

LICENSING SUB-COMMITTEE



Report subject	Swan In Food & Wine, Unit A, 29 Old Orchard, Poole, BH15 1SD
Meeting date	22 January 2024
Status	Public Report
Executive summary	<p>Swan In Food and Wine Limited have made application for a premises licence at Unit A, 29 Old Orchard, Poole. The application is to permit Off Sales of Alcohol as follows: -</p> <p>Monday to Thursday 06:00 to 00:00</p> <p>Friday and Saturday 06:00 to 01:00</p> <p>Sunday 10:30 to 22:30</p> <p>The Licensing Authority has received one representation from Dorset Police and four representations from other persons on the basis that the grant of the licence would undermine the prevention of crime and disorder, public safety and prevention of public nuisance licensing objectives.</p>
Recommendations	<p>It is RECOMMENDED that:</p> <p>Members are asked to decide whether to:-</p> <p>a) Grant the application for a premises licence as made;</p> <p>b) Refuse the application for a premises licence;</p> <p>c) Grant the premises licence subject to additional conditions.</p> <p>Members of the Licensing Sub-Committee 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.</p>
Reason for recommendations	<p>The Licensing Authority has received one representation from the Dorset Police and four representations from other persons in objection to the application on the grounds that to grant the application, would undermine the prevention of crime and disorder, public safety and prevention of public nuisance licensing objectives.</p> <p>The Licensing Authority may only consider aspects relevant to the application that have been raised in representation.</p> <p>Where representations have been received in relation to an</p>

	<p>application by a responsible authority or any other person, and the concerns have not been resolved through mediation between all parties, the Scheme of Delegation set out in the Council's Constitution states that these applications should be dealt with by the Licensing Sub-Committee.</p>
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Portfolio Holder(s):	Cllr Kieron Wilson – Portfolio Holder for Housing, and Regulatory Services.
Corporate Director	Jillian Kay – Corporate Director for Wellbeing
Report Authors	Tania Jardim – Licensing Officer Sarah Rogers – Senior Licensing Officer
Wards	Poole Town
Classification	For Decision

Background

1. An application for a new premises licence under Section 17 of the Licensing Act 2003 was made on 21 November 2023. The application is for an off licence and convenience store to permit the Supply of Alcohol for consumption off the premises Monday to Thursday 06:00 to 00:00, Friday and Saturday 06:00 to 01:00 and Sunday 10:30 to 22:30. A copy of the application is attached at Appendix 1.
2. A plan showing the location of the premises is attached at Appendix 2.

Consultation

3. The application was served on all responsible authorities and the applicant confirmed that the statutory notices were displayed on site and published in the local newspaper.
4. The application prompted four representations from other persons under the prevention of crime and disorder and prevention of public nuisance licensing objectives. Copy representations are attached at Appendix 3.
5. Dorset Police contacted the applicant with a view to mediate conditions in order to uphold the licensing objectives of prevention of crime and disorder, public safety and prevention of public nuisance licensing objectives. Dorset Police requested the licensable hours be reduced to terminate at 00:00 on Friday and Saturday and to add conditions relating to SIA registered door staff, training and ABV percentage. No response was received from the applicant to the suggested conditions and Dorset Police's representation still stands. Copy email representation is attached at Appendix 4.
6. There are no representations from any other Responsible Authorities.

Options Appraisal

7. Before making a decision, Members are asked to consider the following matters: -
 - The representations made by Other Persons.
 - The representation made by Dorset Police.
 - The relevant licensing objectives, namely the prevention of crime and disorder, public safety and prevention of public nuisance.

- The Licensing Act 2003, appropriate Regulations, Statutory Revised Guidance issued under Section 182 of the Licensing Act 2003 (December 2023) and the Council's Statement of Licensing Policy.

Summary of financial implications

8. An appeal may be made against the decision of Members by the applicant or holder of the licence to the Magistrates' Court which could have a financial impact on the Council.

Summary of legal implications

9. If Members decide to refuse the application or attach conditions to the licence which the applicant does not agree to, the applicant may appeal to the Magistrates' Court within a period of 21 days beginning with the day that the applicant is notified, in writing, of the decision.

Summary of human resources implications

10. There are no human resources implications.

Summary of sustainability impact

11. There are no sustainability impact implications.

Summary of public health implications

12. There are no public health implications.

Summary of equality implications

13. There are no equality implications.

Summary of risk assessment

14. There are no risk assessment requirements.

Background papers

BCP Council – Statement of Licensing Policy

<https://democracy.bcpCouncil.gov.uk/documents/s21122/Statement%20of%20Licensing%20Policy.pdf>

Hearing Regulations

<https://www.legislation.gov.uk/ukSI/2005/44/made>

Revised Guidance issued under Section 182 of the Licensing Act 2003 (December 2023)

https://assets.publishing.service.gov.uk/media/6579dec8095987000d95e063/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_-_December_2023.pdf

Appendices

- 1 – Copy Application.
- 2 – Copy of location plan.
- 3 – Copy representations from other persons.
- 4 – Copy representation from Dorset Police.