morning.

The following weekend at around 3am on Sunday 8th September, immediately outside Havana, there was a loud argument that escalated into a group of people fighting. The neighbourhood policing team described this as drunk and disorderly behaviour and a potential public order offence. A resident recorded a substantial amount of footage of the altercation (video available).

On the 14th September at around 1:15am residents reported another loud altercation outside the venue.

On the 21st September at 5am, residents reported a loud disturbance that began outside Havana as they were closing. This escalated into serious violence with a man being bottled in the neck. The following morning, Charminster Road was taped off with police and

forensics teams in attendance. Several businesses were unable to open on their busiest day of the week. Footage of this incident was also captured by residents (video available).

Since the major incident on the 21st September, residents are still experiencing late night disturbances, particularly when customers are leaving the premises in the early hours of the morning. The front door opens directly into the club which causes loud music to be heard every time the door is opened.

I note that a previous license review of Havana was carried out in 2022 following similar circumstances. This makes me question whether the management are serious about upholding the licensing principles at this premises if we have reached this point again.

Charminster used to be a vibrant and welcoming night time destination, appealing to a broad range of families, students and visitors to the area. Now it is gaining a reputation for being unsafe and somewhere to be avoided. Continued incidents of this kind only serve to further damage its reputation and reduce footfall for businesses in the area.

I would ask the licensing sub-committee to give appropriate weight to the representations received from residents who have a right to live peacefully in their homes.

Yours Sincerely,

Cllr Alasdair Keddie

Queen's Park & Charminster

(10)

24.10.24 @ 23:46

I am a local resident to the above nightclub and I want to register my concerns regarding the licensing of the venue.

I am in my early 20's and live with another girl of the same age, we have witnessed a multitude of fights, incidents and disruptions that all stem directly from Havana. We live within sight of the venue, and can hear their music well into the early hours at full volume which, at 3am, becomes extremely infuriating. For our own safety, we do not leave the house alone when Havana is open at night, and if we do have to leave we will stay on the other side of the road and try to keep as far away from the club *and* its patrons that are frequently shouting and fighting outside; something which also gets no response from the door staff of Havana - that is *when they are actually watching the outside of the venue* and not just waiting inside ignoring the commotion. We have even tried to call the club to tell them that their door staff are not doing anything - the phone was never answered.

Our driveway is constantly littered with bottles and 'Nos' canisters from patrons of Havana, we have also had people come onto the driveway to *relieve themselves* before returning to the nightclub, as well as watching clearly drunk drivers go from the club and then proceed to get into their car and start driving - with no concern or interest from the door staff and security, even when pedestrians nearly get hit.

A particularly defining example of this was the early hours of Christmas Eve 2023, when a man was bottled in-front of the bus stop after frequenting Havana. I was woken up (as usual on a Thursday, Friday and Saturday night) to the commotion and emergency services

arriving, and then a forensic team later that morning. This was not the first, to last, time that this has happened.

I can appreciate that Charminster road is a lively place, and any other day of the week I would agree! But from the moment that the doors of Havana open, Charminster becomes an unruly and dangerous place. And for two young women living alone, that is something that troubles us deeply. I could continue to go over multiple occasions and instances when we have been disturbed, but it is such a regular occurrence that it has become just another part of our week, and experience lining opposite the nightclub.

The 4 weeks in January last year or the year before, when Havana was temporarily closed, was the most peaceful time we have had since moving in here in 2021. And then it opened again with a vengeance and returned to the normal chaos almost instantly; with no respect or regard for the residents surrounding the club - And yet Saxo, the bar next door to Havana, seems to manage their clients and patrons without issue.

Thank you for taking the time to look in to the licensing for this bar, I know that many of the other families living here have been campaigning and trying to get something done for years, and it seems a shame that it is really taking this long for something to be done; how many stabbings, fights and attacks both inside and outside of Havana will it take for something to be done?

Yours sincerely and with great interest in something **finally** being done about this,

(11)

23.10.24 @ 22:57 (SUPPORT)

Today I received a letter about to complain the night club next to my house.

But personally I don't have any feeling about this club making any noise or effect to my family. I happy our location have kind of this entertainment for people make city life. Since Covid we suffer from long time "dead city" life, I don't feel anything wrong have a club in a city main road, charminster road is famous from international food selection, after dinner go for a drink is really convenient.

Also I feel most neighbours complain because someone tell them to do so, same as today someone gave me the letter and suggested me do complain.

So, my opinion is, never mind, we can have this club in this location.

If you really want do something make our life more beautiful, try reduce the homeless and drug dealers.

Regards

Malmesbury Park Road