



Licensing Sub-Committee

Date: Thursday, 5 March 2020
Time: 2.30 pm
Venue: Committee Room C, South Walks House, South Walks Road, Dorchester, DT1 1UZ (DT1 1EE for sat nav)

Membership: (Quorum 3)

Councillors Jon Andrews, Emma Parker and Molly Rennie

Chief Executive: Matt Prosser, South Walks House, South Walks Road, Dorchester, Dorset DT1 1UZ (Sat Nav DT1 1EE)

For more information about this agenda please telephone Democratic Service 01305 252234 kate.critchel@dorsetcouncil.gov.uk



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Members of the public are welcome to attend this meeting with the exception of any items listed in the exempt part of this agenda. **Please note** that if you attend a committee meeting and are invited to make oral representations your name, together with a summary of your comments will be recorded in the minutes of the meeting. Please refer to the guide to public participation at committee meetings for more information about speaking at meetings.

There is a Hearing Loop Induction System available for public use on request. Please speak to a Democratic Services Officer for assistance in using this facility.

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A G E N D A

Page No.

**1 ELECTION OF CHAIRMAN AND STATEMENT FOR THE
PROCEDURE OF THE MEETING**

To elect a Chairman for the meeting and the Chairman to present and explain the procedure for the meeting.

2 APOLOGIES

To receive any apologies for absence.

3 URGENT ITEMS

To consider any items of business which the Chairman has had prior notification and considers to be urgent pursuant to section 100B (4) b) of the Local Government Act 1972. The reason for the urgency shall be recorded in the minutes.

4 LICENSING SUB-COMMITTEE PROCEDURES

5 - 8

5 DECLARATIONS OF INTEREST

To receive any declarations of interest.

**6 LICENSING ACT 2003 APPLICATION TO VARY A PREMISES
LICENCE MCKENZIES 45 STATION ROAD SWANAGE BH19 1AD**

9 - 36

To consider a report of the Licensing Officer.

7 EXEMPT BUSINESS

To move the exclusion of the press and the public for the following item in view of the likely disclosure of exempt information within the meaning of paragraph 1 of schedule 12 A to the Local Government Act 1972 (as amended).

The public and the press will be asked to leave the meeting whilst the item of business is considered.

**8 CONSIDERATION OF A CONVICTION FOR THE HOLDER OF A
HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE**

37 - 92

To consider a report of the Licensing Officer.

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THE LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005

Rights of a Party

1. A party has the right to attend the hearing and may be represented by any person.
2. A party is entitled to give further information where the authority has asked for clarification.
3. A party can question another party, and/or address the authority, with consent of the authority.

Failure to Attend

4. If the authority is informed a party does not wish to attend, the hearing may proceed in their absence.
5. If a party has not indicated their attendance and fails to attend the hearing may be adjourned if considered in the public interest, or hold the hearing ensuring the party's representation is considered.
6. Where the authority adjourns the hearing it shall notify the parties of the date, time and place.

Procedural Information

7. At the start of the hearing, the authority shall explain the procedure which it proposes to follow and shall consider any request for permission for another person to appear at the hearing.
8. A hearing shall take the form of a discussion led by the authority and cross-examination shall not be permitted unless the authority considers that it is required.
9. The authority will allow the parties an equal maximum period of time in which to speak.
10. The authority may require any person behaving disruptively to leave, and may refuse that person to return, but such a person may, before the end of the hearing, submit in writing information they would have been entitled to give orally had they not been required to leave.

FOOTNOTE:

In relation to all other matters governed by the Licensing Act 2003 (Hearings) Regulations 2005 any party or their representative may contact the Licensing Services at Dorset Council and they will be provided with a full copy of the regulations on request.

LICENSING SUB-COMMITTEE PROCEDURE

1. At the start of the meeting the Chairman will introduce:
 - the members of the sub-committee
 - the council officers present
 - the parties and their representatives
2. The Chairman will then deal with any appropriate agenda items.
3. The Licensing Officer will be asked to outline the details of the application, including details of any withdrawn representations.
4. The applicant or their representative is then invited to present their case.
5. Committee members will be invited to ask questions.
6. Where appropriate the Responsible Bodies e.g. representatives of Police, Fire Services, Environmental Services or Trading Standards will be invited to address the sub-committee on any relevant representations they may have.
7. The Chairman may then allow an opportunity for questions.
8. The Chairman will ask any person who has made representations, who have already expressed a wish to do so, to address the sub-committee. The sub-committee will have read all the papers before them, including any letters of representation. Members of the public are asked to keep their comments concise and to the point.
9. The Local Ward Member, if present, will be given an opportunity to address the sub-committee.
10. All parties will be given the opportunity to “sum up” their case.
11. The Chairman will ask the Legal Advisor if all relevant points have been addressed before advising all parties present that the sub-committee will withdraw from the meeting to consider its decision in private. The sub-committee will be accompanied by the Democratic Services Officer and the Legal Advisor can be called upon to offer legal guidance.
12. On returning the Chairman will:

- Notify all those present of the sub-committee's decision (or indicate when it will be made)

- Give brief details of any conditions attached to the licence approval;
Or
- Outline the reasons for the refusal
- Inform that detailed reasons will follow in writing (unless given on the day)
- Inform those present of their right to appeal to the Magistrates' Court

NOTE

The Chairman may vary this procedure, as circumstances require but will have regard to the rules of natural justice and the Licensing Act 2003 (Hearings) Regulations 2005.

The meeting will take place in public. However, the public can be excluded from all or part of the meeting where the sub-committee considers that the public interest in so doing outweighs the public interest in the meeting or that part of the meeting, taking place in public.

Under no circumstances must the parties or their witnesses offer the sub-committee information in the absence of the other parties.

The Chairman and the Sub-Committee have discretion whether to allow new information or documents to be submitted and read at the meeting.

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Licensing Sub-Committee

Licensing Act 2003 – Application to vary a premises licence – McKenzie's, 45 Station Road, Swanage, BH19 1AD

Date of Meeting: 05 March 2020

Portfolio Holder: Cllr T Alford, Customer, Community and Regulatory Services

Local Member(s): Cllr G Suttle and Cllr B Trite

Director: John Sellgren, Executive Director of Place

Executive Summary:

An application has been made by Julie McKenzie to vary a premises licence to authorise the supply of alcohol for consumption on the premises only daily from 12:00 to 22:30. Representations have been received and remain unresolved therefore a hearing by the licensing Sub-Committee must be held to determine the application.

Equalities Impact Assessment:

N/A

Budget:

N/A

Risk Assessment:

N/A

Climate implications:

N/A

Other Implications:

Members will need to consider the application in light of the Council's published Statement of Licensing Policy.

Recommendation:

The Sub-Committee determines the application in the light of written and oral evidence and resolves to either:

- grant the premises licence in the terms sought by the applicant, including such conditions as are consistent with the operating schedule; or
- grant the premises licence as above but modified to such extent that the Sub-Committee considers appropriate for the promotion of the licensing objectives; or
- refuse the application

and give reasons for the decision.

Reason for Recommendation:

Dorset Council Scheme of Delegation.

Appendices:

- 1 – Existing premises licence
- 2 – Original Application form
- 3 – Proposed Operating Schedule as amended
- 4 – Representations

Background Papers:

None

Officer Contact:

Name: Ian Carter

Tel: 01929 557220

Email: ian.carter@dorsetcouncil.gov.uk

1. Further Information

- 1.1 McKenzie's Bistro (formally known as Elizabeth's) is a restaurant located within one of the main retail frontages of Swanage. It currently benefits from a premises licence (PL1740) which authorises the sale of alcohol for consumption on the premises from 12:00 to 15:00 Monday to Saturday and from 18:00 to 22:00 Friday and Saturday. A copy of the current licence is attached as Appendix 1.
- 1.2 The application originally sought to vary the licence to authorise the sale of alcohol for consumption on the premises only between the hours of 12:00 and 23:00 Monday to Sunday. A copy of the original application form and plans are attached as Appendix 2.
- 1.3 Representations relating to the prevention of public nuisance have been received from an interested party. A copy of their representation is attached as Appendix 3.
- 1.4 No representations have been received from any responsible authority.
- 1.5 In response to the representation the applicant has amended the application to terminate the sale of alcohol at 22:30 each day and offered two additional conditions. These amendments are included within the proposed operating schedule attached as Appendix 4.
- 1.6 In determining the application with a view to promoting the licensing objectives in the interests of the local community, the Licensing Sub-Committee must give appropriate weight to:
 - (a) the steps that are appropriate to promote the licensing objectives
 - (b) the representations (including supporting information) presented by all parties

- (c) the statutory guidance issued under section 182 of the Licensing Act 2003; and
- (d) The Council's statement of licensing policy.

- 1.7 All parties, the applicant or the person making the relevant representation, may appeal the decision made by the Licensing Sub-Committee to the Magistrates Court.
- 1.8 The current statutory guidance published by the Home Office and the Council's Statement of Licensing Policy are available in full for Members to view. The attention of Members is however specifically requested to the following provisions.

2. Guidance issued under section 182 of the Licensing Act 2003

- 2.1 Alongside the promotion of the four licensing objectives the current statutory guidance published by the Home Office identifies that the legislation also supports a number of key aims and purposes that include;
 - (a) Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises.
 - (b) Recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises.
- 2.2 The statutory guidance at paragraph 1.17 identifies the need for each application to be considered on its own merits and that conditions must be tailored to the individual type, location and characteristics of the events concerned. "This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions."
- 2.3 At paragraph 2.21 the statutory guidance states in respect of the public nuisance objective "Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right."

3. Dorset Council (Purbeck) Statement of Licensing Policy

- 3.1 The council's statement of licensing policy at 6.4.2 clarifies that "The licensing objectives are the only matters to be taken into account in determining an application."
- 3.2 At paragraph 6.5.1 the council's statement of licensing policy states "The Committee shall not consider the commercial need or demand for additional licensed premises, other than to take account of any cumulative impact upon the licensing objectives."

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PL1740



Licensing Office
Westport House
Worgret Road
Wareham
Dorset
BH20 4PP

licensing@purbeck-dc.gov.uk

Part 1 – Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Elizabeths

45 Station Road, Swanage, Dorset BH19 1AD

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
J. Supply of Alcohol for consumption ON the premises			
	Monday to Saturday	12.00	15.00
	Friday and Saturday	18.00	22.00

THE OPENING HOURS OF THE PREMISES

DESCRIPTION	Time From	Time To
Monday to Saturday	11.00	16.00
Friday and Saturday	18.00	22.00

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND/OR OFF SUPPLIES

Supply of alcohol ON the premises

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Julie Elizabeth McKenzie

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

PL1740



Licensing Office
Westport House
Worgret Road
Wareham
Dorset
BH20 4PP

licensing@purbeck-dc.gov.uk

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Julie Elizabeth McKenzie

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

PA0085

Issued by Purbeck District Council

ANNEXES

ANNEX 1 – MANDATORY CONDITIONS

1. No supply of alcohol may be made under the premises licence —
 - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - a) games or other activities which require or encourage, or are designed to require or encourage, individuals to —
 - i. drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - ii. drink as much alcohol as possible (whether within a time limit or otherwise);
 - b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).



4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either –
 - a) a holographic mark, or
 - b) an ultraviolet feature.
6. The responsible person must ensure that –
 - a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
 - i. beer or cider: ½ pint;
 - ii. gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - iii. still wine in a glass: 125 ml;
 - b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available."
7. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
8. For the purposes of the condition set out in paragraph 7 –
 - a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
 - b) "permitted price" is the price found by applying the formula –
$$P = D + (D \times V)$$
Where
 - i. P is the permitted price,
 - ii. D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence –
 - i. the holder of the premises licence,
 - ii. the designated premises supervisor (if any) in respect of such a licence, or
 - iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;



- d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - e) value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
9. Where the permitted price given by Paragraph (b) of paragraph 8 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
10. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 8 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
11. Any person used to carry out a security activity must be licensed by the Security Industry Authority.

ANNEX 2 – CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE.

- 1. The licence holder must ensure that alcohol is only supplied to patrons who are taking a table meal there and for consumption by such patrons as ancillary to their meal.

ANNEX 3 – CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

None

Licensing Act 2003
Premises Licence Summary

PL1740



Licensing Office
Westport House
Worgret Road
Wareham
Dorset
BH20 4PP

licensing@purbeck-dc.gov.uk

Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

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WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND/OR OFF SUPPLIES

Supply of alcohol ON the premises

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Julie Elizabeth McKenzie

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

Licensing Act 2003
Premises Licence Summary

PL1740



Licensing Office

Westport House

Worgret Road

Wareham

Dorset

BH20 4PP

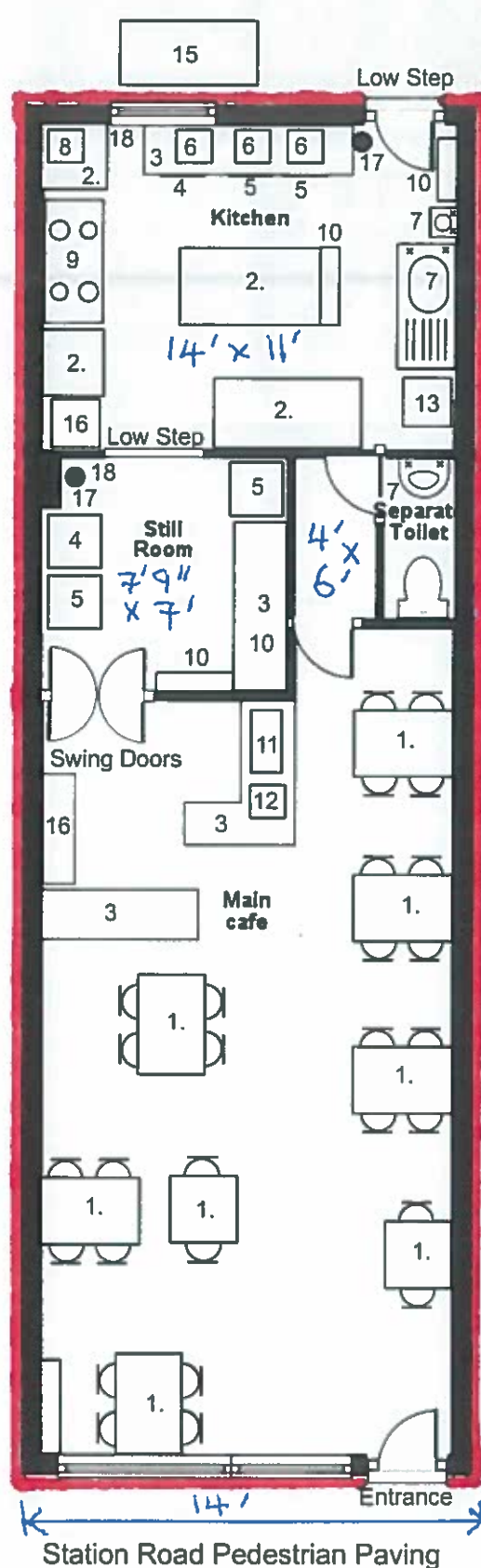
licensing@purbeck-dc.gov.uk

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Julie Elizabeth McKenzie

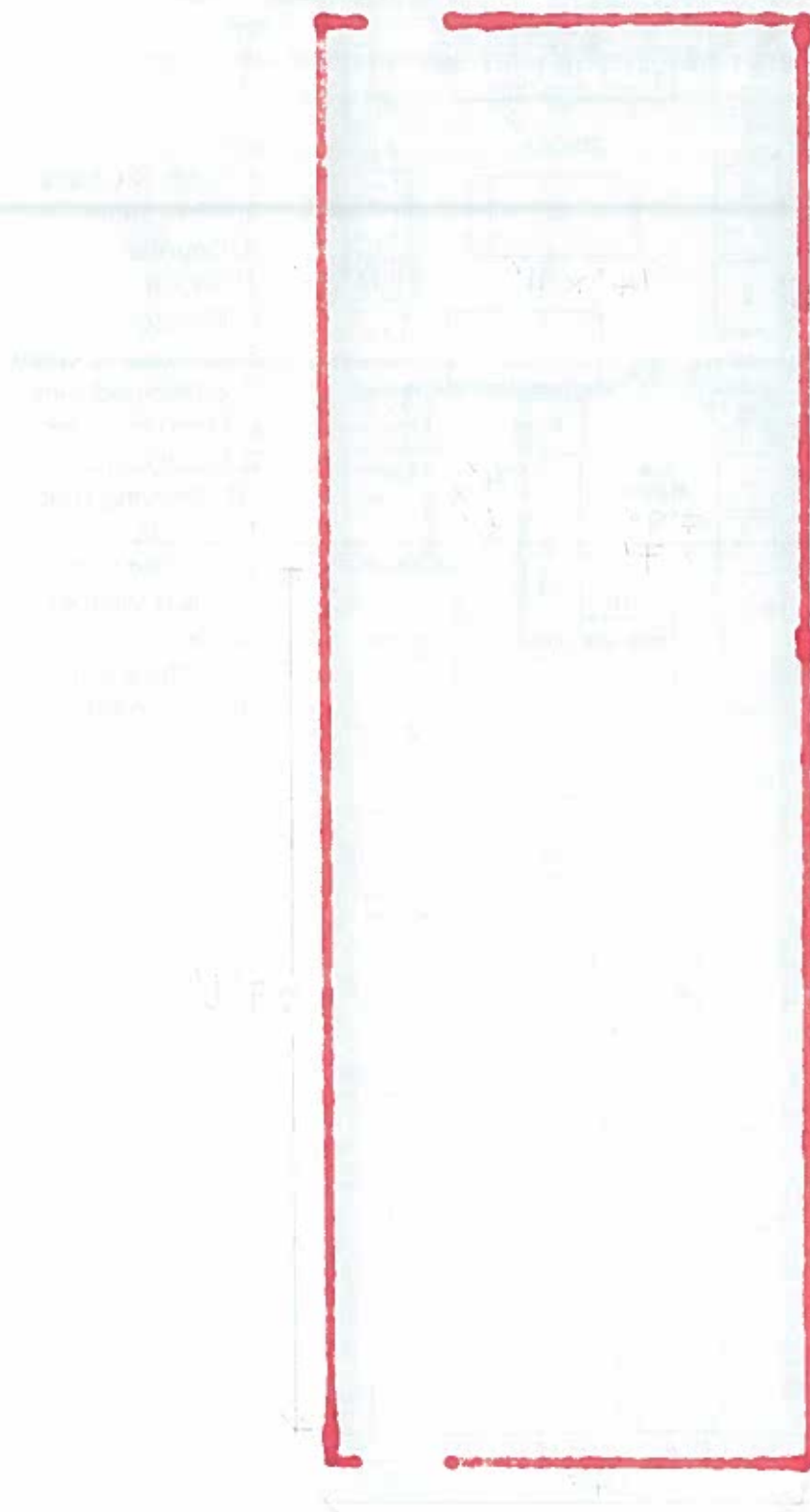
STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

Alley leading to Kings Road →



KEY:

1. Table & Chairs
2. Work Table
3. Counter
4. Fridge
5. Freezer
6. Microwave Oven
7. Sink/Hand Sink
8. Deep Fat Fryer
9. Hob/Ovens
10. Shelving Unit
11. Barista
12. Coffee Grinder
13. Dish Washer
14. WC
15. Refuse Bin
16. Cupboard
17. Fire Extinguisher
18. Fire Blanket



Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Julie Elizabeth McKenzie

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number PL1740

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description 45 Station Road			
Post town	Swanage	Postcode	BH19 1AD
Telephone number at premises (if any)	07593641226		
Non-domestic rateable value of premises	£ 6,200		

Part 2 – Applicant details

Daytime contact telephone number	[REDACTED]		
E-mail address (optional)			
Current postal address if different from premises address	[REDACTED]		
Post town	Swanage	Postcode	BH19 2PN

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

Yes x

No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

(Please see guidance note 1) Yes

No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

I have changed the name, it is now McKenzie's Bistro.

Also we want to extend the hours that we can serve alcohol for consumption on the premises with Food.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment (Please see guidance note 3) Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 6)		
Thur					
Fri					
			Non standard timings. Where you intend to use the premises for the		

			<u>performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 7)
Sat			
Sun			

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details</u> (please read guidance note 5)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 7)
Fri			
Sat			

Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat					

Sun			

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 8)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	
Mon				Outdoors	
				Both	
Tue			<u>Please give further details here</u> (please read guidance note 5)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 8)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	
Day	Start	Finish		Outdoors	
				Both	
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9) Only with Food	On the premises	x
				Off the premises	
				Both	
Day	Start	Finish			
Mon	12.00	23.00	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 6) none		
Tue	12.00	23.00			
Wed	12.00	23.00			
Thur	12.00	23.00	<u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 7) none		
Fri	12.00	23.00			
Sat	12.00	23.00			
Sun	12.00	23.00			

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).
None

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)	<u>State any seasonal variations</u> (please read guidance note 6) none
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Day	Start	Finish
Mon	10.00	23.00
Tue	10.00	23.00
Wed	10.00	23.00
Thur	10.00	23.00
Fri	10.00	23.00
Sat	10.00	23.00
Sun	10.00	23.00

Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

We are currently licenced to serve alcohol Monday to Saturday 12.00 - 15.00, Friday & Saturday 18.00 - 22.00.

We have had requests from customers to be able to open more evenings and also to be able to host private functions to further our business.

Please tick as appropriate

☐ I have enclosed the premises licence

☐ I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

b) The prevention of crime and disorder

--

c) Public safety

--

d) The prevention of public nuisance

--

e) The protection of children from harm

--

Checklist:

Please tick to indicate agreement

I have made or enclosed payment of the fee; or

I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.

I have sent copies of this application and the plan to responsible authorities and others where applicable.

I understand that I must now advertise my application.

I have enclosed the premises licence or relevant part of it or explanation.

I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	Julie McKenzie
Date	5/01/2020
Capacity	

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 14). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)

Post town		Post code	
Telephone number (if any)			

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

- You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
- Describe the premises. For example, the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
- In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:

- any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
- any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
- any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
- Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
- For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
- For example (but not exclusively), where the activity will occur on additional days during the summer months.
- For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
- Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
- If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
- Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
- Please list here steps you will take to promote all four licensing objectives together.
- The application form must be signed.
- An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
- Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
- This is the address which we shall use to correspond with you about this application.

Application 4158 to vary a premises licence at McKenzie's Bistro, 45 Station Road, Swanage

From: McKenzies Swanage [<mailto:info@mckenzie-swanage.co.uk>]

Sent: 16 February 2020 20:19

To: Licensing (Team E) <LicensingTeamE@dorsetcouncil.gov.uk>

Subject: Our Application

Dear Ian,

Having reviewed the representation that has been made, we have reassessed our proposal and consider it would be appropriate to amend our application by reducing hours to sell alcohol to 22.30 and offering additional conditions to display signage at the exit point to request that our Patrons leave quietly. Management will also monitor that Patrons vacate the area without causing any disturbance to residents.

Regards

Julie McKenzie

Amended Operating Schedule

1. Sale of alcohol for consumption on the premises

	As Existing	Original Application	Amended Application
Monday	12:00 – 15:00	12:00 – 23:00	12:00 – 22:30
Tuesday	12:00 – 15:00	12:00 – 23:00	12:00 – 22:30
Wednesday	12:00 – 15:00	12:00 – 23:00	12:00 – 22:30
Thursday	12:00 – 15:00	12:00 – 23:00	12:00 – 22:30
Friday	12:00 – 15:00 & 18:00 – 22:00	12:00 – 23:00	12:00 – 22:30
Saturday	12:00 – 15:00 & 18:00 – 22:00	12:00 – 23:00	12:00 – 22:30
Sunday		12:00 – 23:00	12:00 – 22:30

2. Proposed Conditions

- a) The licence holder must ensure that notices are prominently displayed at all exits requesting patrons respect the amenities or nearby properties and leave the area quietly.
- b) The licence holder must ensure that management staff at the premises monitor the behaviour of patrons within the immediate vicinity of the premises to ensure they vacate the area without causing disturbance to nearby residents.

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OBJECTION TO LICENCE APPLICATION FOR 45 STATION ROAD SWANAGE

MCKENZIE'S BISTRO – FORMALLY KNOWN AS ELIZABETHS

IN THE NAME OF JULIE MCKENZIE

PUBLIC HEALTH & HOUSING

4 - FEB 2020

Dated 6th Jan 2020

Dear Sir

We wish to object to the above application on the grounds of public nuisance.

We live directly above the café and are the freeholders of the property.

We do experience noises and disruption with the two late openings at present – Friday and Saturday until 10pm and we believe that such a drastic change from these hours to being licenced for food and drink until 11pm 7 days a week is unwarranted.

The extended hours will generate much more noise, disturbance and disruption not just to us but to all households in the vicinity.

It is a very small establishment and already causes problems at the back of the premises with items stored outside the back door and rubbish intruding into the access at the rear of the building for all the flats and this could only increase with the extended hours.

Station Road is mainly comprised of small retail units with residential flats and maisonettes above.

Such a change in hours would undoubtedly impact on the area as it is well away from the traditional pub/restaurant area of Swanage which is and has always been situated on the other side of Swanage.

Kind Regards,



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