

LICENSING PANEL

FRIDAY, 15 JANUARY 2016

PRESENT:- Councillors Derique Montaut, Eric Shaw and Vera Tomlinson.

Apologies for absence were received from Councillors .

27. Appointment of Chair

Resolved – That Councillor Derique Montaut Chair this meeting of the Panel.
(Councillor Montaut took the Chair.)

28. 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.

29. Application for the grant of a Premises Licence in respect of Unit 4, 1-8 Manchester Road, Swindon together with a copy of each relevant representation made and supporting documents

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 Unit 4, 1-8 Manchester Road, Swindon, (b) written representations from a local resident opposing the grant of a Premises Licence, (c) oral representations in support of his written objection received from Mr Robert Wedge (local resident), (d) the comments of Councillor Bob Wright on the alcohol related problems facing the local community, (d) a petition against the grant of a licence, tabled at the meeting with the agreement of the applicant's representative, (e) the application for a Premises Licence, (f) oral submissions supporting the grant of a licence received from a representative of the 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:

- The application was for a new Premises Licence.
- One objection to the grant of a licence had been received from a local resident.
- The options available to the Panel in determining the application.
- That the conditions requested by Wiltshire Police and set out on pages 38 and 39 of the agenda paper had been agreed orally by the applicant.

The oral submissions in support of written submissions opposing the application can be broadly summarised as follows:

- The proliferation of premises selling alcohol in the area in recent years.
- The adverse effect of the number of outlets selling alcohol and the rise of anti-social behaviour in the locality that could be linked to alcohol.

Questions and answers to the objector in respect of:

- The problems being experienced by local residents.

Points and issues raised by the respondents including but not limited to the following:

- That the premises had been operating for 10 months without any complaints,
- That the future viability of the premises was linked to the grant of a Premises Licence.
- That the alcoholic products to be sold would be primarily Polish to meet local demand.

Questions to the applicant's representative in respect of:

- Confirmation that the applicant had formally accepted a 09:00 commencement time for the sale of alcohol, as proposed by Wiltshire Police.
- The importance of adhering to the steps to promote the Licensing Objectives set out within the application.
- The operation of a Challenge 25 Policy.

Resolved – That after considering: -

1. The application for a Premises Licence for Unit 4 1-8 Manchester Road, Swindon made by the Licensee; and
2. Written representations and material put forward by an Objector;

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 to grant the licence as follows: -

1. The permitted hours for the sale of alcohol be:
Monday to Sunday 09:00 until 22:00.
2. That the conditions proposed by Wiltshire Police and agreed by the representative of the applicant 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 Wiltshire Police, and agreed by the applicant (confirmed by the applicant's representative) would minimise the impact on the amenities of local residents and uphold the Licensing Objectives.
2. The Panel carefully considered the written and oral 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 whilst acknowledging current issues within the locality there was no evidence further 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.