

Licensing Team
BCP Council Civic Centre
Bourne Avenue
Bournemouth BH2 6DY



Sergeant G Gosling
Dorset Police Licensing
Drug and Alcohol Harm Reduction
5 Madeira Road
Bournemouth
BH1 1QQ

Date: 22 February 2023
Our Ref: LDBv3: Misc. Act.: 203753: TMJ02596
Contact: Mrs Tania Jardim
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SENT VIA EMAIL

Dear Sergeant Gosling,

Licensing Act 2003 – Notice of Decision
Havana Wine Bar 61 Charminster Road Bournemouth BH8 8UE

The Licensing Sub-Committee sat on 15 February 2023 to consider the application dated the 22 December 2022 for the review of the premises licence in respect of Havana Wine Bar, 61 Charminster Road, Bournemouth, BH8 8UE. I can confirm that Bournemouth Christchurch and Poole Council has reached the following decision:

Decision

RESOLVED that having considered the application to review the premises licence, submitted by Dorset Police under Section 51 of the Licensing Act 2003, for the premises known as 'Havana Wine Bar', 61 Charminster Road, Bournemouth, BH8 8UE, received by the Licensing Authority on the 22nd of December 2022, in relation to the prevention of crime and disorder licensing objective, the Sub-Committee has decided to leave the licence in its current state, that being the licence that was amended via a minor variation on 11 February 2023.

Reasons for Decision

The Sub-Committee gave detailed consideration to all of the information which had been submitted before the hearing and contained in the report and appendices for Agenda Item 6, in particular the written evidence provided by Dorset Police in support of the application for review and the verbal submissions made at the hearing by Sergeant Gosling on behalf of Dorset Police, by Mr Philp Day, Laceys Solicitors, acting on behalf of Mr Tarek Halabi, the Premises Licence Holder and the responses given to all questions asked at the hearing.

In determining the review, the Sub-Committee considered the options available as set out in the recommendations of the report and the Licensing Act 2003.

The Sub-Committee heard from Sergeant Gosling that more recently, there had been a period of significant crime and disorder and violence associated with 'Havana Wine Bar', which in the past had generally operated well. Sergeant Gosling informed the Sub-Committee that since Dorset Police had submitted its application for review, a significant amount of communication had taken place between

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'BCP Council' is the operational name for Bournemouth, Christchurch and Poole Council.

Dorset Police and Mr Day on behalf of the Premises Licence Holder, to find a way forward and agree conditions, which would promote the prevention of the crime and disorder licensing objective.

Mr Philip Day, Solicitor, representing the Premises Licence Holder, had informed the Sub-Committee that following mediation with Dorset Police, the Premises Licence Holder had applied for a minor variation of the Premises Licence, as shown at Appendix 1 of the Report, and that the minor variation with a slight reduction in hours and newly attached conditions sought to 'tidy up' the licence and comply with the requests made by Dorset Police. The application for a minor variation took effect on 11 February 2023.

Sergeant Gosling confirmed that the concerns raised by Dorset Police had been met by the amended premises licence. The only point not agreed was a last entry time. The Premise Licence Holder had proposed a last entry time of 03:30hrs and Dorset Police would have preferred an earlier time of 03:00 hours, however, Dorset Police were prepared to accept a last entry time of 03:30 hours and will continue to monitor the premises going forward. The Licensing Sub-Committee was satisfied that Dorset Police would continue to monitor the premises and that Dorset Police had opened an additional line of communication for neighbours, through a local resident's group, who have been encouraged to report any ongoing issues.

The Sub-Committee was grateful for the discussions that had taken place between Dorset Police and the Premises prior to the hearing and felt that the conditions covered by the minor variation were very comprehensive. Given that the minor variation had already taken effect and the concerns of Dorset Police had been met, the Sub-Committee determined that no further action needed to be taken. The Sub-Committee was assured that the Premise Licence Holder had learned his lesson and was satisfied that if the Premises operated in accordance with the conditions now on the premises licence and as described at the hearing, that the premises should not undermine the licensing objectives and could operate in a safe and compliant manor.

It was noted that a further review of the premises licence could be applied for at any time by a Responsible Authority or any other person should there be any issues associated with the premises in the future that undermined the licensing objectives.

In making this decision the Sub-Committee have had regard to the Bournemouth, Christchurch and Poole Council Licensing Policy, the revised guidance, as set out by the Secretary of State and the licensing objectives, as set out in the Licensing Act 2003.

Right of appeal

You do have a right of appeal against this decision. An appeal against the review decision may be made to Designated Officer, Dorset Magistrates' Court, Deansleigh Road, Bournemouth, BH7 7DS within 21 days of the appellant being notified of the Licensing Authority's determination on the review. An appeal may be made by the premises licence holder, the Chief Officer of Police and/or any interested person who made relevant representations.

Yours sincerely

Tania Jardim

Mrs Tania Jardim
Licensing Officer