

LICENSING PANEL

FRIDAY, 30 SEPTEMBER 2016

PRESENT:- Councillors Abdul Amin, Malcolm Davies, Vera Tomlinson and Abdul Amin

An apology for absence was received from Councillor Nick Martin.

8. **Appointment of Chair**

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

9. **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.

10. **Application to Review the Premises Licence in respect of Tap and Barrel 115 Manchester Road, Swindon, SN1 2AJ together with a copy of each relevant representation made and supporting documents**

The Panel considered (a) a report of the Council's Licensing Manager setting out details of an application for a Review of the Premises Licence for the Tap and Barrel Public House, 115 Manchester Road, Swindon, SN1 2AJ, (b) written representations from Wiltshire Police in support of the review, (c) oral submissions in support of the application for a review received from Sian Kalynka (Police Licensing Officer) in support of the Police Objection, (d) oral submissions received opposing the application for review from Messrs Tim Shield (Jim Gaunt and Partners Solicitors) solicitor to the applicants and Mr Trevor Reardon (Trust Inns Limited, (f) additional papers submitted by Jim Gaunt and Partners Solicitors setting out additional conditions for inclusion on the premises licence as agreed with Wiltshire Police (g) questions from Members to the applicants and objectors and answers received, and (h) the Council's procedure for licensing hearings, the Secretary of State's Guidance and the Council's Statement of Licensing Policy.

The Council's Licensing Officer introduced the report noting that:

- A review of the premises licence for the Tap and Barrel Public House, 115 Manchester Road, Swindon had been initiated by Wiltshire Police on the grounds of the Prevention of Crime and Disorder licensing objective.
- The review was outside the statutory time period but was proceeding with the agreement of both parties.
- Supporting documentation in support of their review received from Wiltshire Police was set out in the agenda papers.
- There was currently no Designated Premises Supervisor at the premises which was accordingly closed to the public.
- The review arose from the sale of alcohol between midnight and 04:26 hours on 25th April 2016 in contravention of condition 17 of premises licence conditions.

The Police case for a review and summary of raised points can be broadly summarised as:

- That the Police had worked with Trust Inns Limited for the last two years and in 2014 a number of additional conditions had been agreed between both parties for inclusion on the premises licence.
- There had been further breaches of the premises licence including on 26th April 2016 with a breach of condition 17 when sales of alcohol took place between midnight and 04:26 hours.
- Since the application for review meetings had occurred between the Council's Licensing Officer, the Police and representatives of Trust Inns Limited to discuss areas of concern.
- The Police and Trust Inns Limited had agreed a number of additional actions had been implemented by the management and an additional condition had been agreed for inclusion on the premises licence.
- On 17th July 2016 additional training had been provided to the staff and management of the Tap and Barrel Public House, this training had been provided by Mr Tim Shield (Jim Gaunt and Partners Solicitors).
- The Designated Premises Supervisor in place at the time of the breach of licensing conditions on 26th April 2106 had been removed from his position.
- Trust Inns had also agreed to undertake quarterly checks of the premises to ensure that conditions on the premises licence were being complied with.
- Wiltshire Police were satisfied that, given there had not been any further significant breaches of the licensing conditions since the review had been commenced, the actions of management and the proposed additional condition agreed with Trust Inns that with the imposition of the agreed condition no further action was needed at this time.

The Panel's legal advisor read out the proposed condition with a suggested amendment to read:

"Trust Inns will make quarterly checks at the premises to ensure that all conditions on the premises licence are being complied and will take immediate action to remedy any failings. Wiltshire Police Licensing Officer and Swindon Borough Council Licensing Authority shall be notified that these checks have been carried out on the premises."

Points and issues raised by the Solicitor to the Respondents and additional comments from the representative of Trust Inns, included but were not limited to:

- That although the proceedings were delayed this was not a matter for the Panel and been raised in correspondence with the Council's Licensing Manager.
- That since the review had been called in April 2016 there had been no significant issues arising at the premises.
- Trust Inns own 500 premises country wide mostly as a landlord with autonomous tenants.
- Trust Inns representatives were not on individual premises on a day to day basis.
- Mr Trevor Reardon was responsible for 30 or so sites and visited these

- periodically and offered advice and assistance.
- The current landlord had been at the premises since 2015.
- Following discussions with the Police and the inclusion of an additional premise licence condition in 2014 training had been given to all staff; this training was to Personal Licence standard.
- In 2015 it had been agreed that some of the premises condition be loosened (i.e. on door supervisors).
- Following the allegation of after-hours sales at the premises in April 2016 the Police had taken no further action against the landlord who maintained the incident arose from a private party.
- Trust Inns Limited had made it clear to the landlord that they condemned after hours sales of alcohol and that there should be no further private parties after the licensing hours set out on the premises licence.
- Additional training regarding licence conditions, compliance and the law had been given to the landlord and staff on 17th July 2016 and training records were available. This training had been followed by a test undertaken by the recipients.
- The Police had wanted the tenant to be the Designated Premises Supervisor and Mr Pointer (landlord) was in the process of complying with this.
- Should the transfer of the Designated Premises Supervisor be held up then Jim Gaunt and Partners Solicitors would take over the paperwork for this.
- Additional training would be given to the Designated Premises Supervisor once confirmed.
- In April 2016 Wiltshire Police had determined that a review of the premises was necessary. Since then steps had been taken by Trust Inns and the landlord to allay Police concerns and agree remedial action.
- Staffing at the premises was steady and 1 or 2 of the staff originally trained in 2014 were still in position.
- That it was intended to undertake refresher training for staff on a 3 to 6 month basis.

The Respondents answered questions received in respect of:

- The private party on 26th April 2016 that resulted in after-hours sales of alcohol.
- Whether the level of supervision by Trust Inns Limited was sufficient for the premises.
- The management performance of other trust Inns Limited premises in Swindon.
- Actions to ensure current compliance with the licensing conditions at the premises continued.
- The need to ensure monitoring of licensing conditions at the premises was robust.

Resolved – After considering:-

1. A review of the Premises Licence in respect of the Tap and Barrel Public House, 115 Manchester Road, Swindon relating to the Prevention of Crime and Disorder Licensing Objective.
2. Representations and material put forward on behalf of the Police, and the

licensee;

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 and in particular: -

- i. The prevention of crime and disorder;

The Panel noted that (i) the Premises Licence holder had implemented training and education in accordance with the requirements of the Police on the 17th July 2106, (ii) that there had been no incidents at the premises since the review had been called and (iii) the Premises Licence Holder had cooperated with the Police in agreeing a further condition as set out below:

The Panel determines that the premises licence held by Trust Inns Limited in respect of the Tap and Barrel Public House, Swindon, be amended to include the following additional condition:

"Trust Inns Limited and any successor Premises Licence Holder shall make quarterly checks at the premises to ensure that all premises licence conditions are being complied with and take immediate action to remedy any failings. All such checks including action taken to remedy failings shall be recorded and made available on request to officers of Wiltshire Police and Swindon Borough Council Licensing Authority. A copy of the records shall be kept on the premises."

Reasons

1. The Panel was satisfied that the condition proposed Wiltshire Police, and agreed by the applicant (confirmed by the applicant at the hearing) as revised by the Panel would uphold the Licensing Objectives.

2. The Panel noted that the additional condition imposed had been agreed by the Police and representatives of Trust Inns Limited.

3. The Panel noted that since the review of the premises licence had been commenced in April 2016 no further substantive breaches of the Licensing Objectives or further breaches of the licensing conditions had been reported by the Police or Licensing Authority.

4. That the Panel was satisfied that the conditions proposed by the Police and agreed by the respondents, as amended, offered oversight of the licensable activities at the premises.

5. That given the comments of the Police to the hearing that, with the attachment of the additional condition to the premises licence, that they felt no additional action was required at this time the Panel determined that the decision was fair and proportionate.

The Chair advised both parties that they had a right of appeal to the Magistrates'

Court against the panel's determination and that any such an appeal must be commenced within 21 days of this determination.