

# LICENSING SUB-COMMITTEE



Report subject	<b>Havana Wine Bar, 61 Charminster Road, Bournemouth, BH8 8UE</b>
Meeting date	15 February 2023
Status	Public Report
Executive summary	<p>To consider an application by Dorset Police for review of the premises licence as a result of significant levels of disorder occurring in and around the area of the premises. Despite Dorset Police's efforts to seek improvements and a reduction in this disorder, the premises have failed to take reasonable steps to reduce the levels of disorder associated with the premises.</p> <p>The review relates to concerns that the premises are not upholding the prevention of crime and disorder licensing objective.</p>
Recommendations	<p><b>It is RECOMMENDED that:</b></p> <p><b>Members consider the following options: -</b></p> <ul style="list-style-type: none"><li><b>(a) Modify the conditions of the licence; and/or</b></li><li><b>(b) Exclude a licensable activity from the scope of the licence; and/or</b></li><li><b>(c) Remove the Designated Premises Supervisor; and/or</b></li><li><b>(d) Suspend the licence for a period not exceeding three months; or</b></li><li><b>(e) Revoke the licence; or</b></li><li><b>(f) Leave the licence in its current state.</b></li></ul> <p><b>Members are asked to make a decision at the end of the hearing after all relevant parties have been given the opportunity to speak. Members must give full reasons for their decision.</b></p>
Reason for recommendations	<p>Where a review application by a responsible authority, or any other person, has been received the scheme of delegation set out in the Council's Constitution states that these applications should be dealt with by the Sub-Committee.</p> <p>The Licensing Authority may only consider aspects relevant to the application that have been raised in the application.</p>



Portfolio Holder(s):	Councillor Bobbie Dove – Community Safety and Regulatory Services
Corporate Director	Jess Gibbons – Chief of Operations
Report Authors	Tania Jardim – 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, by Dorset Police was received by the Licensing Authority on the 22<sup>nd</sup> of December 2022. The application relates to the prevention of crime and disorder licensing objective.
2. A copy of the review application is attached at Appendix 1.
3. The premises were granted a premises licence on 24<sup>th</sup> of November 2005 following an application for a new licence when the Licensing Act 2003 came into force. A copy of the current licence is attached at Appendix 2.
4. A plan showing the location of the premises is attached at Appendix 3.

## Consultation

5. A copy of the application was served on all responsible authorities and the licence holder on the 22<sup>nd</sup> of December 2022.
6. The Licensing Officer attended the premises on the 22<sup>nd</sup> of December 2022 and erected two site notices on the premises. Two further notices were placed in the main public noticeboards of the council offices in Bourne Avenue and St Stephen's Road. A notice was also published on the council's website.
7. No other representations have been received from any of the other responsible authorities or any other persons.
8. As a result of mediation between the premises licence holder and Dorset Police and to try and demonstrate the premises licence holder's commitment to address the concerns raised by Dorset Police, Mr Philip Day of Lacey's Solicitors, submitted a Minor Variation application on behalf of the premises licence holder on 29 January 2023.

As part of the Minor Variation application, the applicant has offered some reduction of activities and hours, offered some conditions as proposed by Dorset Police since the Review application, with some amendments, and amended some of the existing conditions on the licence. The main changes to the hours are as follows: -

- Terminal Hour for Recorded Music and Supply of Alcohol on Friday and Saturday changing from 05:00 to 04:45 hours, this is to allow for drinking up time and dispersal.

- Opening hours on Saturday changing from 05:30 to 05:00 hours.
- Customers shall not be admitted or re-admitted to the premises after 03:30 hours on Friday and Saturday.

All modifications proposed on the application are to take immediate effect following the end of the consultation period of 10 working days from the day after the submission of the Minor Variation application, being the 10 February 2023. A copy of the Minor Variation application is attached at Appendix 4, which includes all of the modifications and conditions offered by the premises licence holder.

9. It is understood that amendments proposed to the Premises Licence by the Minor Variation are not considered sufficient by Dorset Police to address all the concerns raised on the review application.

### **Options Appraisal**

10. Before making a decision, Members are asked to consider the following matters: -
  - The representations made by Dorset Police.
  - The submissions made by or made on behalf of the applicant.
  - The relevant licensing 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**

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

### **Summary of legal implications**

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

### **Summary of human resources implications**

13. N/A

### **Summary of sustainability impact**

14. N/A

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

15. N/A

### **Summary of equality implications**

16. N/A

### **Summary of risk assessment**

17. N/A

## **Background papers**

### **BCP Council – Statement of Licensing Policy**

<https://www.bcpCouncil.gov.uk/Business/Licencesandpermits/Documents/Gambling/final-version-solp-2020.pdf>

## **Hearing Regulations**

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

### **Revised Guidance issued under Section 182 of the Licensing Act 2003 (December 2022)**

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1125660/Revised\\_guidance\\_issued\\_under\\_section\\_182\\_of\\_the\\_Licensing\\_Act\\_2003\\_December\\_2022.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1125660/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_December_2022.pdf)

## **Appendices**

- 1 – Copy of Review Application
- 2 – Copy of Current Premises Licence
- 3 – Location Plan
- 4 – Copy Minor Variation Application.