

BCP COUNCIL

Application for a minor variation to 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, especially Note 1.

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 in black ink. Use additional sheets if necessary.

Once completed please send your application to the relevant licensing authority. You may wish to keep a copy of the completed form for your records.

Tarek Halabi

(Insert name(s) of applicant)

being the premises licence holder(s)/club holding a club premises certificate, apply to vary a premises licence under section 41A/club premises certificate under section 86A of the Licensing Act 2003 for the premises described in Part 1 below.

Part 1 – Premises details

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

Telephone number at premises (if any)

01202 789777

Premises licence number/club premises certificate number

BH084518

Brief description of premises (Please see Guidance Note 2)
Bar/Restaurant and Late night venue

Part 2 – Applicant Details

We are the premises licence holder/~~club premises certificate holder~~. (Please delete as appropriate)

Contact phone number in working hours (if any)

[REDACTED]

Applicant Postal address IF DIFFERENT FROM PREMISES ADDRESS Not applicable	
Post town	Postcode
Please provide email address if you would prefer us to contact you by email (optional) [REDACTED]	

Part 3 – Proposed variation(s)

Please tick

Do you want the proposed variation to have effect as soon as possible? Yes No

DDMMYYYY

If not, from what date do you want the variation to take effect?

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see Guidance Note 3) Yes No

Please describe the proposed variation(s) in detail in the box below and explain why you consider that they could not have an adverse effect on the promotion of any of the licensing objectives (See Guidance Note 1). This should include whether new or increased levels of licensable activities will be taking place indoors or outdoors (indoors may include a tent):

Details of proposed variation(s) (Please see Guidance Note 4)
Please see the attached document at appendix 1

Part 4 – Operating Schedule

Please tick those parts of the Operating Schedule which would be subject to change if this application to vary were successful.

Provision of regulated entertainment (please read guidance note 5)

Please tick all that apply

- a. plays
- b. films
- c. indoor sporting events
- d. boxing or wrestling entertainment
- e. live music
- f. recorded music
- g. performances of dance
- h. anything of a similar description to that falling within (e), (f) or (g)

Provision of late night refreshment
Supply of alcohol

(Note that this can only relate to reducing licensed hours, or moving them without any overall increase between 7am and 11pm)

Please tick to indicate you have enclosed the following:

I have enclosed the premises licence/club premises certificate

I have enclosed the relevant part of the premises licence/
club premises certificate

I have included a copy of the plan

(this is necessary if the proposed variation will affect the layout)

If you have not ticked one of the previous three boxes, please explain why in the box below.

Reasons why you have not enclosed the premises licence/club premises certificate or relevant parts.

Not applicable

Any further information to support your application. (See Guidance Note 6)

The premises are currently the subject of an application by the Police to review the Licence.

The police have made proposals to mediate and this is in effect the response. The intention is to demonstrate that the holder of the licence is prepared to agree modifications to the licence with immediate effect (following the end of the consultation period) rather than 21 days after the review hearing (and not then subject to any appeal).

Please note that the police do not accept that the amended conditions proposed in this application are sufficient to answer their concerns. It will be a matter for the Licensing sub-committee to resolve the issue as to whether further or amended conditions are appropriate when it comes to the review hearing and it is acknowledged that should the police not object to this application, their position regarding the review hearing is preserved.

CHECKLIST:

Please tick to indicate agreement

- I have made or enclose payment of the fee.
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have enclosed the plan, if appropriate, of the premises in scale [1mm to 100mm], unless otherwise agreed with the licensing authority.
- I have enclosed the premises licence/club premises certificate or relevant part of it or provided an explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

I understand that I must now advertise my application for a continuous period beginning on the first working day after the day on which the application was given to the relevant licensing authority and ending at the expiry of the ninth consecutive working day after that day.

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 5 – Signatures and Contact Details (See Guidance Note 7)

Premises Licence: Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (see Guidance Note 8). If signing on behalf of the applicant, please state your name and in what capacity you are authorised to sign:

Signature	Philip J Day for Lacey's Solicitors LLP
Date	29 th January 2023
Capacity	Solicitors for the Applicant

Contact name (where not previously given) and address for correspondence associated with this application. (See Guidance Note 10)

Mr Philip Day
Lacey's Solicitors LLP
9 Poole Road

Post town Bournemouth	Postcode BH2 5QR
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Telephone number (if any) [REDACTED]	If you would prefer us to correspond with you by email your email address (optional) [REDACTED]
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Notes for Guidance -

The Guidance notes do not form part of the application form itself and have been removed in the interest of saving paper and sustainability generally.

APPENDIX 1

Havana – Details of Amended Conditions etc for Minor Variation application

(Explanatory notes in brackets not intended to be included in the amended conditions)

Permitted activities and hours

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 – *The licence records this as “053:00” but it should be 05:30.*

Conditions

Mandatory conditions to remain.

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. – *Note that the licence does not include later opening times on any Bank Holiday Sunday, New Year’s Eve etc – historically, the holder of the licence has given TEN’s for such occasions.*

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. – *This is actually a requirement under legislation relating to CCTV but we are content for it to be included.*

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 – *This duplicates other legislation.*

Condition 2.5 to be deleted – *All matters relating to Fire Safety now come under the Regulatory Reform (Fire Safety) Order 2005 and the condition is not therefore of any effect.*

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.

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.

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 – *These have been subsumed into the new conditions detailed above.*

Philip Day
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29th January 2023