

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 22 January 2024 at 10.00 am

Present:-

Cllr S Moore – Chair

Present: Cllr A Chapmanlaw, Cllr M Dower

85. Election of Chair

RESOLVED that Cllr S Moore be elected Chair of the Sub-Committee for the duration of the meeting.

Voting: Unanimous

86. Apologies

There were none.

87. Declarations of Interests

There were none.

88. The Swan Inn, Unit B & Unit C, 29 Old Orchard, Poole, BH15 1SD

Attendance:

BCP Council:

Tania Jardim – Licensing Officer

Johanne McNamara – Legal Advisor to the Sub-Committee

Jill Holyoake – Clerk to the Sub-Committee

The Chair made introductions and explained the procedure for the hearing, which was agreed by all parties.

The Licensing Officer presented the report, a copy of which had been circulated and a copy of which appears as Appendix A to these minutes in the Minute Book. The Sub Committee was asked to consider an application for a new premises licence for the premises known as Swan Inn, Unit B and Unit C, 29 Old Orchard, Poole BH15 1SD, to permit the Indoor Sporting Events, Live Music, Recorded Music, Performances of Dance, Late Night Refreshment and the Supply of Alcohol (on and off sales) on Monday to Thursday 09:00hrs to 02:00hrs, Friday and Saturday 09:00hrs to 03:00hrs and Sunday 09:00hrs to 00:00hrs (with the exception of Indoor Sporting Events on Sunday, to be 09:00 to 01:00hrs)

The application had resulted in two representations from Responsible Authorities, Dorset Police and Environmental Heath, and fourteen representations from Other Persons on the grounds that the licence if

granted would undermine the prevention of crime and disorder, prevention of public nuisance, public safety and protection of children from harm licensing objectives.

Dorset Police contacted the applicant with a view to mediate conditions as proposed in Appendix 4 of the report. Environmental Health objected until such time as a noise impact assessment was submitted and agreed by Environmental Health. As no response was received from the applicant to the conditions suggested by either Responsible Authority, both representations still stood.

A supplementary pack of information from Dorset Police in support of its representation had been submitted after the report was published, a copy of which had been circulated and which appears as Appendix B to these minutes in the Minute Book.

The following persons attended the hearing and addressed the Sub Committee to expand on the points made in written submissions:

Applicant:

Mr Surendra Panchal – Applicant's representative

Ms Priti Dip Sukhadiya – Applicant (in attendance)

Responsible Authorities:

Mr John Bean and Inspector Nick Lee – Dorset Police

Mr Paul Barker – Environmental Health

Other Persons:

Mr Kelvin Woodward

Mr Richard Carr, Fortitudo Ltd

Mr Lee Elliot

Mrs Christine Bottin

Ms Michelle Long.

The Sub Committee asked various questions and were grateful for the responses received. All parties were given the opportunity to ask questions and were invited to sum up before the Sub-Committee retired to make its decision.

RESOLVED that the application for a new premises licence for the premises known as The Swan Inn, Unit B and Unit C, 29 Old Orchard, Poole BH15 1SD, to permit Indoor sporting events, Live Music, Recorded Music, Performances of Dance, Late Night Refreshment and Supply of Alcohol be GRANTED in accordance with the conditions to promote the licensing objectives set out in Section 18 of the application form AND subject to the following additional conditions:

- Live/recorded music to be permitted on Friday and Saturday only, to be limited to inside the premises and to end no later than 01:30hrs.
- Other licensable activities applied for to be permitted during the following hours: Monday to Thursday – 09:00hrs to 01:00hrs, Friday

and Saturday – 09:00hrs to 02:00hrs, Sunday – 09:00 to 00:00hrs, save that on Sunday Indoor Sporting Events be permitted from 09.00 – 01.00hrs.

- Prior to the use of any premises licence, a report will be commissioned by the applicant whereby sound transmission to the residential properties above and noise from the use of the premises licence will not have a detrimental effect on nearby residents. The report must include noise from any licensable activity and also any plant or machinery used in association with the use of the premises licence. For example but not exclusively, cellar cooling equipment, air conditioning units, any extracts used in connection with any food offer on site. All noise mitigation recommendations identified in the report must be implemented in full and post completion testing carried out to ensure that the mitigation scheme works as intended. The noise assessment shall be carried out by a suitably qualified acoustic consultant/engineer and shall take into account the provisions of BS4142: 2014 "Method of rating industrial noise affecting mixed residential and industrial areas" and BS 8233: 2014 "Sound Insulation and Noise Insulation for Buildings - Code of Practice" Any noise limiter proposed as part of these recommendations or otherwise, to have levels approved and set by Environmental Health.
- The premises to be a member of the Poole Pub Watch scheme, as long as such scheme exists.
- On Fridays and Saturdays, at least 2 SIA registered door staff to be employed at the premises from 20.00hrs until the premises closes and all customers have left the vicinity.
- During the Summer Season, the Premises Licence Holder shall provide a written risk assessment for the need (or not) for the employment of SIA registered door staff at the premises.
- For specific events on the Quay (such as Bikers Nights, Fireworks and others as discussed with Dorset Police), at least 2 SIA registered door staff shall be employed at the premises from 17.00hrs until the premises closes and all customers have left the vicinity.
- The Premises Licence Holder shall produce a dispersals policy to ensure that nearby residents are not disturbed at the time the premises closes
- No deliveries including refuse collection between 20:00hrs and 08:00hrs the following day.
- Mobile phone numbers for the Designated Premises Supervisor and premises manager to be provided to local residents as a point of contact at all times when the premises licence is in operation.

Reason 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 for Agenda Item 5 and the verbal submissions made at the hearing by Mr Surendra Panchal representing the applicant, Mr John Bean and Inspector

Lee representing Dorset Police, Mr Paul Barker representing Environmental Health and the following 'Other Persons' – Mr Kelvin Woodward, Richard Carr representing Fortitudo Ltd, Mr Lee Elliot, Mrs Christine Bottin and Ms Michelle Long. The Sub Committee also had regard to the points raised in the written representations made by those Other Persons who did not attend/speak at the hearing.

The Sub Committee was mindful that Dorset Police was its main source of advice on crime and disorder. Dorset Police and other representations had raised concerns about the potential impact of the premises on anti social behaviour in the local area. Having met with the applicant's representative, the Police had sought confirmation by email of additional conditions discussed. Although Mr Panchal explained that he had not been able to respond as he had been awaiting instructions from his client, the Police were disappointed at this lack of communication and remained concerned about the applicant's ability to translate words into tangible actions when it came to upholding the licensing objectives. The Sub Committee noted that the additional conditions as set out in Appendix 4 of the report were accepted by Mr Panchal on behalf of the applicant at the hearing.

The Sub Committee was mindful of concerns raised by Environmental Health and other representations about the potential for the premises to cause or add to public nuisance, particularly in view of its close proximity to a new residential development. Mr Panchal reported that a sound installation test had been carried out on behalf of the applicant but this had not been submitted to the Local Authority. The Sub Committee shared the concerns raised at the hearing about the adequacy of this test and any mitigation measures which may have been taken to date. Members agreed that a robust condition should be added to the licence to ensure that noise associated with the operation of a licensed premises would not have a detrimental impact on nearby residents. It was noted that there was no outside smoking area on the premises and that although the applicant intended staff to limit numbers leaving the premises to smoke, this could not form a condition. The Sub Committee wished to remind the applicant of the duty to uphold the prevention of public nuisance licensing objective at all times.

The Sub Committee was grateful to Mr Panchal for confirming the applicant's offer to reduce the hours on Monday to Thursday to 01.00hrs. The Sub Committee felt that reducing the hours to 02:00hrs on Friday and Saturday would match the latest terminal hour of another premises in the area and deter customers from moving from other premises to take advantage of later hours at this premises. Mr Panchal also confirmed that it was only intended to have live/recorded music on Friday and Saturday and the Sub Committee agreed to add this as a condition, to be limited to inside the premises and to end no later than 01:30hrs. Mr Panchal also confirmed that the applicant was willing to add conditions to limit delivery hours and provide mobile phone numbers for local residents to contact the premises with any issues.

The Sub Committee noted that a number of concerns raised in representations related to planning matters which could be followed up via the planning regime and were not relevant to the Licensing Objectives that the Sub Committee needed to consider.

The Sub-Committee was satisfied that if the premises operated in accordance with the above amended hours and conditions, that the premises should not undermine the licensing objectives and as such the application should be granted.

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.

All parties to the application have the right to appeal to the Magistrate's Court within the period of twenty-one days beginning with the day on which the applicant is notified by the Licensing Authority of this decision in writing.

89. Swan In Food & Wine, Unit A, 29 Old Orchard, Poole, BH15 1SD

Attendance:

BCP Council:

Tania Jardim – Licensing Officer

Johanne McNamara – Legal Advisor to the Sub-Committee

Jill Holyoake – Clerk to the Sub-Committee

The Chair made introductions and explained the procedure for the hearing, which was agreed by all parties.

The Licensing Officer presented the report, a copy of which had been circulated and a copy of which appears as Appendix C to these minutes in the Minute Book. The Sub Committee was asked to consider an application for a new premises licence for the premises known as Swan In Food and Wine, 29 Old Orchard, Poole BH15 1SD, to permit off sales of alcohol on days/times. The application had resulted in one representation from a Responsible Authority, Dorset Police, and four representations from Other Persons on the grounds that the licence if granted would undermine the prevention of crime and disorder, prevention of public nuisance and protection of children from harm licensing objectives.

Dorset Police contacted the applicant with a view to mediate conditions as proposed in Appendix 4 of the report. As no response was received from the applicant to the conditions suggested by Dorset Police, its representation still stood.

A supplementary pack of information from Dorset Police in support of its representation had been submitted after the report was published, a copy of which had been circulated and which appears as Appendix D to these minutes in the Minute Book.

The following persons attended the hearing and addressed the Sub-Committee to expand on the points made in written submissions:

Applicant:

Mr Surendra Panchal – Applicant's representative

Ms Priti Dip Sukhadiya – Applicant (in attendance)

Responsible Authority:

Mr John Bean and Inspector Nick Lee – Dorset Police

Other Persons:

Mr Richard Carr, Fortitudo Ltd

Mr Kadir Kurekci

Mr Yuri Emilov

The Sub Committee asked various questions and were grateful for the responses received. All parties were given the opportunity to ask questions and were invited to sum up before the Sub-Committee retired to make its decision.

RESOLVED that the application for a new premises licence for the premises known as Swan In Food and Wine, Unit A, 29 Old Orchard, Poole BH15 1SD, to permit off sales of alcohol be GRANTED in accordance with the steps taken to promote the licensing objectives set out in Section 18 of the application form AND subject to the following additional conditions:

- Hours for the supply of off sales of alcohol and hours premises are open to be as follows: Monday to Saturday 06:00hrs to 23:00hours, Sunday 10:30 to 22:30hrs.
- The employment of SIA registered door staff to be risk assessed by the Premises Licence Holder in consultation with Dorset Police.
- All staff to be employed at the premises to undergo training in conflict management and this to be recorded (date and provider) on the training record of each member of staff.
- No high strength beers, lagers and ciders above 5.5% ABV shall be stocked with the exception of premium beers that shall be removed from immediate customer access.
- Visibility into the premises to be in accordance with the good practice recommendations of the Dorset Police 'Design Out Crime' officer.

Reason 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 supplementary information for Agenda Item 6 and the verbal submissions made at the hearing by Mr Surendra Panchal representing the applicant, Mr John Bean and Inspector Lee representing Dorset Police, and the following 'Other Persons' – Mr Richard Carr representing Fortitudo Ltd, Mr Kadir Kurekci and Mr Yuri Emilov. The Sub Committee also had regard

to the written representation made by one Other Persons who did not attend/speak at the hearing.

The Sub Committee was mindful that Dorset Police was its main source of advice on crime and disorder. Dorset Police and other representations had raised concerns about the potential impact of the premises on anti social behaviour, shoplifting and street homelessness in the local area. Having met with the applicant's representative, the Police had sought confirmation by email of some conditions discussed. Although Mr Panchal explained that he had not been able to respond as he had been awaiting instructions from his client, the Police were concerned at the lack of communication and the applicant's ability to translate words into tangible actions when it came to upholding the licensing objectives.

The Sub Committee noted that these conditions as set out in Appendix 4 of the report were accepted by Mr Panchal on behalf of the applicant at the hearing. Although Mr Panchal indicated at the hearing that the applicant would prefer not to reduce the hours on Monday to Saturday further to 23:00hrs, having considered the concerns raised in the representations the Sub Committee agreed that this further reduction would assist in upholding the licensing objectives. The closing time of 23:00hrs was also in line with two of the four other premises licensed for off sales in the area. At the hearing Dorset Police also referred to concerns around the visibility into the premises following a meeting on site with the Dorset Police Design Out Crime Officer. The Sub Committee agreed that these concerns could be addressed by an additional condition seeking compliance with the Officer's recommendations.

Dorset Police also referred to information regarding a previous licence review by Brent Council in 2019. It was noted that no further complaints had been received since this review, the DPS was no longer involved with the premises and the licence had transferred to someone else.

The Sub Committee noted that a number of concerns raised in representations related to planning matters which could be followed up via the planning regime and were not relevant to the Licensing Objectives that the Sub Committee needed to consider. The Sub Committee was also advised that the need for another licensed premises in terms of commercial demand was not a matter it was able to consider and therefore disregarded any comments on this point.

The Sub-Committee was satisfied that if the premises operated in accordance with the above amended hours and conditions, that the premises should not undermine the licensing objectives and as such the application should be granted.

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.

All parties to the application have the right to appeal to the Magistrate's Court within the period of twenty-one days beginning with the day on which the applicant is notified by the Licensing Authority of this decision in writing.

The meeting ended at 1.00 pm

CHAIR