

**NEW FOREST DISTRICT COUNCIL  
LICENSING ACT 2003**

**APPLICATION TO VARY AN INDIVIDUAL AS DESIGNATED PREMISES SUPERVISOR:  
THE SWAN INN, HIGH STREET, TOTTON**

**Decision of the Licensing Sub-Committee hearing held at Appletree Court,  
Lyndhurst on Tuesday, 26 November 2013 at 10.00am**

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**1. Members of the Licensing Sub-Committee**

Councillor P R Woods - Chairman  
Councillor J Penwarden  
Councillor Mrs McEvoy

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**2. Parties and their Representatives attending the Hearing**

Sgt Plascott – Hampshire Constabulary, Objector

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**3. Other Persons attending the Hearing**

None.

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**4. Parties not attending the Hearing**

Mr M Miah – Applicant  
Mr M Bolzur Rahman – Proposed Designated Premises Supervisor  
Coffin Mews Solicitors – Solicitors for the Applicant

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**5. Officers attending to assist the Sub-Committee**

Amanda Wilson – Legal Advisor  
Melanie Stephens - Clerk

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**6. Decision of the Sub-Committee**

That the application to vary the premises licence to specify Mr Mohammad Bozlur Rahman as the Designated Premises Supervisor (DPS) be granted.

## **Reasons for the Decision**

The Sub-Committee carefully considered all the written information before it and all the representations and views expressed at the hearing. The Sub-Committee noted the absence of the Applicant, his legal representative and the proposed DPS. As neither the Applicant nor the proposed DPS had indicated they would not be attending the hearing, the Sub-Committee considered whether it was necessary in the public interest to adjourn the hearing to a future date. However, the Sub-Committee decided that this was not necessary and the hearing was held in their absence.

The Sub-Committee noted that the objection from the police relates to the application made by the Premises Licence Holder at the Swan Inn, Totton to vary the premises licence to specify Mr Mohammad Bozlur Rahman as the DPS.

The Sub-Committee noted the police objection was based on the prevention of crime and disorder licensing objective. It was also noted that the police's objection was principally concerned with the fact that they believed the proposed DPS was also appointed as a DPS for two other licensed premises, namely the Baraka Tandorri Restaurant, in St Mary's Street, Southampton and the Bina Tandorri, in Coxford Drove, Southampton. However, it was clarified during the hearing by the police that the Bina Tandorri is not licensed to sell alcohol and therefore does not require a DPS.

The Sub-Committee was not satisfied that the evidence presented by the police demonstrated that the exceptional circumstances of the case were that the prevention of crime and disorder licensing objective would be undermined by the granting of the application and the appointment of the proposed DPS at the Swan Inn.

The Sub-Committee heard that the police had had little contact with the proposed DPS and although the Bakara Tandorri Restaurant is located in a busy area, little evidence was provided that crime and disorder issues had occurred at the premises. The Sub-Committee was not satisfied that evidence had been provided that the proposed DPS would not support the prevention of crime and disorder licensing objective, or the other licensing objectives, in the future.

The Sub-Committee also considered that the Swan Inn is located in a quieter area and no evidence was submitted by the police relating to issues with crime and disorder at this premises.

The Sub-Committee was of the view that, on the balance of probabilities, the granting of the application would not undermine the prevention of crime and disorder licensing objective. The decision was, therefore, to grant the application.

The Sub-Committee would like to remind the police that should problems occur at the Swan Inn in the future, they have the power to call the licence in for a review.

### **7. Premise licence to take effect**

The variation to the premises licence is to take effect immediately.

**Date: 26 November 2013**

**Licensing Sub-Committee Chairman: Cllr P R Woods**

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**Decision notified to interested parties on 28 November 2013**