

## **LICENSING PANEL**

**FRIDAY, 15 JANUARY 2016**

PRESENT:- Councillors Michael Bray, Vera Tomlinson and Peter Watts.

### **30. Appointment of Chair**

Resolved – That Councillor Mick Bray chair this meeting of the Licensing Panel.

(Councillor Bray took the Chair.)

### **31. 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.

### **32. Application for the grant of a Premises Licence in respect of Playfootball Ltd, Upham Road, Swindon**

The Panel considered (a) a report of the Council's Licensing Officer setting out details of an application for a Premises Licence by Playfootball Limited, Upham Road, Swindon, (b) written representations from local residents opposing the grant of a Premises Licence, (c) a slide presentation by the Council's Licensing Manager showing pictures of the site and pedestrian access to the site, (d) oral submissions against the grant of a Licence by Councillors Steve Allsopp, Abdul Amin and Emma Bushell (Ward Councillors), (e) oral submissions against the grant of a licence received from Mr Adrian Crafer, Mr David Edwards and Mrs Susan York (local residents), (f) oral submissions received in support of the application from Mr Steve Bennett and Mr Mark Thompson (Playfootball Limited) (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.
- The options available to the Panel in determining the application.
- That the application excluded regulated entertainment.
- That objections to the grant of a licence had been received from six local residents based upon the Prevention of Public Nuisance, the Protection of Children from Harm and the Prevention of Crime and Disorder Licensing Objectives.
- Conditions offered by the applicant and set out on pages 26 and 29 of the agenda papers.
- A slide show clarifying the vehicle and pedestrian accesses to the site and proposed car parking area.
- Revisions to the application arising from Planning and Highways input.
- That the applicant was for on sales only.

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

- That the site is close to residential properties and little information has been provided as to how the applicant would minimise disruption to a settled community.
- That the application should be seen in the context of it being situated within a school site.
- That the Churchfields School catchment included a number of social priority areas and vulnerable families.
- The high level of alcohol related problems involving young people within the Borough.
- Advice of the Chief Medical Officer regarding the benefits of alcohol free childhoods.
- That one of the lounge sponsors was Marathon Bet which was likely to advertise on site which might influence young people.
- Discrepancies between the application for Planning Permission and that seeking a Premises Licence.
- The removal from the plans of a cellar to lock alcohol away in when the bar was closed.
- Control over the booking of pitches and participants onsite.
- The extent that the playfootball plan relied upon receipts from bar sales.
- The promotion of live television matches in attracting customers in an area that is not serviced by public houses.
- The potential for away fans to use the facility when Swindon Town Football Club is playing homes matches.
- The training of bar and door staff on their duties under the Licensing Act.
- The training requirements needed to cope with the particular issue of young people having free access to the site.
- Security of the site whilst children are using the football pitches and shared facilities situated within the building.
- That school related activities go on until 6:00pm whilst the application seeks a 4:00pm start time for the sale of alcohol.
- How staff will deal with casual drinkers using the facility during the day.
- The effect of people dispersing from the site and the potential for public nuisance to local residential properties.
- How adults using the pitches or building would be monitored whilst children were using the facility.
- Noise arising from the use of the club.
- Whether checks have been undertaken to confirm there are no legal restrictions preventing trading on the site as local houses have such restrictions.
- Whether a sub-contractor would operate the site and who would be responsible for maintaining the license conditions and the maintenance of the Licensing Objectives.
- That the public house previously servicing the area had been demolished due to troubles associated with it and whether new premises would suffer the same alcohol related problems.
- Parking problems surrounding the site and whether these would be increased should a Premises Licence be granted.
- That due to its locality the proposed club could attract a lot of drinkers

attending Swindon Town Football Club matches which could create problems on site and for local residents.

- That different plans and information had been submitted during the applications for Planning Permission and a Premises Licence.
- That the facilities provided a real risk to vulnerable children.
- Why staff CRB checks were not proposed given the extended use of the football pitches by the school.
- The health benefits of high energy and non-alcoholic drinks given the sporting nature of the club and its use by school children.
- The real fear locally of alcohol related vandalism in the general vicinity of the facility.
- The use of glass drinking receptacles.
- Training for door staff and their role in preventing individuals leaving the licensing premises with alcoholic drinks.
- The lack of co-operation regarding the proposed development from the school head with local residents.
- The lack of information on measures to prevent proxy sales for schools children.

Councillor Vera Tomlinson asked Mr Edwards about his submission relating to different plans being submitted for the Planning and Licensing applications.

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

- That the main changes to the application were associated with a reduction in the hours of operation of the facility and for the sale of alcohol.
- The proposals had been advertised on the company website and the concerns of the objectors had been considered.
- The footprint of the pavilion had been reduced by 70% from 270 square metres to 160 square metres in response to the concerns of local residents.
- The removal of the proposed cellar was linked to the reduction of the size of the facility and the subsequent anticipated reduction of alcohol sales resulting from fewer people being on the premises at any given time. Alcohol would be securely locked away in fridges and under counter units when the bar was shut.
- Compliance of the Licensing Objectives would be promoted through training which would be kept under constant review. In addition to this the maintenance of the Licensing Objectives would be supported through the use of a challenge 25 policy, use of CCTV and there being no deliveries or disposal of bottles into outside bins after 10:00 pm.
- There would be clear signage relating to sales of alcohol and an instant reporting system.
- There would be no cheap alcohol promotions.
- There would be log books for sale refusals.
- Part of the lease agreement with the school required DBS checks for staff.
- The school fully supported the application.
- No children under 16 would be allowed in the building after 9:00pm unless accompanied by an adult.
- During times the pitches were used by the school access to the bar would be prevented by barriers.

- Sales of alcohol would not be made whilst the school was using the facility or before 11:00am on other days.
- Other sports facilities were licensed, not only nationally but locally (for instance the Bowls Club and the Cricket Club).
- The company ran other facilities locally and nationally that community and schools used regularly.
- There had been no complaints received in respect of other facilities managed and run by Playfootball nationally.
- Playfootball had experience in operating facilities in areas traditionally considered tough.
- The facility brought huge benefits to the school.

Questions to the applicants and responses in respect of:

- The security of the storage of alcohol during the hours the bar was closed.
- Measures to prevent school children accessing the bar area whilst pitches and associated facilities were being used by the school.
- The operators experience in operating licensed facilities used by both the public and schools.
- The hours of operation being requested as part of the Premises Licence.
- An offer by the applicant to offer a condition preventing the sale of alcohol until 5:00pm on days the pitches were being used by the school.
- Measures to prevent children accessing the bar from the terrace area.
- The layout of the building and measures available to seal off the bar area when it wasn't in use including shutters.
- The operation of a Challenge 25 Policy and training to be undertaken by staff to prevent underage and proxy sales.
- The benefits that the school would accrue from the building and operation of the facility.
- The management of drinking up time at the end of the evening and measures to prevent alcohol being taken off site at any time during the operation of the bar.
- How the Designated Premises Supervisor could be expected to adequately supervise the premises if he/she were not based in Swindon.
- Food sales at the site and how these affected the business plan.
- The use of regulated door staff.
- The capacity of the bar area.
- Facilities with the building that were available to users of the pitch and how these would be managed.
- The use of pitches at weekends by children and/or the school and how this would affect the operation of bar facilities.
- The financing of a traffic regulation order (this being a planning issue and would not be considered as part of the Panel's deliberations).
- Confirmation that there would be no off sales from the premises.
- Access to disabled toilet facilities whilst the shutter was down to prevent access to the bar area.
- The applicants' comments regarding the possible use of Temporary Event Notices to hold regulated entertainment.
- The role of Playfootball's betting partner on site and measures to prevent children accessing this facility.
- The reason for a 100 vehicle car park if the bar facility capacity was 60

people.

Resolved - That after considering:

The application for a Premises Licence for Playfootball, Upham Road, Swindon made by the Licensee; and the evidence before it put forward by both the applicant and 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
- iii. The prevention of Children from Harm

The Panel determined that a Premises Licence be granted based upon the application and conditions offered by the applicant subject to the additional conditions set out below: -

1. The permitted hours for the sale of alcohol be:  
Monday to Friday 17:00 until 22:00 during term time on days the school is open for educational purposes.  
  
During weekends and on days the school is closed for school holidays the permitted hours for the sale of alcohol shall be 11:00 until 22:00.
2. That the Playfootball Licensing Objectives policy shall be put in place and adhered to subject to the following amendments:  
(i) 1(d) shall be amended to read: "Alcohol shall be stored in a locked and secure manner at closing time".  
(ii) 2(b) shall be amended to read: "The use of Polycarbonate cups shall be risk assessed. Should the use of Polycarbonate cups be deemed appropriate bottles will be decanted by staff prior to the customer receiving the drink."
3. No regulated entertainment shall be permitted at the premises.
4. A written risk assessment on the use of door staff and 2(ii) above and shall be submitted to Wiltshire Police and Swindon's Licensing Authority within 21 days of the grant of a Premises Licence. All Door Staff used shall be SIA Approved. The Risk Assessment shall include the use of Door Staff on all match days where Swindon Town Football Club are playing home matches.

### Reasons

1. To ensure the promotion of the Licensing Objectives.
2. The conditions as amended were accepted by the Panel as they had been agreed between the Licensing Authority and applicant and should minimise the impact on the amenities of local residents and minimise any potential breaches of

the Licensing Objectives.

3. The Panel carefully considered the representations of those who opposed the application and the written oral submissions of both the objectors and the submissions of the applicant and the conditions offered by the applicant and felt that these would minimise the impact on the amenities of local residents and uphold the Licensing Objectives.

4. The Panel when considering the objections received were mindful that there had been no objections from the Statutory Authorities.

5. The Panel noted the comments of the applicant as to the operation of the bar which would not be open during school term time when the school is open.

6. The Panel noted that there was no evidence nuisance would arise from the operation of the premises given the experience of running similar facilities across the country.

7. The additional conditions were placed upon the Licence to assist management with the maintenance of the Licensing Objectives and having regard to the maintenance of the amenities of local residents.

8. The Panel accepted the applicant's offer to amend the hours of bar operation for the sale Monday to Friday 17:00 until 22:00 during term time on days the school is open for educational purposes and during weekends and on days the school is closed for school holidays the permitted hours for the sale of alcohol shall be 11:00 until 22:00 and determined that these hours reflected the joint use of the pitches and associated facilities being shared with a school.

9. The Panel noted that whilst Mr Bennett oversaw the establishment of the facility he would be based in Swindon, thereafter the manager appointed would be based in Swindon.

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.

(In accordance with the Code of Conduct, Councillors Vera Tomlinson and Peter Watts made a non-prejudicial declaration of interest as they had served on the Planning Committee determining the Playfootball application. Both Councillor Vera Tomlinson and Councillor Peter Watts confirmed that there was no predetermination of the Licensing Application which would be determined solely under the Licensing Act Provisions.)