

## 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 22<sup>nd</sup> February 2023 following the Sub-Committee hearing which took place on the 15<sup>th</sup> 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 16<sup>th</sup> 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 2<sup>nd</sup> 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**

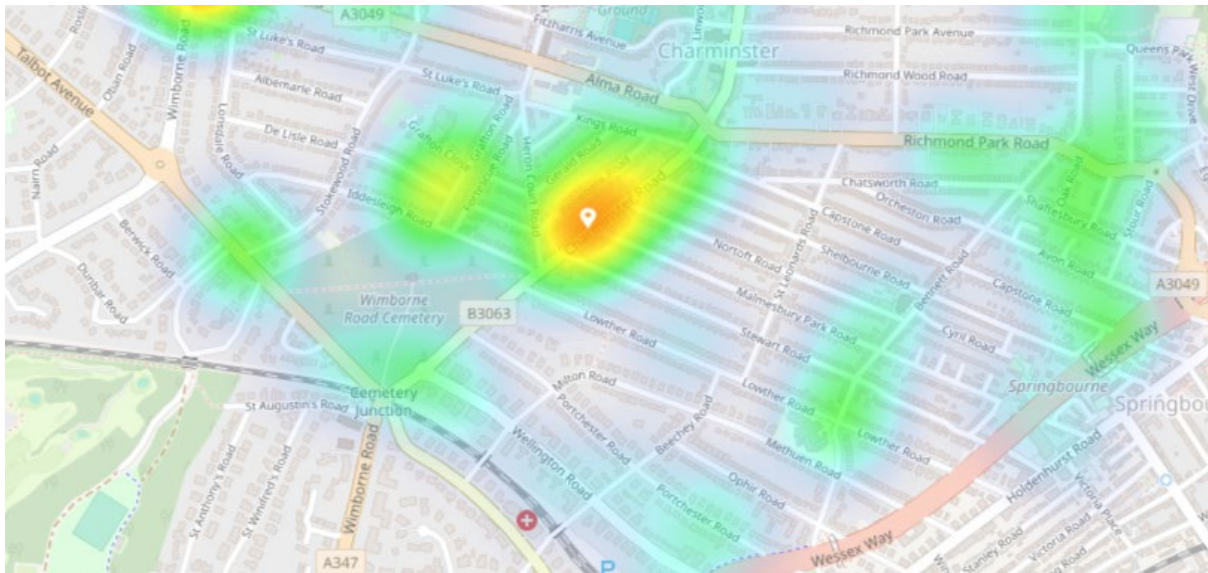
To put some additional context to these concerns, please see the below ‘Heat Maps’ which provide Dorset Police and our partners with illustrations as to the source of demand.

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.

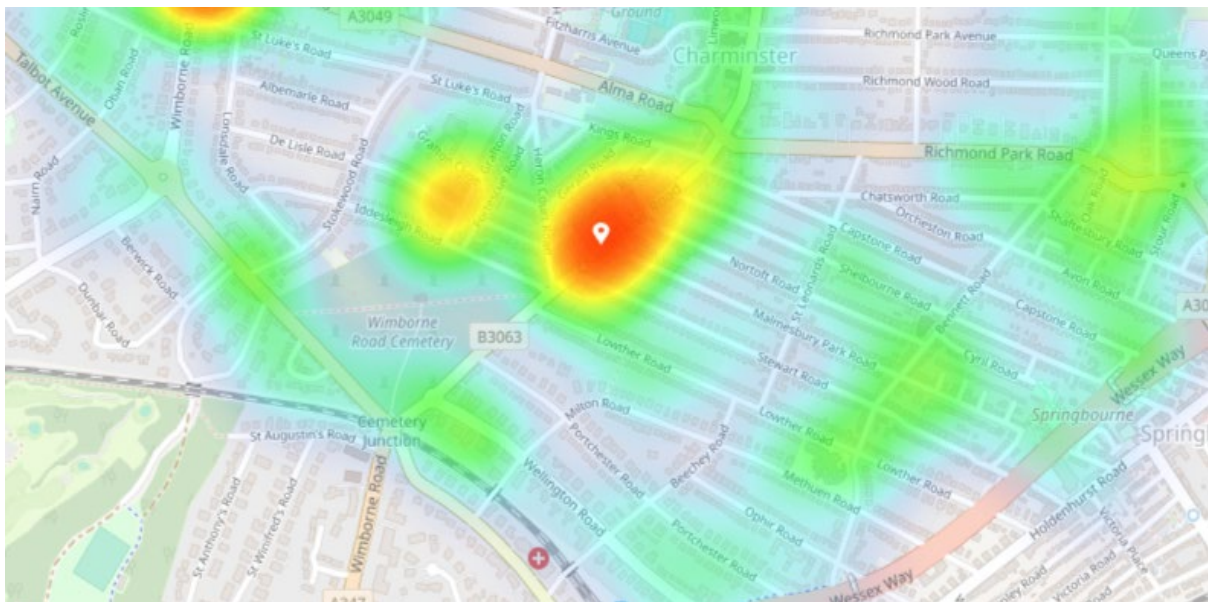
The data analysed to create these ‘Heat maps’ include reports of Anti-Social Behaviour (ASB), concerns around Public Safety and Crime Occurrences which include matters relating to sexual offences, assaults, other disturbances, and threats of violence.

The below illustrates the level of reporting of the above matters between **12am and 2am** between **25<sup>th</sup> April 2024 – 25<sup>th</sup> 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 **25<sup>th</sup> October 2023 – 25<sup>th</sup> 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.



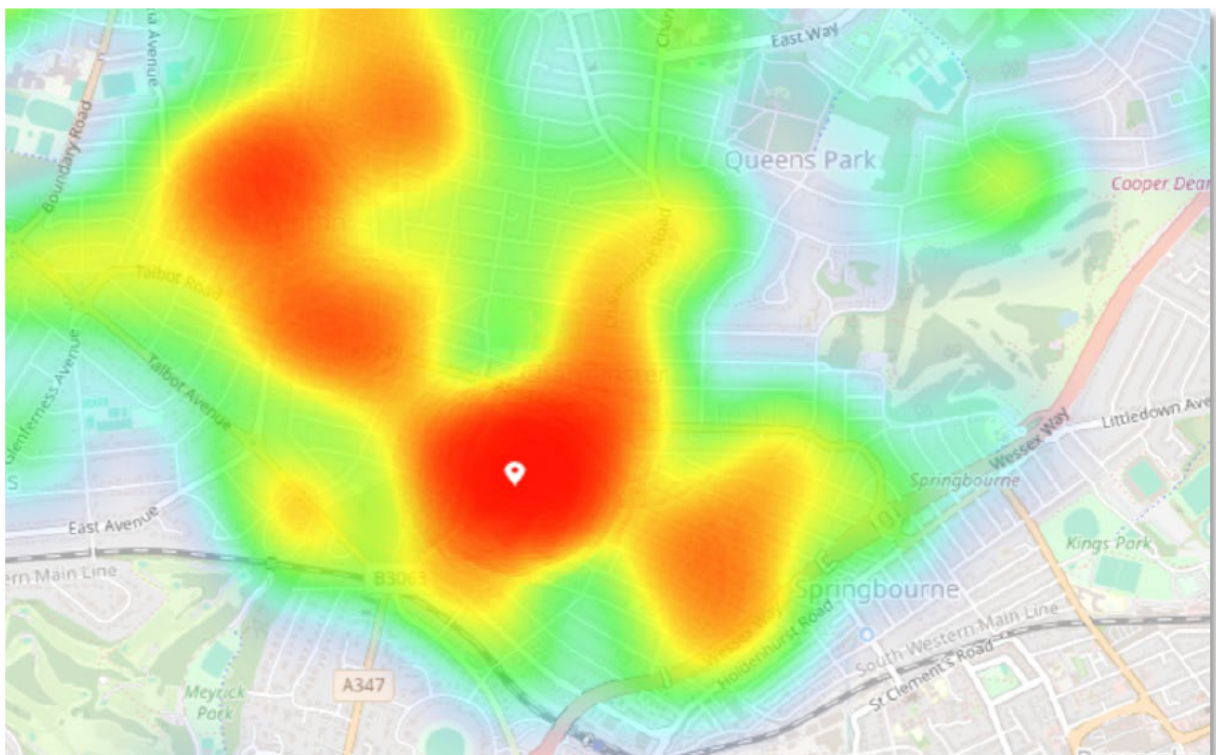
Havana is one of the relatively few premises open beyond 2am in Charminster Road. The below illustrations highlight the level of demand associated to the area occupied by Havana between **2am and 5am**.

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



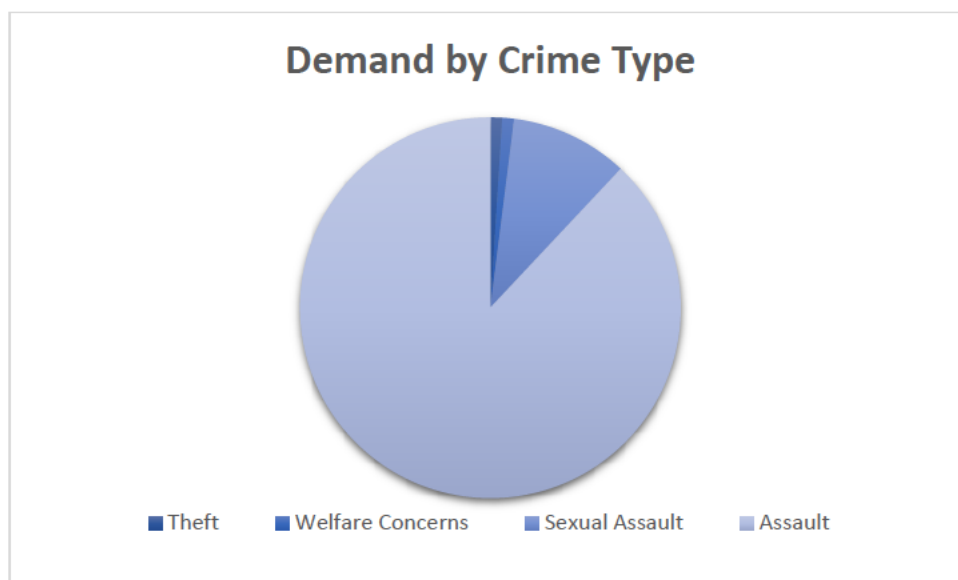
The enhancement of the heat in that area and the relatively unchanged demand elsewhere demonstrates that this area is a focus for crime and disorder.

The below illustration depicting **12 months** of demand (using same criteria between **25<sup>th</sup> October 2023 and 25<sup>th</sup> 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 25<sup>th</sup> 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 18<sup>th</sup> March 2024; 19<sup>th</sup> March 2024 and 9<sup>th</sup> 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 9<sup>th</sup> 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 19<sup>th</sup> 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 8<sup>th</sup> 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 22<sup>nd</sup> 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

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[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 19<sup>th</sup> 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 22<sup>nd</sup> 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 22<sup>nd</sup> 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.