

LICENSING PANEL

WEDNESDAY, 13 JANUARY 2016

PRESENT:- Councillors Alan Bishop, Vera Tomlinson and Peter Watts

An apology for absence was received from Councillors Abdul Amin.

23. Appointment of Chair

Resolved – That Councillor Vera Tomlinson be Chair of this Panel meeting.
(Councillor Tomlinson took the Chair.)

24. Minutes

Resolved – That the minutes of the meeting held on 21st August and 2nd September 2015, be confirmed and signed as a correct record.

25. Declarations of Interest

The Chair reminded Members of the need to declare any known interests in any matters to be considered at the meeting. No declarations were made.

26. Application for the grant of a Premises Licence in respect of Wawel, 18 - 19 Fleet Street, Swindon SN1 1RQ

The Panel considered (a) a report of the Council's Licensing Officer setting out details of an application for a Premises Licence in respect of Wawel, 18-19 Fleet Street, Swindon, (b) written representations from a local business opposing the grant of a Premises Licence, (c) a petition opposing the grant of a Premises Licence, (d) a written submission in support of the application received from Coulson Read Lewis (Solicitors to the applicant) (e) oral submissions supporting the grant of a licence received from Mr Coulson (Solicitor to applicant) and Miss Kinga Grygo (applicant), (g) questions from Members to the applicants and answers received, and (h) the Council's procedure for licensing hearings, the Secretary of State's Guidance and the Council's Licensing Policy.

The Council's Licensing Manager introduced the report noting:

- That an objection had been received from a local business to the grant of a Premises Licence.
- That a 56 signature petition had been received opposing the grant of a Premises Licence although when contacted 8 people had said they did not sign it.
- The hours of operation sought were 08:00 – 22:00 daily.
- The premises had previously been a bar and had been vacant since 2010.
- Conditions to be placed upon the Premises Licence had been agreed with Wiltshire Police (page 53 of the agenda papers).
- Planning permission would be required for a change of use for the premises although this was not a material consideration in respect of the application

before the Panel.

Members sought clarification from the Council's Licensing Officer in respect of:

- The conditions agreed with Wiltshire Police.
- The use of an agent's details as part of the application.
- The receipt of a Personal Licence by the applicant who would be the Designated Premises Supervisor.
- The layout of the shop as detailed in the map submitted with the papers.

In the absence of any objectors the Panel noted the written objection and the petition.

Points raised by the respondents included but were not limited to the following:

- That the case for the application was set out in the position statement provided for the Panel which the Members were invited to consider.
- Mr Razi who would be involved in running the premises had held a personal licence for eight years. There were therefore two personal licence holders running the business.
- There was a comprehensive training package for staff which included the operation of a Challenge 25 policy.
- There was CCTV monitoring of the premises.
- The applicants had co-operated with the police to produce workable and effective conditions for the premises.
- The premises which had been empty for five years and the applicants had spent around £200,000 on their renovation.
- The application for a Premises Licence had been driven in response to customer requests.
- The application met the requirement of the Licensing Act and Swindon's own Licensing Statement.

Questions to the applicants and responses in respect of:

- Staffing levels in operation.
- Staff Training and refresher training.

Resolved – That after considering:

1. The application for a Premises Licence for Wawel, 18-19 Fleet Street, Swindon made by the Licensee; and
2. Written representations and material put forward by Objectors;

And taking into account: -

1. The Secretary of State's Guidance; and
2. The Licensing Authority Licensing Statement:

And having in mind the promotion of the Licensing Objectives in particular: -

- i. The prevention of crime and disorder;

ii. The prevention of public nuisance

The Panel has determined the following: -

1. The permitted hours for the sale of alcohol be:
Monday to Sunday 08:00 until 22:00.
2. That the conditions agreed by the applicant and set out in the report of the Council's Licensing Manager should be applied to the licence.

Reasons

1. The Panel was satisfied that the conditions proposed by the applicant and agreed by Wiltshire Police would minimise the impact on the amenities of local residents and uphold the Licensing Objectives.

2. The Panel carefully considered the written representations of those who opposed the application and the written and oral submissions of the applicant and were mindful that there had been no objections from the Statutory Authorities.

3. The Panel noted that there was no evidence that nuisance would arise from the operation of the premises.

The Chair reminded both parties that they had a right of appeal to the Magistrates' Court against the determination of this panel. Such an appeal must be commenced within 21 days of receipt of the written determination including reasons.