

# LICENSING SUB-COMMITTEE



Report subject	<b>Havana, 61 Charminster Road, Bournemouth</b>
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><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; and/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 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](http://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