

*BCP Council*

**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 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)**

**Part 1 – Premises or club premises details**

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

<b>Name of premises licence holder or club holding club premises certificate (if known)</b>
Mr Tarek Halabi

<b>Number of premises licence or club premises certificate (if known)</b>
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)**

██████████

**E-mail address (optional)**

██

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

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

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

The Prevention of Crime and Disorder

Specifically, that this premises is associated with significant levels of disorder occurring in and around the area of the premise and that, despite our efforts to seek improvements and a reduction in this disorder, the Premises Licence holder has failed to take reasonable steps to reduce the levels of disorder associated with the premises.

Dorset Police can evidence that the Premises Licence Holder is no longer promoting the Licensing Objective to Prevent Crime and Disorder.

**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 Wine Bar, Charminster Road, Bournemouth, is being submitted by Dorset Police as we can evidence that this premises has regularly undermined the licensing objective to Prevent 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 have identified that this premises have been associated with several incidents of disorder, some of which have involved up to 20 persons, occurring within the vicinity of Havana Wine Bar and involving customers and other persons associated with this premises. Staff employed by Havana can be evidenced as having failed to intervene to prevent the disorder from occurring or escalating, leading to Police attendance and injuries being sustained.

Dorset Police can evidence a gradual deterioration in the performance of the premises over the past 12 months, leading to incidents occurring over the past 4-6 weeks which have led to this Application for Review of a Premises Licence being submitted.

Throughout the past 12 months there has been regular interaction, both formally and informally, between Mr Halabi and Dorset Police. We have taken every opportunity to encourage and support Mr Halabi to enhance his operating schedule to improve the performance of the premises and reduce the levels of crime associated with his premises.

Dorset Police have offered proportionate recommendations to Mr Halabi to support him to reduce the levels of crime and disorder, including voluntarily reducing his operating hours for a trial period, introducing a *meaningful* 'last entry' time and providing Body Worn Video devices for his SIA Door Supervisors, amongst other measures, in an effort to improve the performance and compliance of the premise and to enable them to consistently promote the licensing objectives.

Despite some assurances being offered by Mr Halabi, he has not introduced any of the measures proposed and the incidents of crime and disorder continue.

As the members will be aware, the accurate number of incidents occurring at a premise is usually unknown due to the number of unreported incidents to Police and other partners. The number of incidents that have been recorded, either through reporting of incidents/intelligence by the public or through Officers discovering incidents whilst on patrol over the past 12 months associated with Havana Wine Bar are as follows –

Assaults – 10

Disturbances (more than two individuals known to be involved in an altercation) – 9

Uncorroborated Intelligence Reports – 6

Welfare / Mental Health concerns – 2

There is concern that 30% of the assaults, 50% of the intelligence reports and 1/3 of the disturbances have occurred within the past 2 months, increasing the concerns that we have for the premises and the continued ability of the staff and the Premises Licence Holder to safely operate the premises. At least one incident has involved the use of glass as weapons.

We continue to closely monitor this premises and whilst we do not consider that the threshold has

currently been met for an Application for a Summary Review to be submitted, we can assure the Licensing Sub-Committee that an Application will be submitted for a Summary Review if we can evidence further deterioration in performance or where the grounds exist.

In order to put some context to these concerns, please note examples of incidents below that have occurred over the past 2 months and are associated with Havana Wine Bar –

#### 19<sup>th</sup> November 2022

Large disturbance takes place at approximately 0500hrs involving approximately 20 persons using glasses and bottles. This disturbance escalated and prevented any vehicular movements along Charminster Road. Police were called and attended, dispersing the two large groups involved, none of which wished to make a complaint of any crime. Persons associated with the disturbance known to have emerged from Havana Wine Bar.

Due to the fight gradually moving away from Havana Wine Bar, SIA Door Supervisors do not intervene to prevent the disturbance.

#### 10<sup>th</sup> December 2022

Large Fight in Charminster Road. Police were called to a large fight outside Havana Wine Bar on Charminster Road, Bournemouth at approximately 0225hrs. Town Centre camera operators utilised their cameras and captured up to six persons fighting in the middle of the road. Town Centre camera operators identified that all persons had emerged from the direction of Havana Wine Bar.

During the incident, numerous persons involved are observed to be punching and kicking one another. One male is knocked to the floor and another male seen to kick him at least twice in the face / head. One person is rendered unconscious whilst others continue to fight. A female assaults the unconscious male as he lay on the ground before leaving the area.

Three of the group leave the area together and soon after the male who was unconscious is then seen to get up and chase after the group.

Upon Police arrival soon afterwards, officers spoke with Mr Halabi to establish the events of the disturbance witnessed by the Town Centre cameras to have occurred nearby to Havana Wine Bar. Mr Halabi denied any knowledge of the incident, advising that he had been outside Havana Wine Bar all night and stated that no such incidents had occurred.

Officers from the North Bournemouth Neighbourhood Policing Team accompanied Police Licensing Officer Louise Busfield to a meeting with Mr Halabi on the 19<sup>th</sup> December 2022. Mr Halabi insisted that there had been no customers of Havana Wine Bar involved in the altercation, however, the SIA Door Supervisor could be seen to observe the incident developing and watched as a female left Havana Wine Bar to join the altercation.

#### 18<sup>th</sup> December 2022

Altercation outside of Havana Wine Bar at approximately 0300hrs. A male is seen by a Town Centre CCTV operator to be pushed across the street from the venue by an individual wearing a high-visibility jacket (possibly door staff). The person in the jacket then walks away from male. This is presumed to have been the conclusion of an ejection from the premises.

The male then returns to Havana Wine Bar and begins to engage in a further altercation with the person wearing the High-visibility jacket.

Three other individuals emerge from the premise and begin to attack the male, who falls to the ground as he is pushed back across the road. One unidentified individual begins to kick the male

as he lays on the ground.

Throughout this altercation, vehicular traffic is seen trying to manoeuvre around the 'obstruction', caused by the people in the road and there is no interjection from any staff from Havana Wine Bar. Male does eventually get to his feet and starts to leave the area. A female associated with this male then collapses to the ground near to Havana Wine Bar.

Male then begins to walk on the road and initially moves away from the area, before returning and causing a further disturbance with a group of customers assisting the collapsed female associated with the male.

On Police arrival, two members of the public informed Officers that the male causing the disturbances had been seen to assault the collapsed female. The SIA Door Supervisors confirmed that their CCTV had captured the male throwing the female into nearby railings. The male was arrested and later discovered to be in possession of Class A drugs.

During the meeting with Police on the 19<sup>th</sup> December 2022, Mr Halabi initially attributed the cause of the disturbance to neighbouring premises who fail to manage and exclude banned persons effectively, resulting in those individuals loitering in the vicinity of Havana Wine Bar, attempting to eliminate Havana Wine Bar of any responsibility for the altercation.

An examination of the CCTV at Havana Wine Bar identified that the male involved had been a customer at Havana Wine Bar, and that during the altercation Mr Halabi could be seen stood immediately inside the entrance to Havana Wine Bar preventing other customers from leaving the premise. He had been fully aware of the incident and the risks posed to those involved and Dorset Police are concerned that he had also discouraged his staff from intervening to safeguard those involved.

It was noted that the time stamps on the CCTV were not accurate, Mr Halabi continued to employ SIA Door Supervisors directly without a Non-Frontline SIA Accreditation permitting him to do so (despite earlier conversations advising him of this requirement) and had also not obtained the Body Worn Cameras for his staff that he had agreed to obtain following an early meeting with Police.

#### Late Temporary Event Notice

During this visit, it was noted that there were promotional materials advertising a 'New Year's Eve' event until 6am. Mr Halabi had not discussed this event with Dorset Police during our interactions with him. Any intention to extend the operating hours of Havana Wine Bar at a time when disorder is known to be associated with the premise is irresponsible and indicates that Mr Halabi has either failed to understand the gravity of the problems that have been discussed with him or he considers it appropriate to continue with the existing operating schedule, whilst further extending the alcohol provision, and the risk to the public, on New Year's Eve. Dorset Police objected to the Late Temporary Event Notice received and a Counter-Notice was served by BCP Council Licensing Authority to prevent the further extension of this premise's operating hours.

Dorset Police invite the Sub-Committee to consider all options available to them under the Licensing Act 2003 with consideration to be given to revocation of the Premises Licence if the members are unable to satisfy themselves that the Premises Licence Holder can sustainably promote the licensing objectives.

Dorset Police will mediate and engage further with the Premises Licence Holder during the Statutory Consultation period that follows this Application for a Review of a Premises Licence to attempt to identify and agree improvements to the existing operating schedule that will mitigate the existing risks and concerns associated with this premise.

Dorset Police will provide the members of the Sub-Committee and the Premises Licence Holder

with a complete Supplementary Evidence Report in advance of the Sub-Committee hearing which will include comprehensive details of all of our concerns, details of any mediation and agreements that have taken place during the consultation period and an assessment by Dorset Police of the likely impact of the outcomes that can be determined by the members of the Sub-Committee on conclusion of the hearing.



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

If yes please state the date of that application

Day    Month    Year

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**If you have made representations before relating to the premises please state what they were and when you made them**

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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 **22<sup>nd</sup> December 2022**

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.