

**Swindon Borough Council**  
**Licensing Act 2003 – Licensing Panel**

**NOTICE OF HEARING**

**Date of Hearing:** Friday, 22 March 2013

**Place of Hearing:** Committee Room 6, Civic Offices

**Time of Hearing:** 10.30 a.m.

**Panel Members:**

Conservative Councillors

Andrew Bennett

Richard Hurley

Labour Councillors

John Ballman

**Committee Officer:** Shaun Banks (Telephone 01793 463606)

Email: email: sbanks@swindon.gov.uk

Address: Swindon Borough Council, Civic Offices, Euclid Street, Swindon SN1 2JH

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**AGENDA**

- 1. Appointment of Chair**
- 2. Apologies for Absence**
- 3. Minutes** (Pages 3 - 18)  
To receive the minutes of the meeting held on 22<sup>nd</sup>, 23<sup>rd</sup> 25<sup>th</sup> and 30<sup>th</sup> January 2013.
- 4. Declarations of Interest**  
Members are reminded that at the start of the meeting they should declare any known interests in any matter to be considered, and also during the meeting if it becomes apparent that they have an interest in the matters being discussed.
- 5. Application for a Premises Licence for 37-38 Fleet Street, Swindon, together with a copy of each relevant representation made and supporting documents** (Pages 19 - 94)

**Date of Despatch:** 14 March 2013

**Access Arrangements** – The Venue is wheelchair accessible and an infrared receiver hearing system is provided. If you would wish to attend the meeting but have any

special requirement to enable you to do so please contact the Committee Clerk above, as soon as possible prior to the date of the meeting.

If you would like to receive any of the pages contained in this agenda in a larger print size please contact the Committee Officer whose name appears on the first page of this agenda.

## INFORMATION TO ACCOMPANY NOTICE OF HEARING

### Action following receipt of Notice of Hearing:

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A party shall give to the Licensing Panel within the period of time provided for in the following provisions of this regulation a notice (in the form attached) stating: -

- Whether he intends to attend or be represented at the hearing.
- Whether he considers a hearing to be unnecessary.
- In a case where a party wishes any other person (other than the person he intends to represent him at the hearing) to appear at the hearing, the notice referred to in paragraph (1) shall contain a request for permission for such other person to appear at the hearing accompanied by details of the name of that person and a brief description of the point or points on which that person may be able to assist the authority in relation to the application, representations or notice of the party making the request.

### The following notice periods apply:

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No later than one working day in respect of:

- Cancellation of interim authority notice following police objection, or
- Counter notice following police objection to temporary event notice.

No later than two working days before the first day of hearing:

- Review of premises licence following closure order or review of premises licence following review notice;
- Determination of application for conversion of existing licence;
- Determination of application for conversion of existing club certificate; or
- Determination of application by holder of justices' licence for grant of personal licence.

In any other case, the party shall give the notice no later than five working days before the day or the first day on which the hearing is to be held.

### Right of attendance, assistance and representation:

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A party may attend the hearing and may be assisted or represented by any person whether or not that person is legally qualified.

The hearing will take place in public. However the Licensing Panel may exclude the public from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public. For these purposes a party and any person assisting or representing a party may be treated as a member of the public.

The Licensing Panel may require any person attending the hearing who in their opinion is behaving in a disruptive manner to leave the hearing and may:

- refuse to permit that person to return, or
- permit him to return only on such conditions as the authority may specify.

Any such person may, before the end of the hearing, submit to the authority in writing any information which they would have been entitled to give orally had they not been required to leave.

#### Representations and Supporting Information:

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At the hearing a party shall be entitled to:

- Give further information as appropriate in response to a point upon which the Licensing Panel has given notice that clarification is required (Note – if clarification is required from any party this will have been indicated in the Notice of Hearing);
- If given permission by the Licensing Panel, question any other party; and
- Address the authority.
- Failure of Parties to attend the Hearing

If a party has informed the authority that he does not intend to attend or be represented at a hearing, the hearing may proceed in his absence.

If a party who has not so indicated fails to attend or be represented at a hearing the authority may: -

- Where it considers it to be necessary in the public interest, adjourn the hearing to a specified date, or
- Hold the hearing in the party's absence.
- Where the authority holds the hearing in the absence of a party, the authority shall consider at the hearing the application, representations or notice made by that party.
- Where the authority adjourns the hearing to a specified date it must forthwith notify the parties of the date, time and place to which the hearing has been adjourned

#### Procedure:

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A summary of the procedure that will normally be followed at the hearing is attached.

It should be noted that this is a general procedure intended to cover matters that will normally be applicable at all Hearings. However depending on the circumstances of each individual case, it is recognised that other issues may need to be considered as preliminary points at the hearing. These may include (but are not limited to): -

- Whether to proceed in the absence of a party;
- Whether to admit new documents or information submitted at the hearing;



- Whether it is in the public interest to exclude members of the public from the hearing or any part of it;
- Whether any party wished to withdraw representations previously submitted
- Whether to disregard any information given by a party or any person to whom permission to appear at the hearing is given by the authority which is not relevant to:
  - Their application, representations or notice (as applicable) or in the case of another person, the application representations or notice of the party requesting their appearance, and
  - The promotion of the licensing objectives

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**Standard procedure for licensing committee or licensing panel hearings, where representations have been made**

- 1) The general facts of the application will be put to the hearing by an officer of the Licensing Authority.**
- 2) Ward Members who wish to speak on behalf of constituents who have expressed opposition to the application or aspects of the application will be invited to speak. Written notification of those representations must be submitted within the required period of notice.**
- 3) Where individuals or organisations have given the required notice that they wish to make relevant representations, they will be invited one at a time to clarify and support (but not add to) their written submissions. Representations will be heard only from those who have submitted an objection in writing before the deadline given for comments. This restriction applies equally to Members and Officers of the Council.**
- 4) Members of the Licensing Committee (or Panel) may ask questions arising from each representation, as may any other Member of Swindon Borough Council who is present. The applicant will not be allowed to comment or reply at this stage but may ask those making representations to give a brief clarification of any point they have made.**
- 5) Ward Members who wish to speak on behalf of constituents who have expressed a positive case in favour of the application will be invited to speak. Written notification of the positive representation must have been submitted within the required period of notice.**

- 6) The applicant and / or their solicitor or representative will be invited to make representations in support of the application and also to respond to points made by those who have made representations on the application in writing or in person. No unreasonable limits will be placed on the right of the applicant to make their case and they may present plans or artists impressions etc. if they wish.**
- 7) Members of the Licensing Committee (or Panel) may ask questions arising from the applicant's submission, as may any other Member of Swindon Borough Council who is present.**
- 8) Those who have made representations will be allowed to ask the applicant to give a brief clarification of any point they have made and they will be permitted to ask questions of the applicant. They will not be permitted to restate or develop their original representations and must limit their comments to issues that arise directly from answers given by the applicant or the applicant's representative.**
- 9) Members of the Committee or Panel hearing the application will then discuss the application in private, accompanied only by non-partisan officers who are there in a support role.**
- 10) Should any person present act in a disruptive manner the Chair will first warn him or her about their conduct and then, if the Chair considers it appropriate, may require the person concerned to leave the meeting forthwith. Where a party to the hearing insists on wasting the time of the hearing by needlessly repeating points that have been well aired and clearly put by earlier speakers, their actions may be judged to be disruptive and they may be asked to leave. It is strongly recommended that any spoken representations from groups of people with common concerns are made through an agreed spokesperson.**

**LICENSING PANEL**

**TUESDAY, 22 JANUARY 2013**

PRESENT:- Councillors Andrew Bennett, Alan Bishop and Claire Ellis.

**52. Appointment of Chair**

Resolved – That Councillor Andrew Bennett Chair this meeting of the Panel.  
(Councillor Bennett took the Chair.)

**53. Minutes**

Resolved – That the minutes of the meeting held on 10<sup>th</sup> December 2012 be confirmed and signed.

**54. 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.

**55. Application to Review the Premises Licence for The Goddard Arms, 1 High Street, Old Town, Swindon**

The Panel considered (a) a report of the Council's Licensing Officer setting out details of an application made by Wiltshire Police for a review of the Premises Licence for The Goddard Arms, Old Town, Swindon, (b) oral representations from Wiltshire Police in support of their application for a review, (c) representatives from the management of The Goddard Arms opposing the review, (d) questions from Members to the applicants and the Police and the answers received, and (e) the Council's procedure for licensing hearings, Government Guidance and the Council's Licensing Policy.

Resolved - After considering: -

1. The application for variation to the licence made by the Licensee; and
2. Representations and material put forward on behalf of the 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 Protection of Children from Harm.

The Panel determined the following:

The Panel considered the sale of alcohol to minors to be very serious and in line with Statutory Guidance the Panel first considered the revocation or suspension of the premises licence, but in the light of the evidence presented to it in relation to the management systems in place, checks and training together with the management's cooperation with the Police at the premises felt that in this instance revocation was

not appropriate and the Panel decided therefore not take further action at this time.

However, despite the checks and systems in place the Panel was concerned that a failure of a test purchase had occurred. The Panel determined that a Challenge 25 condition be substituted for the Challenge 21 condition currently on the licence.

### Reasons

The Panel considered that the current training regime and management policies at the premises were adequate and accepted the management argument that the underage sale was a mistake by an individual member of staff.

The Panel heard evidence that the member of staff who sold alcohol to an underage female volunteer had refused to serve alcohol to an underage male volunteer accompanying her.

The Panel considered that its determination was fair and proportionate given the failed test purchases at the premises and given the management had provided evidence that a "Think 25" policy was currently operated by management to support the existing Challenge 21 condition on the current Premises Licence.

The Chair reminded both parties that they had the right of appeal to the Magistrates Court.

## **LICENSING PANEL**

**TUESDAY, 22 JANUARY 2013**

PRESENT:- Councillors Andrew Bennett, Alan Bishop and Teresa Page

### **56. Appointment of Chair**

Resolved – That Councillor Andrew Bennett Chair this meeting of the Panel.  
(Councillor Bennett took the Chair.)

### **57. 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.

### **58. Application for Premises Licence for The Grapes Hotel, 135 Faringdon Road, Swindon**

The Panel considered (a) a report of the Council's Licensing Officer setting out details of an application made by two "other persons" in respect of an application for a premises licence made by Enterprise Inns for The Grapes Public House, Faringdon Road, Swindon, (b) oral representations from Mr. J. E. Plaister against the application submitted, (c) representatives from the management of Enterprise Inns in support of the application for a Premises Licence, (d) questions from Members to the applicants, representatives of Enterprise Inns and Mr. Plaister, and (e) the Council's procedure for licensing hearings, Government Guidance and the Council's Licensing Policy.

After considering: -

1. The application for premises licence; and
2. Representations and material put forward on behalf of the 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 Saturday 11:00 until 12:00 midnight.  
Sunday 11:00 am until 11:00pm

### **Reason**

The Panel accepted the offer made by representatives of Enterprise Inns to reduce the hours for the sale of alcohol on Sundays from midnight to 11:00pm. and considered that the hours approved were fair and reasonable to both the business

and local residents.

2. The permitted hours for regulated entertainment (excluding Live Music) be:  
Monday to Saturday 11:00 until 10:30pm.  
Sunday 11:00 until 10:00 pm.

Reason

The Panel considered that regulated entertainment on Sundays should cease at 10:00pm in order to protect the amenity of local residents.

The Panel considered that the hours for regulated entertainment were fair and reasonable and in line with other establishments of a similar nature.

3. Live Music  
Friday and Saturday 9:00pm to 10:30pm

Reason

The Panel did not consider the application for live music limited to Fridays and Saturdays to be unreasonable and felt that the requested hours would not have a detrimental effect on the amenity of local residents.

4. That the conditions set out in 1 to 8 of the tabled document, as agreed by the applicant, be approved and appended to the Premises Licence.

Reason

The conditions tabled were deemed by the Panel to be appropriate as a means of promoting the Licensing Objectives and ensuring a rigorous management regime at the premises.

5. That in addition to the conditions set out in (4) above the following additional conditions should be applied to the licence: -
  - i. That a Refusals Book, to include all refused sales, shall be kept and maintained by the management of the premises and made available at any reasonable time for inspection by authorised officers.

Reason

The Panel considered that the maintenance of a refusals book was good practice and given the problems experienced with the previous management of the premises to be necessary to monitor compliance with the Licensing Objectives.

- ii. That smoking by patrons be restricted to the smoking area identified by the applicant in the garden area to the rear of the premises. Management shall ensure that patrons do not smoke



on the public highway to the front or side of the premises.

Reason

To protect the amenity of local residents and to prevent public nuisance.

The Chair reminded both parties that they had the right of appeal to the Magistrates' Court against the determination of the panel and that any such an appeal, must be commenced within 21 days of this determination.

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## **LICENSING PANEL**

**WEDNESDAY, 23 JANUARY 2013**

PRESENT:- Councillors Junab Ali John Ballman, Alan Bishop and Wayne Crabbe.

An apology for absence was received from Councillor Alan Bishop.

### **59. Appointment of Chair**

Resolved – That Councillor Wayne Crabbe Chair this meeting of the Panel.  
(Councillor Crabbe took the Chair.)

### **60. 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.

### **61. Application to Review the Premises for The Village Inn, Ramleaze Drive, Shaw, Swindon**

The Panel considered (a) a report of the Council's Licensing Officer setting out details of an application to review the Premises Licence held by the Village Inn, Ramleaze Drive, Shaw, Swindon, made by a local resident, Mr. Vernon Montgomery and joined by six "other persons" (b) oral representations from Mr. Vernon Montgomery, Mrs. Simpson and Mr. Barnes in support of the application submitted, (c) written and oral representatives on behalf of Mitchells and Butler and Ms Greta Richardson (Manager and Designated Premises Supervisor, opposing the review in support of the application for a Premises Licence, (d) questions from Members to the applicants, representatives of Mitchells and Butlers, Ms. Richardson, Mr. Vernon Montgomery, Mrs. Simpson and Mr. Barnes, and (e) the Council's procedure for licensing hearings, Government Guidance and the Council's Licensing Policy.

After considering: -

1. The application for premises licence; and
2. Representations and material put forward on behalf of the Objectors;

And taking into account: -

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

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

- i. The Prevention of Public Nuisance

The Panel has determined the following: -

That the management and company is taking appropriate measures to reduce noise problems arising from smokers using the smoking area. Given the assurances of the solicitor acting on behalf of Mitchells and Butlers that the current voluntary

arrangement stopping the use of the smoking area after 11:00pm until effective remedial measures has been put into place, and given the Panel's opinion that reducing the hours of operation at this time is disproportionate, the Panel determined that no action be taken in respect of the review.

### Reasons

1. The Panel took into account the actions taken by Mitchells and Butlers and the manager of the Village Inn to interact with local residents by organising a meeting at the Village Inn.
2. The Panel took into account evidence from Mitchells and Butlers with respect to work being undertaken, on a voluntary basis, to reduce noise levels emanating from the smoking area.
3. The Panel heard, uncontested evidence, from Mitchells and Butlers that neither the company nor manager had been approached by local residents with concerns prior to the review application.
4. The Panel considered the request from those bringing the review that the smoking area be relocated to the side of the premises. However given evidence from Mitchells and Butlers as to the layout of the premises and from the manager that smokers using the current smoking area were unlikely to use a relocated smoking area the Panel determined that in this instance a remodelled smoking area designed to prevent unacceptable noise omissions was likely to be a more effective solution.
4. The Panel noted that no statutory authority had joined the review application.
6. The Panel heard evidence that only one noise complaint had been received in relation to the premises by the Council's Environmental Health team. Officers had not attended the site on this occasion to confirm noise nuisance or to take sound level measurements.
7. Given the absence of evidence from statutory authorities, the receipt of one noise complaint by the Council's Environmental team and the willingness of Mitchells and Butlers to seek remedial measures to reduce noise from the smoking area the panel considered that any reduction in hours in line with those set out in the review would be disproportionate given the evidence before it.
8. The Panel considered the alternative of altering opening hours that saw an earlier commencement time and closing time and an overall reduction of 5 hours of operation, as put forward by those bringing the review but determined that this was a management issue and to impose any such condition would be disproportionate given the evidence before it. Indeed the Panel heard evidence that there was no proportionate uplift in sales arising from operating between 11:00pm and midnight.

The Chair reminded both parties that they had the right of appeal to the Magistrates' Court against the determination of the panel and that any such appeal must be commenced within 21 days of this determination.



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## **LICENSING PANEL**

**WEDNESDAY, 23 JANUARY 2013**

PRESENT:- Councillors Junab Ali, John Ballman and Wayne Crabbe

An apology for absence was received from Councillor Alan Bishop.

### **62. Appointment of Chair**

Resolved – That Councillor Wayne Crabbe Chair this meeting of the Panel.  
(Councillor Crabbe took the Chair.)

### **63. Minutes**

Resolved – That the minutes of the meeting held on 27<sup>th</sup> November, 3<sup>rd</sup> and 5<sup>th</sup> December 2012 be confirmed and signed.

### **64. 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.

### **65. Application to Review Premises Licence for The Victoria Public House, Old Town, Swindon**

The Panel considered (a) a report of the Council's Licensing Officer setting out details of an application to review the Premises Licence held by Wiltshire Constabulary (b) written representations by the solicitor acting on behalf of the Victoria Public House, (c) conditions to be applied to the Premises Licence as agreed between the Police and solicitor acting on behalf of the Victoria Public House, (e) the Council's procedure for licensing hearings, Government Guidance and the Council's Licensing Policy.

The Panel noted that it had been agreed by the Police and solicitor acting on behalf of the Victoria Public House that neither party would attend to make additional representations unless required to do so by the Licensing Panel.

After considering: -

1. The application for the review of the premises licence; and
2. Representations and material put forward on behalf of the Licensee;

And taking into account: -

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

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

- i. The Protection of Children from Harm

The Panel has determined the following: -

That the conditions agreed between the Police and Solicitor acting for the Victoria Public House be approved and appended to the Premises Licence and that no further action be taken at this time.

### Reasons

The Panel was satisfied that the conditions agreed between the Police and Solicitor acting for the Victoria Public House addressed the concerns of the Police when reviewing the Premises Licence.

The Panel considered that the amended Premises Licence would put into place the necessary measures to allow the management of the Victoria Public House to meet the Licensing Objectives.

Given the additional conditions agreed and the co-operation of the management with the Police the Panel considered that a suspension at this time would be disproportionate.

The Chair reminded both parties that they had the right of appeal to the magistrates' Court against the determination of the Panel and that any such appeal must be made within 21 days of this determination.



## **LICENSING PANEL**

**FRIDAY, 25 JANUARY 2013**

PRESENT:- Councillors Junab Ali, Andrew Bennett and Robert Wright.

**66. Appointment of Chair**

Resolved – That Councillor Andrew Bennett Chair this meeting of the Panel.  
(Councillor Bennett took the Chair.)

**67. 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.

**68. Application for Premises Licence - Texaco Petrol Station, Queens Drive, Swindon**

Resolved – That the hearing be adjourned until Wednesday 30<sup>th</sup> January 2013 at 10:30 am in order to allow representatives of Wiltshire Constabulary to be in attendance.

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## **LICENSING PANEL**

**WEDNESDAY, 30 JANUARY 2013**

**PRESENT:-** Councillors Junab Ali, Andrew Bennett and Robert Wright

### **69. Appointment of Chair**

Resolved – That Councillor Andrew Bennett Chair this meeting of the Panel.  
(Councillor Bennett took the Chair.)

### **70. 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.

### **71. Application for a variation of a Premises Licence in respect of Queens Drive Service Station, Queens Drive, Swindon**

The Panel considered (a) a report of the Council's Licensing Officer setting out details of an application for a variation of the Premises Licence held by Texaco Service Station, Queens Drive, Swindon, (b) an objection to the grant of the variation received from Wiltshire Constabulary, (c) oral submissions by Wiltshire Constabulary in support of their objection (d) submissions received in support of the application received from Mr. Roy Light (Barrister to the applicant), Mr. Richard Baker (Consultant), and Mr. Vallipuram (applicant) in support of the application for variation, (e) questions from Members to the applicants, Wiltshire Constabulary and the representatives of the applicants and answers received, and (e) the Council's procedure for licensing hearings, Government Guidance and the Council's Licensing Policy.

After considering: -

1. The application for variation to the licence made by the Licensee; and
2. Representations and material put forward on behalf of the Objectors;

And taking into account: -

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

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

- i. The prevention of crime and disorder;

The Panel has determined the following: -

1. The permitted hours for the sale of alcohol shall be:  
Monday to Sunday 0:00 until 24:00.

### **Reason**

The Panel found that there was insufficient evidence to prove that the Prevention of Crime and Disorder Licensing Objective would be undermined by granting an extension of hours to the Premises Licence.

2. That Condition 3 (Annexe 2) of the current Premises Licence be amended to incorporate a Challenge 25 Policy as offered by the applicant.

Reason

The panel considered that the introduction of a Challenge 25 Policy, as offered by the applicant would strengthen management policies in the maintenance of the Licensing Objectives.

3. That Condition 6 (Annexe 2) of the current Premises Licence be amended to read: "The Garage shall only serve through the night hatch between 22:00 hours and 06:00 hours with no public access to the shop".

Reason

The Panel considered that this measure offered protection to staff members in the early hours of the morning and assisted management with the maintenance of the Licensing Objectives.

4. That the measures offered by the applicant and set out in paragraph 2.3 of the Licensing Manager's report be included in the operating schedule.

Reason

The Panel considered that the conditions offered by the applicant assisted management with the maintenance of the Licensing Objectives.

The Chair reminded both parties that they had the right of appeal to the Magistrates' Court against the determination of the panel and that any such appeal must be commenced within 21 days of this determination.

**Application for a Premises Licence for  
37-38 Fleet Street, Swindon**

**Licensing Panel**

**Date 22<sup>nd</sup> March 2013**

**Author: Licensing Manager**

**Wards Affected: Town Centre**

**Purpose**

- To consider representations received in respect of a an application for the grant of a premises Licence application at 37-28 Fleet Street, Swindon

**Recommendation**

The Licensing Committee is asked to, in light of the representations, to determine the application. The options available to the Committee are:

- To grant the application in its current form with conditions consistent with the operating schedule;
- To grant the application, but to modify the conditions by amending, altering or attaching new conditions; or
- To reject the application in whole or in part.

**1. Reasons**

- 1.1 The Licensing Panel has a statutory duty to undertake the functions of the Licensing Authority, where these have been delegated by the Licensing Committee.

**2. Detail**

- 2.1 An application for a premises licence has been received from Carmine Di Liso of 19 Torun Way, Swindon

- 2.2 The applications seeks the following:

- Provision of regulated entertainment to recorded music and performances of dance between the hours of 21.00 hours and 02.00 hours Tuesday to Wednesday and 21:00 hours to 04:00 hours Thursday to Sunday
- Sale of alcohol between the hours of 21.00 hours and 02.00 hours Tuesday to Wednesday and 21:00 hours to 04:00 hours Thursday to Sunday

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Further information on the subject of this report can be obtained from Kathryn Ashton on 01793 466113 or e-mail [kashton@swindon.gov.uk](mailto:kashton@swindon.gov.uk).

## **Application for a Premises Licence for 37-38 Fleet Street, Swindon**

**Licensing Panel**

**Date 22<sup>nd</sup> March 2013**

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The hours open to the public will be between the hours of 21.00 hours and 02.00 hours Tuesday to Wednesday and 21:00 hours to 04:00 hours Thursday to Sunday

- 2.3 The applicant has offered measures contained within supporting evidence in order to promote the licensing objectives. A copy of this information and a copy of the application are attached as **Appendix A**.
- 2.4 The application was received on 8<sup>th</sup> February 2013 and was circulated to all responsible authorities and advertised in accordance with the Regulations. The last date for representations to be received was 7<sup>th</sup> March 2013.
- 2.5 Representations were received from Wiltshire police stating that should the application be granted it would undermine the Prevention of Crime & Disorder licensing objective. Copies of the representations are attached as **Appendix B**
- 2.6 Additionally 1 'other persons', namely residents stating that should the application be granted then it would undermine the licensing objective in respect of the prevention of crime & disorder. Copies of the representations are attached as **Appendix C**
- 2.7 There is currently no licence in force for the Premises. Previously the Premises has held a licence pursuant to the Licensing Act 2003 authorising sale of alcohol and regulated entertainment. This Licence was revoked in November 2011 and no Licence has been obtained since this time.
- 2.8(I) The Panel is requested to consider the application of a premises licence on its merits.
- (II) Subject to paragraph (III) below, Section 35(2) of the Licensing Act 2003 provides that the Sub-Committee must grant the application.
- (III) Having regard to the representations made by the interested parties, the Sub-Committee must take such steps (if any) as it considers necessary for the promotion of the licensing objectives. The steps are:
- To modify the conditions of the licence, whether by alteration or omission of conditions or the addition of new conditions. Any additional or altered conditions must be necessary for the promotion of the licensing objectives, proportionate and should address the matters raised in the representations. Additionally conditions can be imposed that are consistent with the steps set out in the operating schedule.
  - To reject the application in whole or in part.

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Further information on the subject of this report can be obtained from Kathryn Ashton on 01793 466113 or e-mail [kashton@swindon.gov.uk](mailto:kashton@swindon.gov.uk).

# **Application for a Premises Licence for 37-38 Fleet Street, Swindon**

**Licensing Panel**

**Date 22<sup>nd</sup> March 2013**

## **3 Alternative Options**

3.1 None

## **4 Implications, Diversity Impact Assessment and Risk Management**

### *Financial and Procurement Implications*

4.1 There are no direct financial implications arising from the report. Failure to reach a reasonable conclusion, based on the facts, could lead to nuisance to the public or to unwarranted damage to the business in question. Either scenario could raise issues of compensation. In the case of an appeal, the Council could become liable for costs.

### *Legal and Human Rights Implications*

4.2 A declaration has been made by the Secretary of State, that the Licensing Act is compliant with the Human Rights Act. None of the relevant Articles of the Human Rights Act has absolute sway over the others. Article 8 deals with a right to undisturbed home life; Article 10 gives the right to free expression, including the right to entertain; Article 1 of the Protocol says that licences are 'possessions', which the holder has a right to enjoy. Common sense has to be used, in balancing each of these against the other.

### *All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)*

4.3 This report relates to the requirements of Licensing legislation

### *Links to Corporate Plans and Policies (in particular to Swindon 2010 Promises)*

4.4 The determination of the application will be made in accordance with set legal principles. The exercise of licensing powers by the Panel relates particularly to the LAA outcome of reducing crime and the fear of crime.

### *Diversity Impact Assessment*

4.4 There is no DIA prepared in conjunction with this report

### *Risk Management*

4.5 There is a theoretical risk of civil action against the Licensing Authority if it is found not to have exercised due diligence in licensing matters. There is also the risk of judicial review if the Policy is found not to comply with the requirements of the Licensing Act 2003 and associated legislation, regulations and guidance.

## **5 Consultees**

5.1 The Board Director Finance, Revenues, Benefits and Property (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

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Further information on the subject of this report can be obtained from Kathryn Ashton on 01793 466113 or e-mail [kashton@swindon.gov.uk](mailto:kashton@swindon.gov.uk).

# Application for a Premises Licence for 37-38 Fleet Street, Swindon

**Licensing Panel**

**Date 22<sup>nd</sup> March 2013**

## **Alternative Options**

It would be possible to defer a decision or to defer the hearing itself to a later date but either step should be seen as an exceptional measure

## **Risk Management**

## **Background Papers and Appendices**

•

Appendix A	Premises Licence application
Appendix B	Wiltshire Police representation
Appendix C	'Other persons' representations
Appendix D	Representation from Pubwatch
Appendix E	Site location plan
Appendix F	Internal Premises Layout plan



[Insert name and address of relevant licensing authority and its reference number (optional).]

**Application for a premises licence to be granted  
under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We CARRINE DI LISO

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description <u>37 - 38 FLEET STREET</u>			
Post town	<u>SWINDON</u>	Postcode	<u>SN1 1RE</u>
Telephone number at premises (if any)		<u>07507 992510</u>	
Non-domestic rateable value of premises		£	

**Part 2 - Applicant Details**

Please state whether you are applying for a premises licence as

Please tick as appropriate

- |   |                                     |                             |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals *               | <input checked="" type="checkbox"/> | please complete section (A) |
| b) a person other than an individual *          |                                     |                             |
| i. as a limited company                         | <input type="checkbox"/>            | please complete section (B) |
| ii. as a partnership                            | <input type="checkbox"/>            | please complete section (B) |
| iii. as an unincorporated association or        | <input type="checkbox"/>            | please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/>            | please complete section (B) |

- c) a recognised club ☐ please complete section (B)
- d) a charity ☐ please complete section (B)
- e) the proprietor of an educational establishment ☐ please complete section (B)
- f) a health service body ☐ please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales ☐ please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☒

I am making the application pursuant to a

statutory function or ☐

a function discharged by virtue of Her Majesty's prerogative ☐

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname <b>DI LISO</b>			First names <b>CARLINE</b>		
I am 18 years old or over				<input checked="" type="checkbox"/> Please tick yes	
Current postal address if different from premises address		<b>19 TORUN WAY</b>			
Post town	<b>SWINDON</b>			Postcode	<b>SN2S 1TA</b>
Daytime contact telephone number			<b>07507992510</b>		
E-mail address (optional)					

**SECOND INDIVIDUAL APPLICANT (if applicable)**

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
I am 18 years old or over					<input type="checkbox"/> Please tick yes
Current postal address if different from premises address					
Post town		Postcode			
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					

**(B) OTHER APPLICANTS**

**Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.**

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

### Part 3 Operating Schedule

When do you want the premises licence to start?

DD		MM		YYYY			
0	4	0	3	2	0	1	3

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD		MM		YYYY			

Please give a general description of the premises (please read guidance note 1)

GENTLETON CLUB.  
POLE DANCING  
LAP DANCING  
TWO STORY PREMISES, ~~WHICH~~ SITUATED IN 37/38 FLEET ST, WHERE  
BY ON A FIRST FLOOR WILL BE HOLDING POLE DANCE SHOWS AND ON  
A FIRST FLOOR LAP DANCING.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any that apply

- a) plays (if ticking yes, fill in box A) ☐
- b) films (if ticking yes, fill in box B) ☐
- c) indoor sporting events (if ticking yes, fill in box C) ☐
- d) boxing or wrestling entertainment (if ticking yes, fill in box D) ☐
- e) live music (if ticking yes, fill in box E) ☐
- f) recorded music (if ticking yes, fill in box F) ☒
- g) performances of dance (if ticking yes, fill in box G) ☒
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) ☐

**Provision of late night refreshment** (if ticking yes, fill in box I) ☐

**Supply of alcohol** (if ticking yes, fill in box J) ☒

**In all cases complete boxes K, L and M**

**A**

<b>Plays</b> Standard days and timings (please read guidance note 6)			<b><u>Will the performance of a play take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue					
Wed			<b><u>State any seasonal variations for performing plays</u></b> (please read guidance note 4)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sat					
Sun					

## B

<b>Films</b> Standard days and timings (please read guidance note 6)			<b><u>Will the exhibition of films take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)			
Mon						
Tue						
			<b><u>State any seasonal variations for the exhibition of films</u></b> (please read guidance note 4)			
Wed						
Thur						
			<b><u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)			
Fri						
Sat						
Sun						

C

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			<b><u>Please give further details</u></b> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 4)
Wed			
Thur			<b><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)
Fri			
Sat			
Sun			

# D

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 6)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue					
			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 4)		
Wed					
Thur					
			<b><u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Fri					
Sat					
Sun					



# E

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon					
Tue					
			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)		
Wed					
Thur					
			<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Fri					
Sat					
Sun					

# F

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon					
Tue	21:00	02:00			
Wed	21:00	02:00	<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 4)		
Thur	21:00	04:00			
Fri	21:00	04:00			
Sat	21:00	04:00	<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please read guidance note 5) RECORDED MUSIC WILL BE PLAYED ONLY ON BANK HOLIDAYS.		
Sun	21:00	04:00			

G

<b>Performances of dance</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of dance take place indoors or outdoors or both – please tick</b> (please read guidance note 2)		Indoors <input checked="" type="checkbox"/>
					Outdoors <input type="checkbox"/>
					Both <input type="checkbox"/>
Day	Start	Finish			
Mon			<b>Please give further details here</b> (please read guidance note 3) POLE DANCES IN A MAIN AREA DOWNSTAIRS SUPERVISED BY A MEMBER OF STAFF AND RECORDED BY CCTV. LAP DANCE TO TAKE PLACE ON A FIRST FLOOR, THE ROOMS WILL BE FITTED BY A SSS TRUS MATERIAL, CCTV AND SUPERVISED BY A MEMBER OF STAFF!		
Tue	21:00	02:00			
Wed	21:00	02:00	<b>State any seasonal variations for the performance of dance</b> (please read guidance note 4)		
Thur	21:00	04:00			
Fri	21:00	04:00	<b>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</b> (please read guidance note 5) ONLY SUNDAY PRIOR TO BANK HOLIDAY		
Sat	21:00	04:00			
Sun	21:00	04:00			

# H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b>Will this entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b>Please give further details here</b> (please read guidance note 3)		
Wed					
Thur			<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 4)		
Fri					
Sat			<b>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sun					

# I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)			
Mon						
Tue						
			<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 4)			
Wed						
Thur						
			<b><u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u></b> (please read guidance note 5)			
Fri						
Sat						
Sun						

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 7)		On the premises	<input checked="" type="checkbox"/>
					Off the premises	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)			
Mon						
Tue	21:00	02:00				
Wed	21:00	02:00				
Thur	21:00	04:00				
Fri	21:00	04:00	<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5) SUNDAY PRIOR TO BANK HOLIDAY			
Sat	21:00	04:00				
Sun	21:00	04:00				

**State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:**

Name	CARMINE DI LISO
Address	19 TORUN WAY SWINDON
Postcode	SN25 1TA
Personal licence number (if known)	06/00193/PERA
Issuing licensing authority (if known)	COTSWOLD DISTRICT COUNCIL

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

LICENSE APPLY FOR A GENTLEMEN'S CLUB, WHERE POLE/LAP DANCING ACTIVITIES WILL TAKE PLACE.

NO PERSON UNDER 18 WILL BE PERMITTED ACCESS

A CHALLENGE 25 POLICY WILL BE APPLIED.

NO PROMOTIONAL MECHANISM INCLUDING SIGN ON A BUILDING AND ANY CONTENT WILL NOT BE VIEWED FROM ANY POINT OUTSIDE THE PREMISES.

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon			<p><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 5)</p> <p>SUNDAY PRIOR TO BANK HOLIDAY</p>
Tue	21:00	02:00	
Wed	21:00	02:00	
Thur	21:00	04:00	
Fri	21:00	04:00	
Sat	21:00	04:00	
Sun	21:00	04:00	

## License condition

### Conditions consistent with the Operating Schedule

1. CCTV equipment which is fit for purpose and properly maintained shall cover the trading and entrance areas when the premises are open for business. CCTV recordings shall be kept for the full 28 days permitted by the Office of the Information Commissioner and shall be made available to enforcement offices on request.
2. Suitable training shall be given to staff who sell alcohol. A training record shall be kept and shall be made available to enforcement officers on request. Refresher training shall be provided to those staff at least every six months.
3. A 'Challenge 25' policy shall be applied. Staff shall challenge any customer who appears to be 25 years or under and shall not sell alcohol to them unless they show a valid form of identification in the form of a passport, a photo driving licence, a government issued identity card or a PASS accredited ID or its equivalent successor card.
4. Where an alcohol sale is refused or disorder takes place on the premises, the details shall be recorded in a log book which shall be provided to enforcement officers on request. An entry shall be made if a customer is either escorted from the premises or is detained there. All entries shall include a date and time.
5. No persons other than performers engaged in the approved adult entertainment shall be in a state of undress at any time.
6. No performer shall remain in a state of undress in any part of the premises to which the public have access, unless engaged in performance at the time.
7. The premises licence holder shall seek documentary proof of age for any person who is allowed to perform adult entertainment on the premises. No person shall be so permitted unless they have submitted valid proof of age. Copies of the proof of age documents submitted for each performer shall be kept on the premises and shall be shown to any enforcement officer on request.
8. Secure and private changing facilities shall be provided for all performers. No person other than performers, authorised staff or enforcement officers shall be permitted to enter the changing area at any time when the premises are open to customers.
9. A safe and unobstructed route to safety for performers shall be provided and maintained.
10. The premises shall be arranged and lobbies constructed that no nudity or any entertainment having any sexual content be viewed from any point outside the premises.
11. Whilst there is no prohibition on public dancing, no person who appears as a performer shall be permitted to dance with any customer on the premises, at any time.
12. No promotional mechanism (including any sign) shall be used on the building, where the character of the promotional mechanism is likely to offend passers-by.
13. Suitable signage shall be placed inside the premises beside the exit, requesting customers to behave in a considerate manner as they leave the building.
14. A member of staff shall be positioned at the exit as customers start to leave, reminding them not to linger and behave in a considerate manner as they depart.
15. At all times when the premises are open for business there shall be a minimum of two licensed door supervisors present. Notwithstanding that, sufficient door supervisors shall be provided at all times, based on a risk assessment which takes into account the general need for access control and the maintenance of order but also



provides for the close supervision of customers and performers ,to ensure that standards of propriety are maintained.

16.Any door supervisor working at the premises shall at all times wear a highly visible item of clothing or accessory such as an armband , to immediately distinguish them as being a door supervisor.

17.A sufficient number of door supervisors shall be present in the vicinity of any performance area, Pole dancing area secure of any intrusion and watched by a member of staff, with a primary duty (other than in an emergency) to ensure than propriety is maintained and performers secure.

18.The premises licence holder shall engage with the local Pubwatch scheme or any well supported successor or alternative to that scheme , in particular by participating in the banning scheme operated by Pubwatch and meeting the associated requirements in relation to the sharing of information about individuals.

19.No promotion shall be entered into , where its effect is likely to be the over-consumption of alcohol.

20.No person under the age of 18 shall be permitted to enter or remain on the premises , at any time when it is open for business.

**M** Describe the steps you intend to take to promote the four licensing objectives:

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)**

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**b) The prevention of crime and disorder**

--

**c) Public safety**

--

**d) The prevention of public nuisance**

--

**e) The protection of children from harm**

**Swindon Police Station Gablecross**

Shrivenham Road  
South Marston  
Swindon  
Wiltshire SN3 4RB  
Telephone: 101  
Ext: 760417  
Direct Dial: 01793 507874  
Facsimile: 01793 507892  
DX: 132780

Mr C Di Liso,  
19 Torun Way,  
Swindon,  
SN25 1TA

Date 25<sup>th</sup> February 2013

Dear Mr Di Liso

**APPLICATION FOR A PREMISES LICENCE 37-38 FLEET STREET, SWINDON**

Thank you for your application for a premises licence which was received on the 20<sup>th</sup> February 2013.

I have looked closely at the application for the premises and after discussions with the Neighbourhood Policing Team the following issues have been raised.

On the application you have indicated that you wish to remain open until 02.00 hours Tuesday and Wednesday and open until 04.00hours Thursday to Sunday. Our position remains the same as when you first approached Wiltshire Police with your plans as there is concern over alcohol related violence within the Town Centre and these hours would not be appropriate in improving this situation.

The premise is located in Fleet Street which is the street that has the highest recorded violent crime in Swindon Town Centre and the majority of this is alcohol related. The area of Fleet Street is surrounded by vertical drinking establishments and late night refreshment premises and currently the night time economy in Swindon is causing the emergency services to work beyond their capability. The addition of another late night venue will only exacerbate the issues that exist.

Due to this we would like you to agree that Tuesday - Sunday you will close the premises at 02.00hours

Also to coincide with the opening hours above it is necessary to attach some conditions to the licence. I can see that you have included conditions that will cover the entertainment on offer at the premises however there are additional conditions that will ensure the licensing objective of crime and disorder is achieved.

**Conditions**

- 1. Door supervisors will be instructed to undertake walk around checks for intoxicated patrons or underage customers at least every thirty minutes from 21.00hours until closing. These checks will cover all public areas including both toilets. A log shall be kept by Door supervisors and shall be signed at the end of the evening.*
- 2. The bar will be cleared of customers within 30 minutes of the bar closing, following a session where alcohol has been sold.*



3. *A CCTV camera should cover the entrance/Exit area of the premises and should have a clear unobstructed view of the front door to the premises.*
4. *Polycarbonate, shatter-to-safe, plastic, paper or other inherently safer types of container shall be used at all times the premises is open.*
5. *A register shall be kept on the premises, in which shall be recorded the details of door supervisors, to show clearly which door supervisors are on duty at any given time. Together with that record, information shall be recorded about each individual door supervisor, to include their full name, their SIA badge number and the identity of their employer. In addition the Head Door Supervisor, or other such manager of the Door Supervisors on site shall be identified in the record, together with his or her details and hours of duty. The DPS/Manager should not include themselves as a member of the door staff.*
6. *There shall be a minimum of 5 door supervisors on duty, from 22.00hrs on a Thursday, Friday, Saturday or any session which begins on a Sunday prior to a Bank holiday. 2 Door Supervisors should be placed at the entrance, 1 downstairs, 1 upstairs and 1 in the smoking area. At all other times the number of door supervisors should be 4.*
7. *No customer shall be admitted to the premises after 01.00hrs*
8. *No person shall be permitted to take a glass bottle into the smoking area after 22:00hrs.*
9. *A dispersal policy shall be formulated in conjunction with the Police and shall be applied with the objective of ensuring the safe and quiet dispersal of customers, at the end of the evening.*
10. *No ashtrays manufactured from glass or any other heavy material which might facilitate their use as weapons shall be placed in any smoking area.*

I hope that you agree the above conditions are relevant and necessary for a premise such as this operating in the area of Swindon Town Centre.

Can I make you aware that if you do not agree to the opening times and conditions above that an objection to the licence will be made by Wiltshire Police due to the current issues in the area. If you are successful in extending the opening hours any increase in crime and disorder and public nuisance may be attributed to the premise.

If you have any queries regarding the above please do not hesitate to contact me on 01793 507874. I will also send a copy of this letter to the Licensing officer at Swindon Borough Council.

Yours sincerely,

Siân Kalyuka  
Police Licensing Officer



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**Statement of SIAN KALYNKA**

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I, **SIAN KALYNKA**, Police Licensing Officer, Divisional Police Headquarters, Gablecross Police Station, Swindon, Wiltshire SN3 4RB will state as follows:

**Introduction**

1. I am 6454 Sian KALYNKA of Wiltshire Police. I am the Licensing officer for the Swindon Area. I have been in post since November 2008. My role is to ensure premises comply with the licensing objectives and part of my role includes the gathering and collation of evidence around licensing issues. I make this statement on behalf of Wiltshire Police.
2. I have some knowledge of the workings of different types of licensed premises and the responsibility that comes with the position of personal Licence holder and Premises Licence holder.
3. I have been involved in investigating venues that are failing to uphold the licensing objectives since I took up the post in November 2008. This involves directly observing the venues and using the records stored by Wiltshire Police to find evidence of possible licensing issues with venues.
4. I have firsthand experience of working with Personal Licence holders who are not suited to the role and this inevitably means that a premise is not managed in a responsible manner. This will of course lead to breaches of the licensing objectives.

## **Background Information**

5. The premises known as Angelo's 37-38 Fleet Street, Swindon is owned by Mr Angelo ROSSI and at this time is unlicensed. The licence was revoked by Swindon Borough Council Licensing committee in 2011 following an expedited review due to the licensee and DPS Mr Guglielmo ROSSI being involved in serious crime involving the supply of drugs and unlicensed firearms. The premise of 37-38 Fleet Street was involved in the criminal activity which was discovered following an execution of a warrant. Mr G ROSSI is currently serving a prison sentence for those offences.
6. Angelo's nightclub was first reviewed in 2006 for consistent failures to control drunkenness and violence. At this review they received a suspension of their licence and a reduction in hours from 24hours to 02.00hours.
7. They reopened in December 2009 and by October 2010 there had been incidents of breaches to their conditions. Amongst these incidents the offence of selling alcohol to a person under 18 had occurred and they had failed to monitor the CCTV system as directed by their conditions.

Following a routine licensing check they were also found to be serving out of their permitted hours and further investigation showed this to be a frequent occurrence. After this discovery the premise were told that Wiltshire Police were considering a review because of the breeches. In response to this the premises carried out a voluntary variation adding conditions to the licence and closing voluntarily for 2 weeks in order to change their working practices.

8. In relation to the application for a premises licence at 37-38 Fleet Street, Swindon the applicant Mr DI LISO seeks to obtain a licence for a Nightclub which will provide entertainment and alcohol over two floors in the Town Centre of Swindon. As well as this entertainment the premises would open from 21.00-02.00 Tues and Wednesday and 21.00 – 04.00 Thursday, Friday, Saturday and Sunday. At all times the premises is open the supply of alcohol and the playing of recorded music has been applied for which is the same as any nightclub in Swindon.
9. To my knowledge Mr DI LISO has a history of obtaining licenses in previously unlicensed buildings. One of these premises operated a similar type business model as being applied for on this occasion. It is my experience that after a period of running these establishments Mr DI LISO then leaves the premises with the premises licence intact. My concern on this occasion is that an unlicensed building will obtain a licence and after a period of time Mr DI LISO will leave and transfer the licence back over to the ROSSI family. They will then be able to run a licensed premise again with a licence that has later hours and fewer conditions than previously imposed by a licensing panel.
10. I have examined computer records stored by the Wiltshire Police in relation to the area of Fleet Street, the hours incidents occur at licensed premises and the applicant Mr DI LISO. In addition to this I have had statistical work carried out by the Wiltshire Police Intelligence Unit Analysts looking at Town Centre Violence against the Person and statistical work from GW Accident and Emergency Department. I have also taken the opportunity to look into the practices undertaken by responsibly run Nightclubs

## **Location**

11. The premises is situated in Fleet Street which is the main street in Swindon's New Town Night Time Economy Area. The area of Fleet Street currently has 11 late night vertical drinking premises that all close between the hours of 00.00 – 04.00hours. There are also 3 premises empty in this area that all have premises licences in existence. To add to this there are 4 late night refreshment premises in the area with the latest able to open 24 hours a day.
12. The licensed premise with the 04.00hours licence has been to licence review twice within the last 2 years due to high levels of alcohol related crime and disorder. This is despite the premises management's best efforts to solve these issues. This premises peak hour for incidents are between 02.00-04.00hours due to the lateness of their closing hours. This is an hour later than the average hours of incidents at other licensed premises in Fleet Street.
13. The Swindon NTE now expands from Old Town Swindon to Fleet Street which is a very large area to cover. Elsewhere in the NTE 3 nightclub premises exist with 06.00hours premises licences and we find it increasingly difficult to patrol these venues.
14. The further issue of the location at 37-38 Fleet Street is that if they are successful in gaining a 04.00hours licence the other venues along Fleet Street will have closed. The customers that then leave those premises will already have consumed enough alcohol but will look for a location to carry on drinking more alcohol. This of course creates conflict when they are refused access as they are already intoxicated. Well managed licensed premises are able to contain these issues by ensuring they have an adequate number of door staff to control issues on their



doors as well as managing their customers inside. This is even more necessary the later the premises are open.

### **Statistics**

15. The statistical works all show the same result. At the moment on a Friday and Saturday night from Midnight onwards the level of demand created by the NTE grows until 0300 hrs when it starts to drop off again. The Police records show that this demand is well above the weekly average until after 0400 hours.
16. This extra demand is of course linked to the numerous NTE venues that start to close and kick out patrons at 0100 hrs through to 0530 hours. The majority close and eject between 0200 hrs and 0330 hours. These venues are now spread from Hooper's Place in Old town to Fleet Square in New town which is a very large area to cover.
17. At 0300hours in the morning on a Thursday, Friday and Saturday all the emergency services experience demand that exceeds their capability to provide a safe and effective service. So much so that it is not at all unusual for the Police to pick up an injured person from the NTE and convey them to the hospital because there are no ambulance vehicles available.
18. Ambulance and A&E data obtained in 2012 illustrates the impact the NTE has on Great Western Hospital. The figures also show that almost 40% of incidents occurring in the NTE are not reported to Police. The reality is the figures of NTE alcohol related offences are much higher than we are able to show.
19. The creation of yet another Late Night venue closing in this peak period will of course make this situation even worse than it already is.

20. Hot Spot data shows that this demand is consistent and not just due to recent events.

### **Swindon NTE**

21. The Swindon Night time economy is currently in decline like many other types of business and with the current financial climate this is not likely to improve any time soon. This means that already there are not enough customers to make the existing licensed venues profitable and they are all fighting for the same few customers. This results in the premises using cheap drink prices in an attempt to draw customers in.

22. Swindon Police Licensing have been working with premises to gain control over the aggressive and irresponsible drinks promotions that were being used just 12 months ago. Promotions such as buy one drink and receive two more free! This work has seen a considerable drop in drink related crime and ASB in this area. The creation of a new Nightclub in Swindon would only re start this price war. Some of the venues have openly admitted that they would have little choice but to resort to price promotions and to apply for longer hours on their own licenses to remain trading. This would lead to an increase in drink fuelled crime and disorder in the early hours of the morning.

### **The Premises Licence Application**

23. Following receipt of the application on the 20<sup>th</sup> February 2013 a letter was sent to Mr DI LISO after discussions with the local NPT Inspector. In the letter it explained our concerns with the application and the fact that the location has the highest recorded violent crime in Swindon and that adding another premise to this

would exacerbate the problems in existence.

24. The letter asked Mr DI LISO to consider closing the premises at 02.00hours Tuesday-Sunday as well as a number of conditions that would help a premise achieve the licensing objective of preventing crime and disorder that had not been mentioned in his application.

25. Mr DI LISO made contact with the licensing department and spoke with PC ALEXANDER. Mr DI LISO advised that he did not agree to any of the conditions that were requested in the letter. Mr DI LISO was particularly adamant that he would not accept the last admission time or the minimum number of door staff of 5 on Thursdays- Saturdays and at any other time a minimum of 4. The reason for these numbers is to ensure a safe and orderly premise. 2 door staff would need to be positioned on the front door, 1 member of door staff positioned downstairs, 1 upstairs and 1 in the smoking area at the back of the premises and this is advised as a minimum. Other premises operate in a similar way to ensure the safety of their customers and employees.

26. As Mr DI LISO would not consider these conditions Wiltshire Police have had no option other than to object to the application for a premises licence due to concerns that the licensing objectives of preventing crime and disorder and public nuisance would not be achieved.

### **Additional information**

27. I have attached unused documents for the information of the panel. This pack consists of-

- a) A copy of the Summary Licence Review Application for Angelo's
- b) A document to show the A&E vs crime recording stats and demand of the NTE on

the Ambulance service.

- c) A document illustrating Town Centre violence against the person including hot spot analysis and analysis of the peak days and hours of offences.
- d) A graph indicating the hours of incidents at licensed premises.
- e) A copy of an email sent by Mr David Broom describing his premises operation.
- f) A copy of the letter sent to Mr DI LISO following the licence application.

Statement of truth

The facts stated in this witness statement are true to the best of my knowledge and belief.

Signed:.....

SIAN KALYNKA

Dated..7th March 2013.....

## FORM FOR APPLYING FOR A SUMMARY LICENCE REVIEW

[Insert name and address of relevant licensing authority and its reference number (optional)]

Swindon Borough Council

**Application for the review of a premises licence under section 53A of the Licensing Act 2003 (premises associated with serious crime or disorder)**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing the form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. **Use additional sheets if necessary.**

I Detective Superintendent Sarah Bodell [on behalf of] the chief officer of police for the Wiltshire Police police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.

**1. Premises details:**

Postal address of premises, or if none or not known, ordnance survey map reference or description:

**Angelo's Nightclub,  
37 Fleet Street,**

Post town: Swindon

Post code (if known): **SN1 3RE**

**2. Premises licence details:**

Name of premises licence holder (if known): Datecross Limited

Number of premises licence holder (if known): 881050522PREM

**3. Certificate under section 53A(1)(b) of the Licensing Act 2003** [Please read guidance note 1]:

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm) ☒

**4. Details of association of the above premises with serious crime, serious disorder or both:**

[Please read guidance note 2]

In the early morning of Wednesday 5th October 2011 Wiltshire Police executed a section 8 PACE warrant at 25 Devizes Road, Swindon, which is the home address of Mr Guglielmo Angelo Rosario ROSSI 16/05/1982. Mr ROSSI is the licensee and Designated Premises Supervisor of Angelo's Nightclub, 37 Fleet Street, Swindon SN1 3RE. Police entered the property and located Mr ROSSI in the premises along with another male.

Inside Mr ROSSI's home address officers located three bags of cocaine and one part filled bag of cocaine, scales with white residue, plastic containers with white powder and a scoop and a coffee grinder containing residue of white powder. It was apparent to officers that at the time of executing the warrant the cocaine was in the process of being prepared. A further Tesco carrier bag containing a large quantity of white powder was found close to the other bags and paraphernalia and this is suspected to be the cutting agent Benzocaine.

The previous evening the aforementioned second male was observed by police officers in Birmingham loading a large, irregular shaped package approx 2 feet by 1 foot into the boot of his car. On his return to Swindon he collected Mr ROSSI from his home and they both then went to Angelo's Nightclub in Swindon where the package was taken inside. A subsequent Section 18 search of Angelo's Nightclub on 5<sup>th</sup> October 2011 lead to the discovery by officers of a large cylindrical drum of what is suspected to be benzocaine; the drum is consistent with the package taken into the premises by Mr ROSSI and the second male.

The cocaine found at Mr ROSSI's home address consists of approximately 1.5kg of cut cocaine and 0.5 kilos of uncut cocaine. Approximate street value of this cocaine is £165,000.

Mr ROSSI was consequently arrested on Suspicion of Being Concerned in the Supply of Class A Drugs and Possession Of Class A Drugs With Intent To Supply.

During the search of 25 Devizes Road a Section 1 firearm with a silencer and ammunition was also recovered by officers. This was well concealed within a number of bags and containers and under a pile of laundry.

In interview Mr ROSSI made full admissions that he was in possession of Class A drugs and that his premises were being used in the course of drug preparation. Mr ROSSI also admitted to being a regular user of cannabis and crack cocaine. Mr ROSSI admitted that he had handled the firearm located at his premises but would not disclose any further details.

Mr ROSSI was remanded in custody on 6<sup>th</sup> October 2011 after giving a no plea indication and a committal hearing date has been set for 17th November 2011.

The offences Mr ROSSI has been remanded for are serious crimes as defined by section 81 of the Regulation of Investigatory Powers Act 2000 as he could be reasonably be expected to be sentenced for a prison term of 3 or more years for more than one offence.

**The licensed premises are associated with serious crime as the licensed premises have been used in the supply of class A drugs with intent to supply.**

**The premises also has a history associated with crime and disorder. Under the same management the premises was reviewed in 2007 and had its licence suspended by the licensing committee. On appeal by the premises licence holder the Magistrates Court upheld the suspension of the licence.**

**The premises was taken to review as a result of significant crime and disorder occurring at the premises. Since the premises reopened in December 2009 the premises licence conditions have been breached, they have served past their licensable hours and they have supplied alcohol to persons underage.**

**After this discovery the premises were told that Wiltshire Police were preparing to apply for a review of their licence.**

**In reply to this the premises' solicitor offered a voluntary licence variation to avoid the review process and they voluntarily closed for two weeks to give them time to change their working practices. This was accepted by Wiltshire Police as it was hoped that this would address the issues at the premises.**

**However, since this voluntary change of the licence there have been further incidents of crime and disorder including extreme levels of drunkenness and supply of alcohol to underage persons.**

**Wiltshire Police are currently in the process of objecting to an application made by the premises to extend their opening hours to 04.00 hours from 02.00hours.**

**Wiltshire Police hereby apply for an expedited review under section 53A of the Licensing Act 2003 which is aimed at tackling serious crime and disorder, and ask that the premises licence be suspended as an interim measure until a full review of the premises licence is carried out by the licensing authority.**

**Alternative powers available to the police under sections 161 to 165 in Part 8 of the Licensing Act 2003 are inappropriate as there are no grounds to believe at present that serious and imminent disorder is likely to occur at the premises. Wiltshire Police do believe, however, that an expedited hearing is appropriate in this case given that the criminal activities in which Mr ROSSI has been involved are sufficiently serious to demand an expedited review hearing and immediate action is required to suspend the premises licence in order to avoid any further offences of this type being carried out at the premises with immediate effect.**

**At the full review hearing Wiltshire Police will be seeking the full revocation of the premises licence.**

Signature of applicant:  
Date: 07/10/2011  
Capacity: Detective Superintendent

**Contact details for matters concerning this application:**

Address:  
**Gablecross Police Station  
Shrivenham Road  
Swindon  
SN1 4RB**

Telephone number(s): 01793 507874

Email: sian.kalynka@wiltshire.pnn.police.uk

Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.

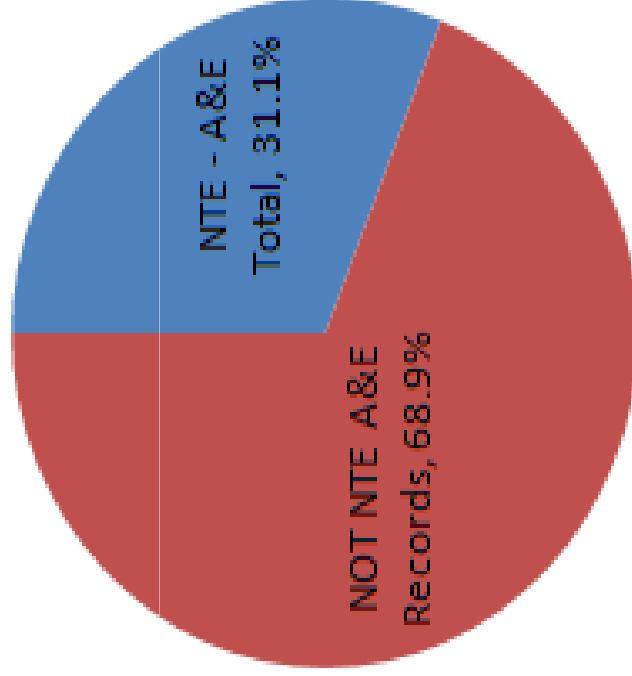


# Ambulance and A&E data

Maciej Wojewodka, Operational Policing  
(North) Performance Analyst

# Accident &Emergency

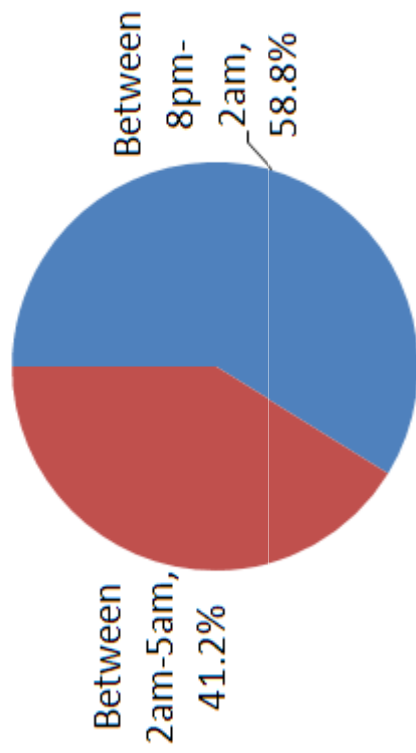
## All VAP A&E Records- Last 12 months



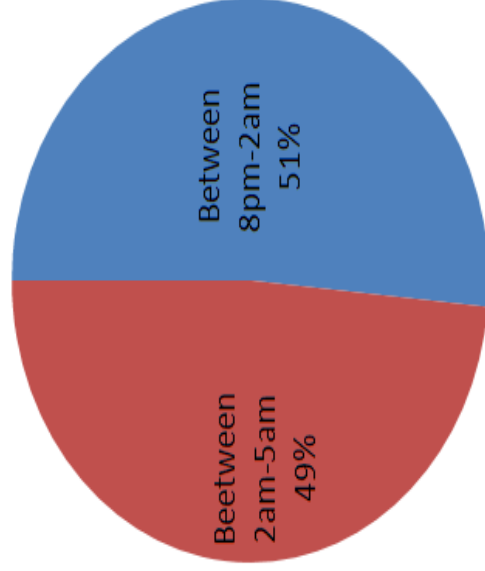
Maciej Wojewodka Operational Policing  
(North) Performance Analyst

# A&E Data Vs Reported Crime

**Last 12 Months A&E Records - NTE**



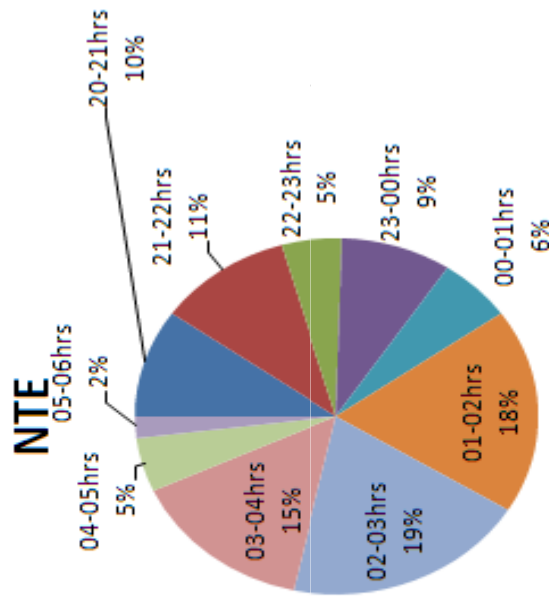
**VAP - NTE Last 12 Months**



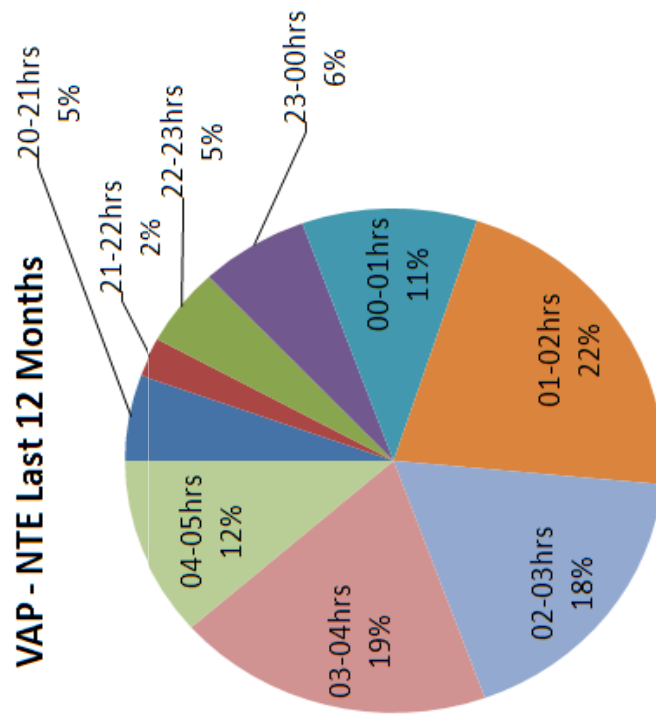
Maciej Wojewodka Operational Policing  
(North) Performance Analyst

# A&E Vs Crime Reported Time

**Last 12 months - A&E Report Times -**

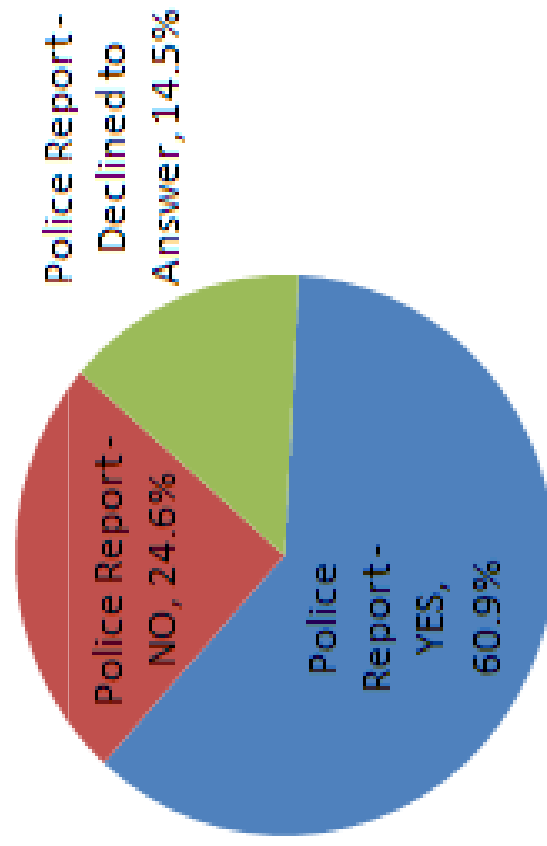


**VAP - NTE Last 12 Months**



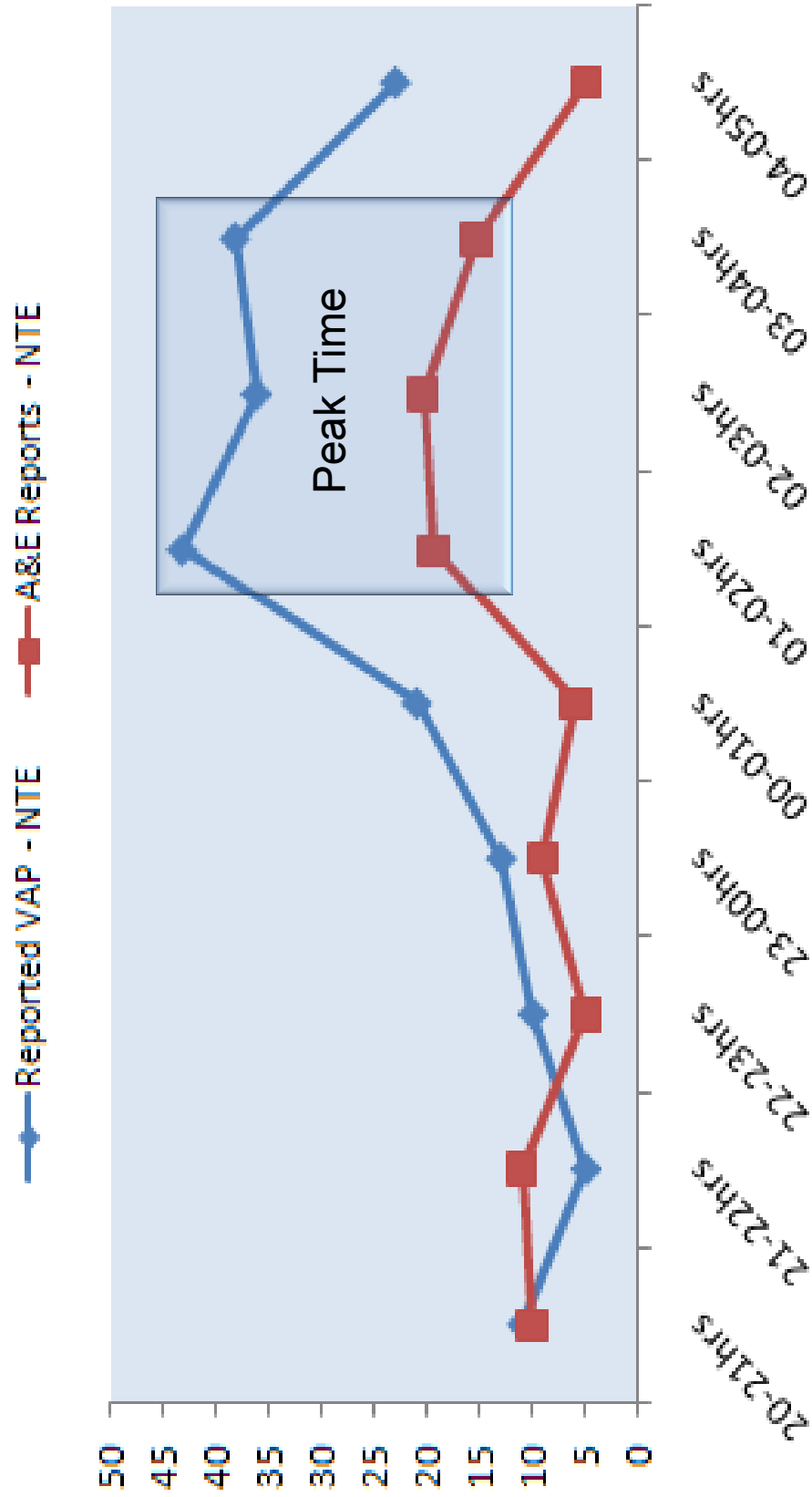
# Ambulance Call Outs & Accident & Emergency

## Last 12 Months A&E Records - Police Report?



Maciej Wojewodka Operational Policing  
(North) Performance Analyst

# Police Vs A&E Data



Maciej Wojewodka Operational Policing  
(North) Performance Analyst

# Summary

- The Night Time Economy runs for 24 hours per week, but is responsible for 31% of All Violent A&E Admissions.
- Almost 40% of all NTE incidents recorded by A&E are **NOT** being reported to the Police.
- The Night Time Economy runs from 8pm-6am every Thursday, Friday and Saturday. However, the 3 hour period of 1am-4am is responsible for 52% of all Night Time Economy A&E records, and 59% of all NTE Reported Violent Crime.

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# DT VAP

## 01/08/2012 – 18/02/2013

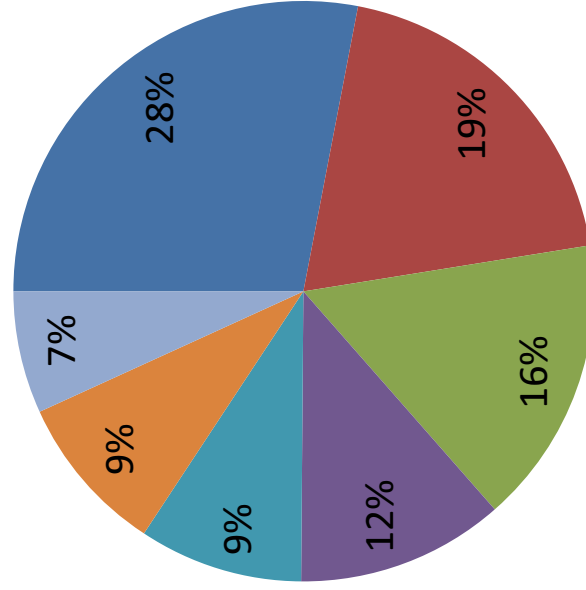
5 x 5 x 5 Handling Code	
1	No Special Conditions: May be disseminated to other Law enforcement and prosecuting agencies including enforcement agencies within the EEA and EU compatible



Data from iBase has been collated for occurrences between **01/08/2012 – 19/02/2013** with an Occurrence Type of **Crime- Violence Against the Person** in the **Swindon** area. There have been a total of 1717 occurrences. The pie chart below shows the percentage of occurrence in each Section and it can be seen that the **majority** of offences have occurred in the **DT area with 28%**

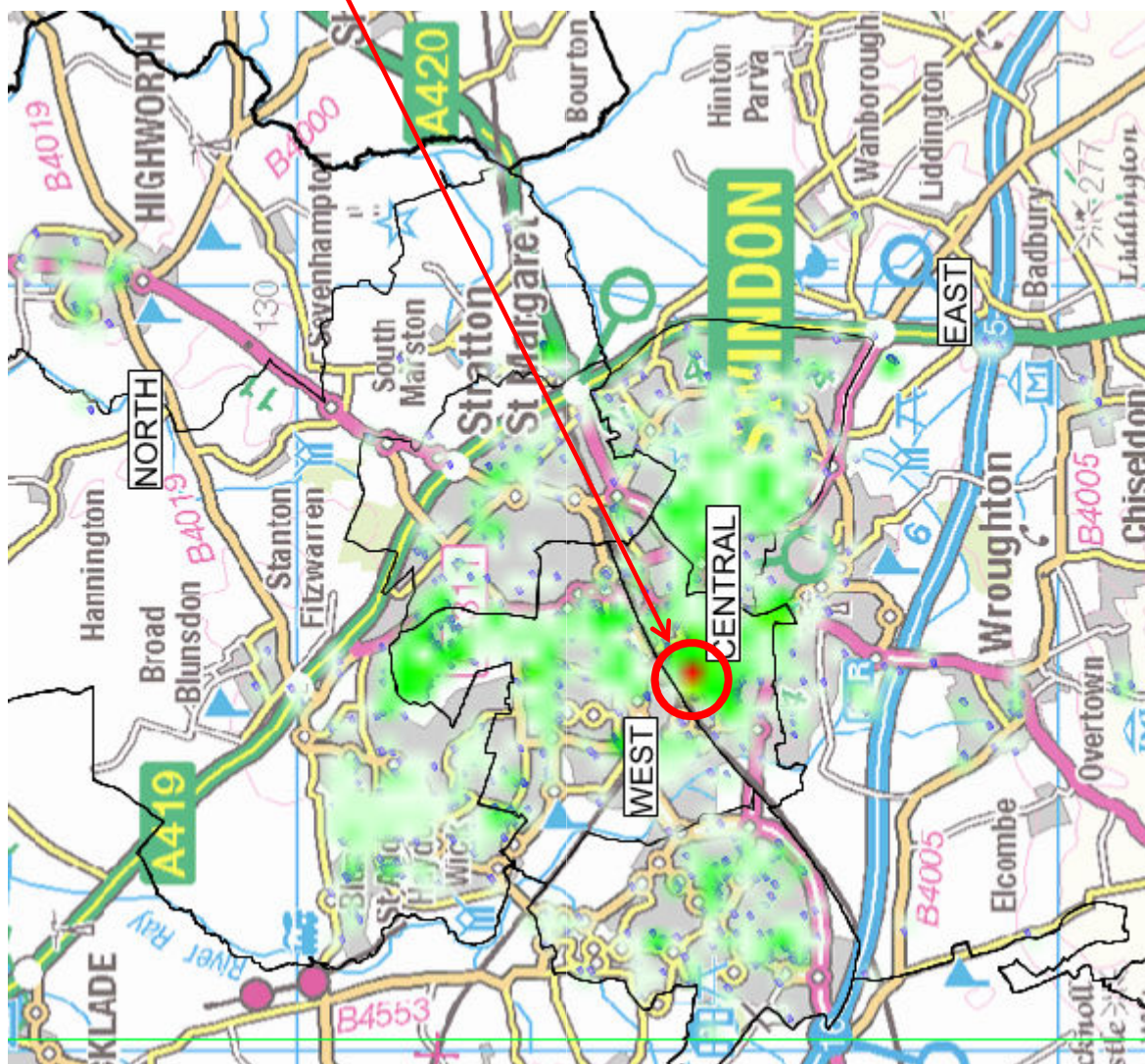
### VAP Occurrences

■ DT ■ DC ■ DE ■ DN ■ DA ■ DW ■ DS



# Hotspot map- all Swindon Offences

Hotspot in Central Swindon



Martin Bell, 7487, Intelligence Analyst, WIU

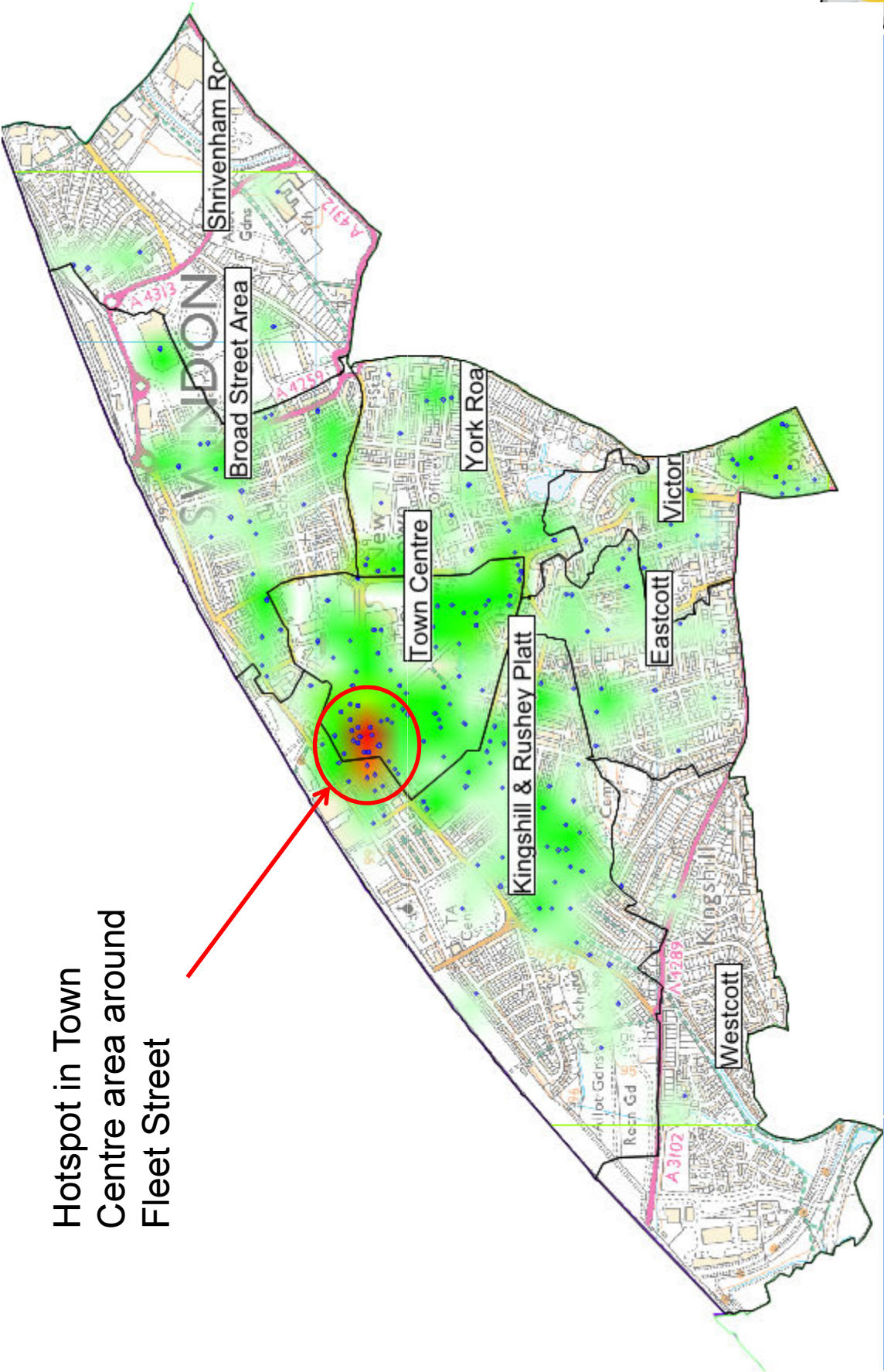
**RESTRICTED**



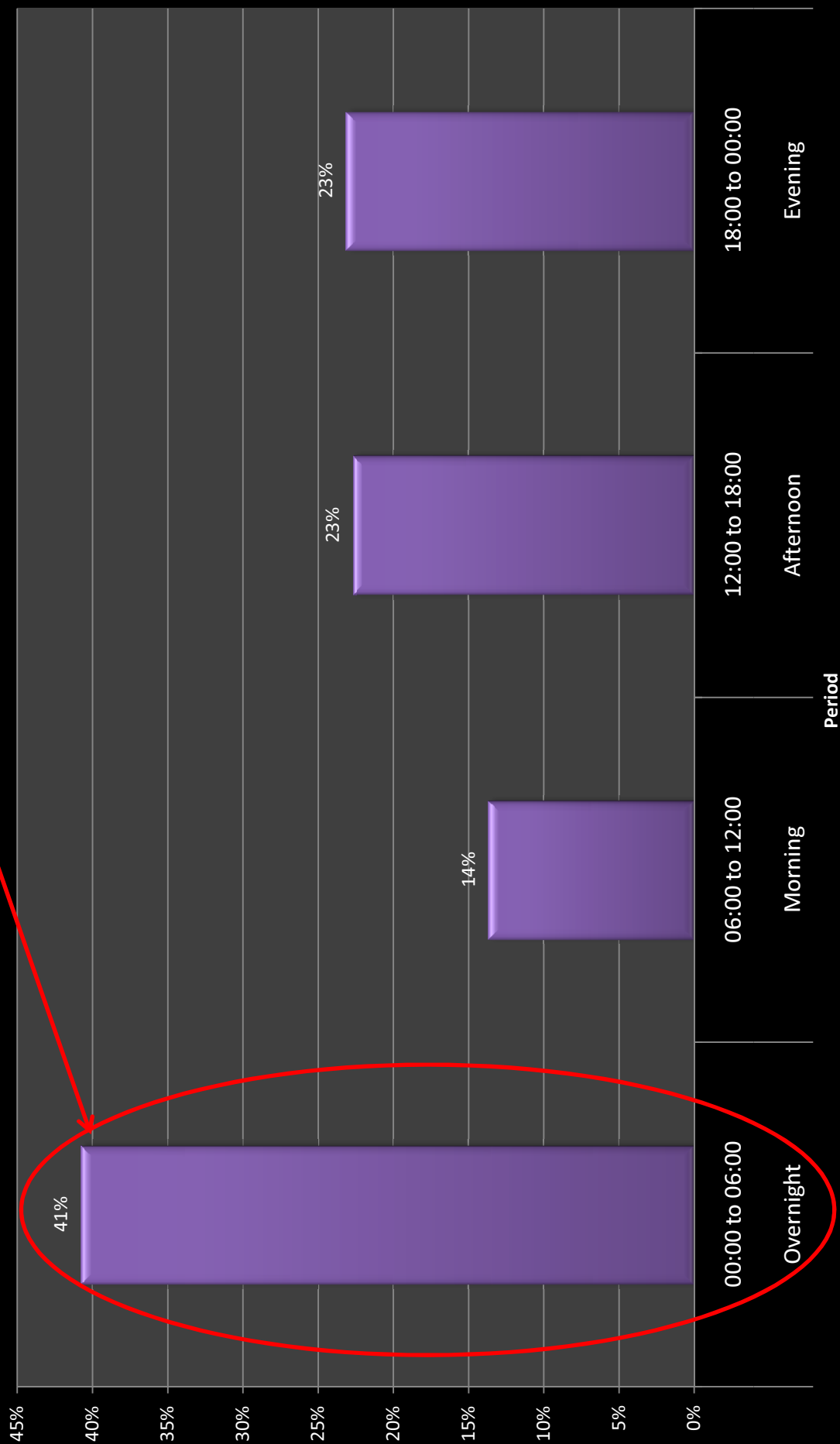


**Hotspot map- DT Sector**

Hotspot in Town  
Centre area around  
Fleet Street



PEAK PERIOD OF DAY

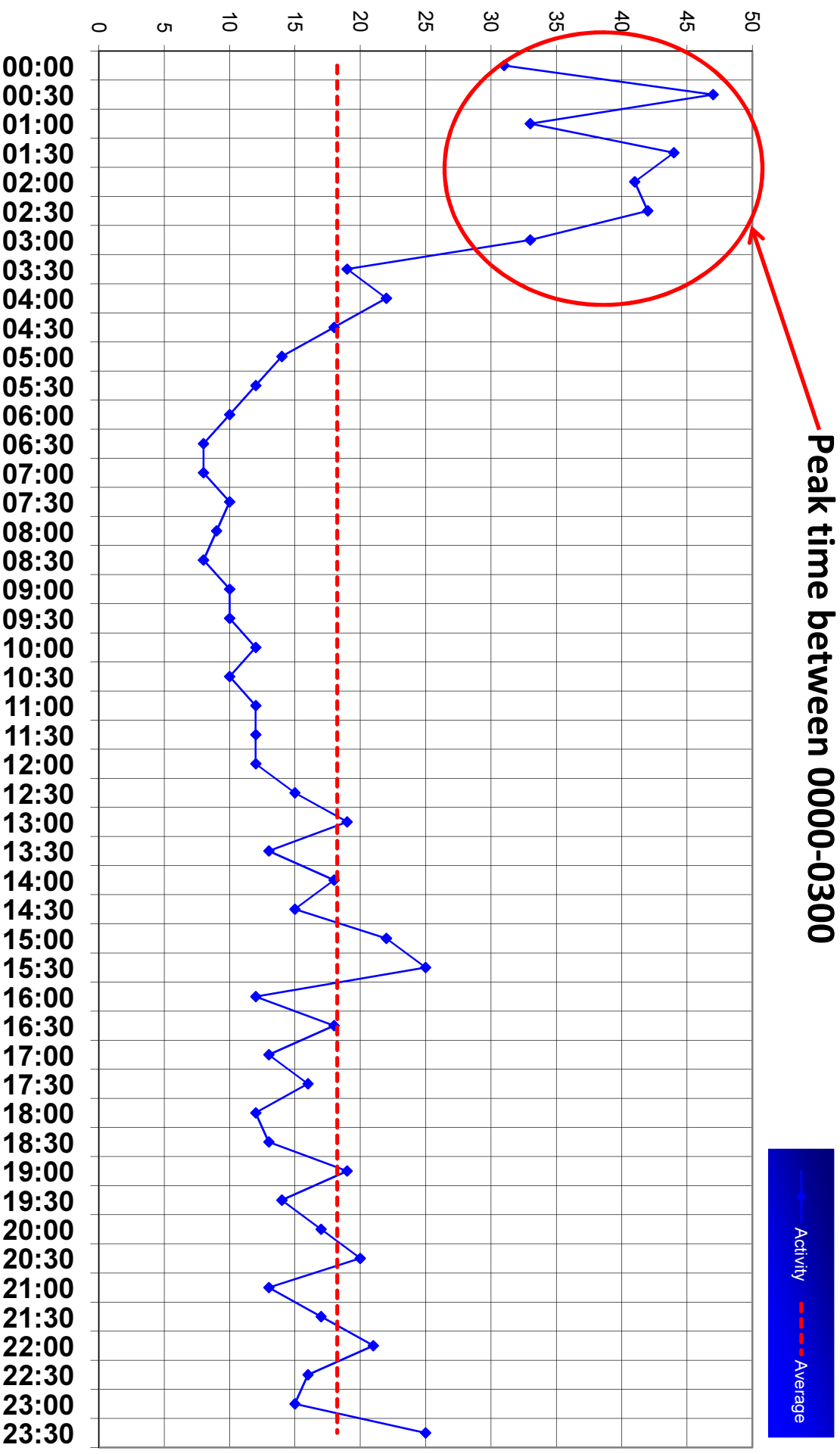


RESTRICTED

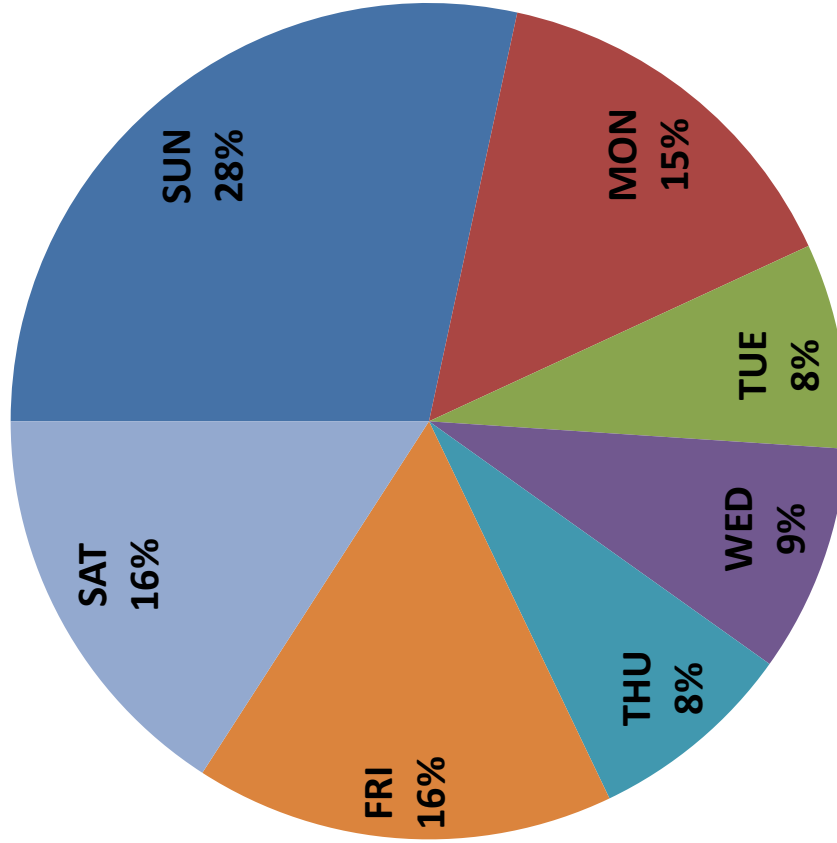
Martin Bell, 7487, Intelligence Analyst, WIU



Peak time between 0000-0300



## Day of the week



### Peak Days-

Sunday 28%  
Friday & Saturday 16%  
Monday 15%

Majority of offences occur in early hours i.e. Sunday offences relate to Saturday Night Time Economy (NTE)

Therefore:

**Saturday NTE: 28%**  
**Friday NTE: 16%**  
**Thursday NTE: 16%**  
**Sunday NTE: 15%**

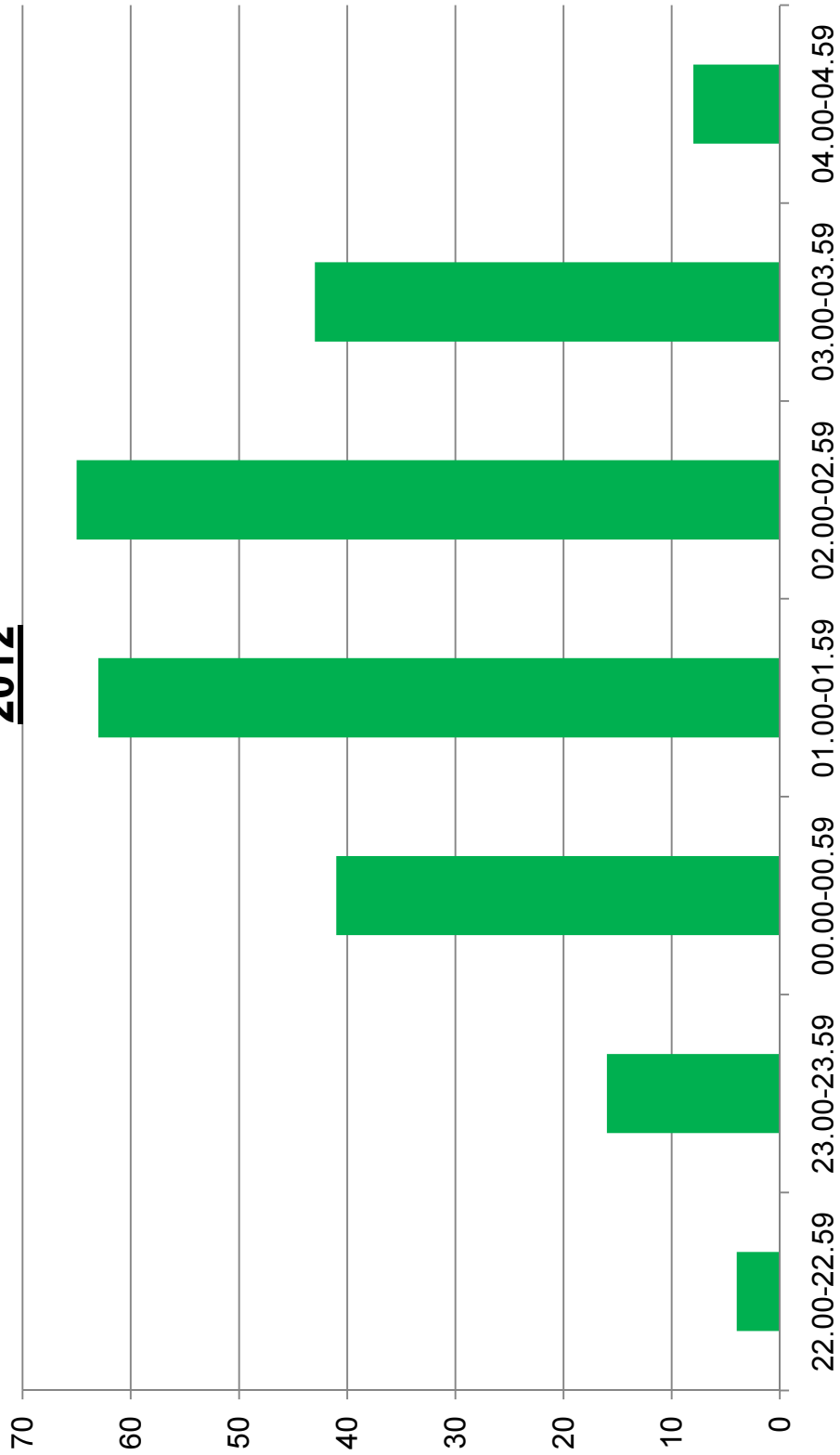
Sunday NTE offences could relate to Bank Holidays



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**Hours of Incidents at Licensed Premises on Fleet Street in 2012**



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Email from Dave Broome Received 03/03/13

Foxies as a venue will operate with 4 SIA Door staff at any given time due to a multitude of reasons with the main issue being the overall security of the venue and the girls who are employed here.

At all times the Main front door will be covered by 2 SIA registered Doormen which ensures that all club policies are followed with full identification checks being made and instructions of club rules being issued to all customers upon entry. This enforces all customers with full knowledge of rules and regulations and we find as a venue helps reduce the risks involved with any girls being propositioned or touched in any form of indecent mannerism. Also using 2 door staff helps to assist the control of alcohol induced customers through the peak period of 1:00 – 3:00AM, having an additional doorman allows the swap over technique where if a customer is getting aggressive the with one doorman in particular they will rotate allowing the situation to defuse and the aggressive customer to be dispersed of accordingly. At all times the doorstaff will operate a clicker door entry system which will indicate at any time the given number of customers held in the venue, which is a requirement due to Fire regulations. We do feel using one doorman would compromise the control of this and could lead to irregularities in the quantity we advise emergency service in the event of a fire or major incident.

Upstairs the venue will also run with 2 SIA door staff and they both have set agenda's to follow. One will take full control of the dance area controlling customers going in and out but more so carrying out continual checks through dances which gives a visual presence to customers so they know they are being monitored. The second doorman is solely responsible for all activities on the floor area and will be in continuous checks with the bar staff ensuring any issues they have are dealt with effectively and efficiently. All bar staff are provided with full radios and headsets again providing them with a full means of communication at any time to all 4 door staff on site.

At all times the venue will have a full personal licensee holder on site that will monitor the clubs 16 (record live time) cameras? 6 Camera's cover the door entry area, walking area to the club and also the gents wash basin area which in turn assists providing direction to the 4 door staff on approaching customers or any other issues within the venue. 10 Camera's operate upstairs in the venue and are backed up with a 21 day recording system providing 100% safety for all dancers, bar staff and door staff operating upstairs in the venue

Pub watch radio is in operation at all times and is monitored and responded to by the head doormen on the allocated evening. All requests to stop entry from other venues are adhered to along with the pub watch system online.

I feel as the manager of the venue for 12 years all of the above measures have assisted us to minimal disruption within the club and has ensured maximum safety to all staff who have worked here. We also have a good reputation with all girls who are new to the venue as word spreads that it is a safe place to dance in this industry which I pride myself on keeping up at all costs.

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Mr C Di Liso,  
19 Torun Way,  
Swindon,  
SN25 1TA

**Swindon Police Station Gablecross**

Shrivenham Road  
South Marston  
Swindon  
Wiltshire SN3 4RB  
Telephone: 101  
Ext: 760417  
Direct Dial: 01793 507874  
Facsimile: 01793 507892  
DX: 132780

Date 25<sup>th</sup> February 2013

Dear Mr Di Liso

**APPLICATION FOR A PREMISES LICENCE 37-38 FLEET STREET, SWINDON**

Thank you for your application for a premises licence which was received on the 20<sup>th</sup> February 2013.

I have looked closely at the application for the premises and after discussions with the Neighbourhood Policing Team the following issues have been raised.

On the application you have indicated that you wish to remain open until 02.00 hours Tuesday and Wednesday and open until 04.00hours Thursday to Sunday. Our position remains the same as when you first approached Wiltshire Police with your plans as there is concern over alcohol related violence within the Town Centre and these hours would not be appropriate in improving this situation.

The premise is located in Fleet Street which is the street that has the highest recorded violent crime in Swindon Town Centre and the majority of this is alcohol related. The area of Fleet Street is surrounded by vertical drinking establishments and late night refreshment premises and currently the night time economy in Swindon is causing the emergency services to work beyond their capability. The addition of another late night venue will only exacerbate the issues that exist.

Due to this we would like you to agree that Tuesday - Sunday you will close the premises at 02.00hours

Also to coincide with the opening hours above it is necessary to attach some conditions to the licence. I can see that you have included conditions that will cover the entertainment on offer at the premises however there are additional conditions that will ensure the licensing objective of crime and disorder is achieved.

**Conditions**

- 1. Door supervisors will be instructed to undertake walk around checks for intoxicated patrons or underage customers at least every thirty minutes from 21.00hours until closing. These checks will cover all public areas including both toilets. A log shall be kept by Door supervisors and shall be signed at the end of the evening.*
- 2. The bar will be cleared of customers within 30 minutes of the bar closing, following a session where alcohol has been sold.*



3. *A CCTV camera should cover the entrance/Exit area of the premises and should have a clear unobstructed view of the front door to the premises.*
4. *Polycarbonate, shatter-to-safe, plastic, paper or other inherently safer types of container shall be used at all times the premises is open.*
5. *A register shall be kept on the premises, in which shall be recorded the details of door supervisors, to show clearly which door supervisors are on duty at any given time. Together with that record, information shall be recorded about each individual door supervisor, to include their full name, their SIA badge number and the identity of their employer. In addition the Head Door Supervisor, or other such manager of the Door Supervisors on site shall be identified in the record, together with his or her details and hours of duty. The DPS/Manager should not include themselves as a member of the door staff.*
6. *There shall be a minimum of 5 door supervisors on duty, from 22.00hrs on a Thursday, Friday, Saturday or any session which begins on a Sunday prior to a Bank holiday. 2 Door Supervisors should be placed at the entrance, 1 downstairs, 1 upstairs and 1 in the smoking area. At all other times the number of door supervisors should be 4.*
7. *No customer shall be admitted to the premises after 01.00hrs*
8. *No person shall be permitted to take a glass bottle into the smoking area after 22:00hrs.*
9. *A dispersal policy shall be formulated in conjunction with the Police and shall be applied with the objective of ensuring the safe and quiet dispersal of customers, at the end of the evening.*
10. *No ashtrays manufactured from glass or any other heavy material which might facilitate their use as weapons shall be placed in any smoking area.*

I hope that you agree the above conditions are relevant and necessary for a premise such as this operating in the area of Swindon Town Centre.

Can I make you aware that if you do not agree to the opening times and conditions above that an objection to the licence will be made by Wiltshire Police due to the current issues in the area. If you are successful in extending the opening hours any increase in crime and disorder and public nuisance may be attributed to the premise.

If you have any queries regarding the above please do not hesitate to contact me on 01793 507874. I will also send a copy of this letter to the Licensing officer at Swindon Borough Council.

Yours sincerely,

Siân Kalyuka  
Police Licensing Officer





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**Statement of Graham Edward MCLAUGHLIN**

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I, **Graham Edward MCLAUGHLIN**, Police Sergeant 2255, Divisional Police Headquarters, Gablecross Police Station, Swindon, Wiltshire SN3 4RB will state as follows:

**Introduction**

1. I am Police Sergeant 2255 Graham MCLAUGHLIN of Wiltshire Police. I am a supervisor on the Swindon Town Centre Neighbourhood Policing Team. I have been in post since November 2012. Amongst other duties my role includes the tactical management of policing within Swindon Town Centre's night time economy. I make this statement on behalf of Wiltshire Police.
2. I am aware of the detail contained within the statement provided by the Divisional Licensing Officer Sian KALYNKA in relation to this matter and where technically able I am in agreement with the information supplied and support the conclusions she makes.
3. Within my role I liaise with licensed premises within the FLEET STREET area as part of the areas Pubwatch scheme, I regularly participate in the overt policing of the area and have line management of the areas Night Time Economy Manager PC Michael DIFFIN.
4. The FLEET STREET, BRIDGE STREET and JOHNS STREET area (herein referred to as New Town) is already heavily populated with pubs, clubs and other licensed venues. The result is a large number of people in a small area at anyone

time and that a significant proportion of these will be intoxicated. This leads to an increase in crime and disorder, particularly violent crime as those intoxicated persons are both more likely to commit offences and become victims.

5. As a result on a Friday and Saturday night Wiltshire Police operate a specific night time economy operation within the New Town and Old Town areas of Swindon. This operation is from 2000-0500hrs every Friday/ Saturday evening as well as specific dates when intelligence leads the Police to believe there will be a significant increase in numbers attending the area or risk to those attending. The operation consists of a minimum one Police Sergeant and six Constables, but can rise at time to an Inspector, Two Police Sergeants and twelve Constables, as well as specialist resources such as drugs dogs, plain clothes officers and of course assistance from the Special Constabulary.
6. These resources are drawn from other policing teams such as response and neighbourhood policing diverting officer attention from other areas of the Town and placing a burden on those left to continue policing other areas.
7. The aim of the NTE policing operation is to proactively police the Town Centre, Old Town and Red Route areas of Swindon in order to:
  - a. Prevent and detect incidents of Disorder
  - b. Prevent and detect incidents of Criminal Damage
  - c. Prevent and detect incidents of VAP
  - d. Gather intelligence in relation to Licensing Act offences.
  - e. To provide a visible presence to increase Public Safety and Confidence.
  - f. To support the Door staff and licensee's.
8. These objectives are achieved by conducting checks with venues and their staff at

an early stage for an issues or concerns, actively patrolling the area on foot in pairs, conducting vehicle and foot patrols of routes used by those entering and leaving the NTE (herein known as Red Routes) and liaising with/ responding to calls for assistance from venues via the NightSafe radio scheme.

9. As stated by Miss KALYNKA and evidenced in the statistics she provides the majority of offences occur between 0100hours and 0300hours on the Friday and Saturday night time economy. These are the periods when the majority of venues are closing and people in the area are at their most intoxicated, thus there is a sudden influx of potential offenders and victims onto the street. As such a major consideration of the officers during this time is actively dispersing groups and individuals from the area. This is done with the assistance of door staff and Street Pastors, identifying vulnerable people and getting them into taxis/ ensuring they are with friends, proactively encouraging large groups to move on or dispersing them under section 30 Anti Social behaviour Act 2003 and where individuals are identified as a potential problem directing them to leave the area under section 27 Violent Crime Reduction Act 2006.

**Specific Concerns/ Objections:**

10. The area of New Town all ready has a large number of late night pubs and clubs. This already places a significant burden on policing. An additional venue would further add to these issues. Specifically given the late closing proposed by the applicant it would prolong the issues later into the night.
11. The location of the proposed venue is on a main thoroughfare in and out of the night time economy area. It would if a license were granted as per the application remain open later than the majority of venues within the night time economy.

Thus those leaving the area would be encouraged to remain, when they might otherwise have been on their way out of the area. With the aforementioned issues regarding dispersal of groups and individuals this presents a risk of increased crime and disorder.

12. Those remaining in the venue are likely to continue drinking alcoholic beverages and thus become more intoxicated. Given the well documented empirical link between intoxication and violence my concern that the venue specifically will see a higher than average level of violent crime and disorder.

13. The adult nature of the entertainment provided will be marketed primarily at male customers. Though I am aware that the applicant intends for the venue to be welcoming to all I suspect it will be a predominantly male environment. The majority of assaults within the night time economy are single sex, in other words male on male and female on female violent offences. Thus a predominately single sex environment presents an increased risk of violent offences where the pre-existing factors associated with the night time economy such as alcohol and illicit drug intoxication are already present.

### **Additional information**

#### Statement of truth

The facts stated in this witness statement are true to the best of my knowledge and belief.

Signed:.....

Graham Edward MCLAUGHLIN

Dated.....

Head of Licensing  
Wat Tyler House West-5<sup>th</sup> floor  
Beckhampton Street  
Swindon  
SN1 2JH

Swindon  
SN2

28<sup>th</sup> February 2013

REF: Application for lap dancing entertainment in Fleet Street, Swindon

Dear Council officials,

I should like to raise my strongest objection to any further premises in Swindon offering "Entertainment of a sexual nature". Unfortunately I believe there are already several establishments in Swindon where young men will be tempted to fuel there sexual desires. There can be little doubt that this type of venue harms the attitudes of men towards women. Who can forget the terrible image of Swindon cast almost worldwide in 2011 as it became clear that the lovely girl Sian O'Callaghan had been murdered. It makes me wonder what experiences lead Halliwell to do what he did?

In an article in the Swindon Advertiser on 21<sup>st</sup> November 2012 entitled, "Violence must end."; it was stated that partner on partner abuse accounts for nearly a third of all reports of violence in Swindon, apparently well above the national average.

Also Swindon Advertiser 3<sup>rd</sup> Nov 2012, page 3; "Police in plea to help catch sex pest", only one of several recent occurrences of indecent acts by men in our town.

The men who go to such premises may already be heavily using pornography sites where at least they have no access to the girls. When these girls are available physically I am sure that it has a strong sexual arousal to men and may lead to expectations they have with their girl friends and partners.

Please consider the negative effects that this type of venue will have:-

- Vulnerable young men will have heightened sexual desires
- Men will loose inhibitions of casual sexual encounters
- Increased sexual diseases
- Further breakdown of stable families
- Where will the dancing girls come from? Possibly as sex slaves from poor countries.
- The venue will most likely become a magnet for anti social behavior even criminal activity
- Increase likelihood of prostitution in Swindon

I could go on. There is nothing good that can come from this business.

Please do not allow it. If you require any further information please do not hesitate to contact me.

Yours sincerely  
Mervyn Claxton

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To whom it may concern,

As a collective of people related to the Licensed Retail Industry and a public collective, Swindon Pubwatch would like to make a formal objection to the License application made for Angelo's of Fleet Street.

Under the licensing objectives we have concerns regarding the following items:

#### Protection of Children from Harm

Whilst the intended objectives of providing entertainment directed towards that of a Gentlemen's Club is not a direct concern regarding those too young for such entertainment the retailing of alcohol is. With so many licensed venues failing recent test purchases we would like to see a very robust system in place to prevent the sale to under 18's and a Challenge 21 policy to be strictly enforced. It has been noted that many multiple-licensed venues have better training and practices in place to prevent the sale to under-age customers, independent operators have struggled to meet the required procedures.

#### Prevention of Crime and Disorder

Whilst several other venues within the close vicinity have licensees to trade to 4am we believe that this is enough at present and a state of saturation is close to been achieved regarding patrons in the area from 3am onwards who are requiring refreshment. With the business model that they have chosen to adopt as a collective we believe that a re-directed business approach will follow where by the intended use of the premises changes and its nature of been a Gentleman's club changes to been that of a bar/club for general drinking and dancing.

The venue has a history of crime and disorder and the related name and clientele have done little to enhance its reputation. Whilst it is not a guarantee that these customers may return to frequent the venue a reputation may be too strong to prevent this from occurring.

In previous years several high profile incidents of crime and disorder have been recorded at this venue and it will take an experienced retailer to manage such a venue changing the clientele and the proposed DPS does not hold such qualifications in this area.

#### Public Safety

As previously stated in the Prevention of Crime and Disorder section we understand that alcohol and violence are related and with longer period for consumption and late entry into the premises comes a greater opportunity for crime and disorder we would be concerned about the welfare of the Public.

A high level CCTV, a proven company that is well organized, good training and procedures in place should supply Door Supervisors with a robust policy for combating crime and disorder to protect the public should be in place.

#### Prevention of Public Nuisance

With a 4am license we could now have a zone of closing times instead of a more balanced split of closing times. Whilst having several venues all in very close proximity to each other having a terminal hour of 4am has great potential for groups culminating in this area, which can then lead to loud noise from customers and them leaving the area later.

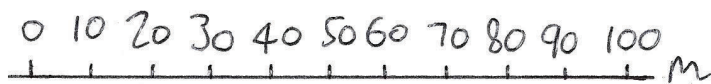
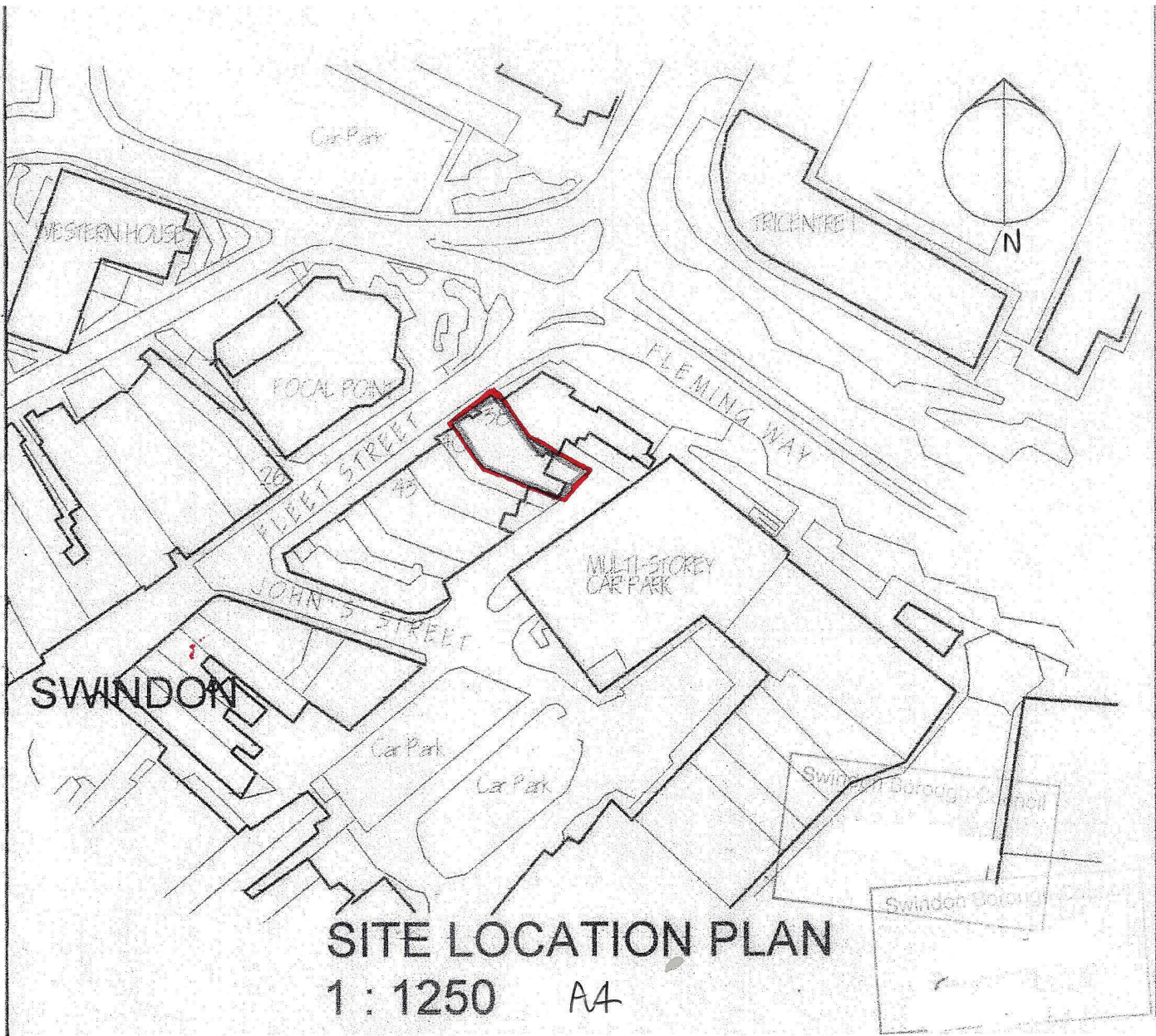
Whilst the intended business operation of a Gentleman's club is not an issue however we do believe that the market is not big enough and already has enough venues to meet demand. The operators may decide once open that they change their business model and cater to a different market. We would also like to see to prevent crime and disorder a last entry of 2am to be in line with other venues in the area. If they are permitted to gain entry after this time it may change the intended use of the premises focusing more on consumption of alcohol rather than entertainment. With this then in place possible customers may attempt to gain entry to the venue, as it is the only place that will still be permitting entry. Due then to the opening hours it may change its business direction and not intentionally reincarnate it's self into its predecessor.

I hope that these concerns will be listened to and any queries can be redirected through myself and reiterated to the group. Whilst we encourage new venues to trade we have concerns regarding the motives and possible outcome of this proposed operation as it may have negative outcomes to the downtown area of Swindon.

Yours truly,

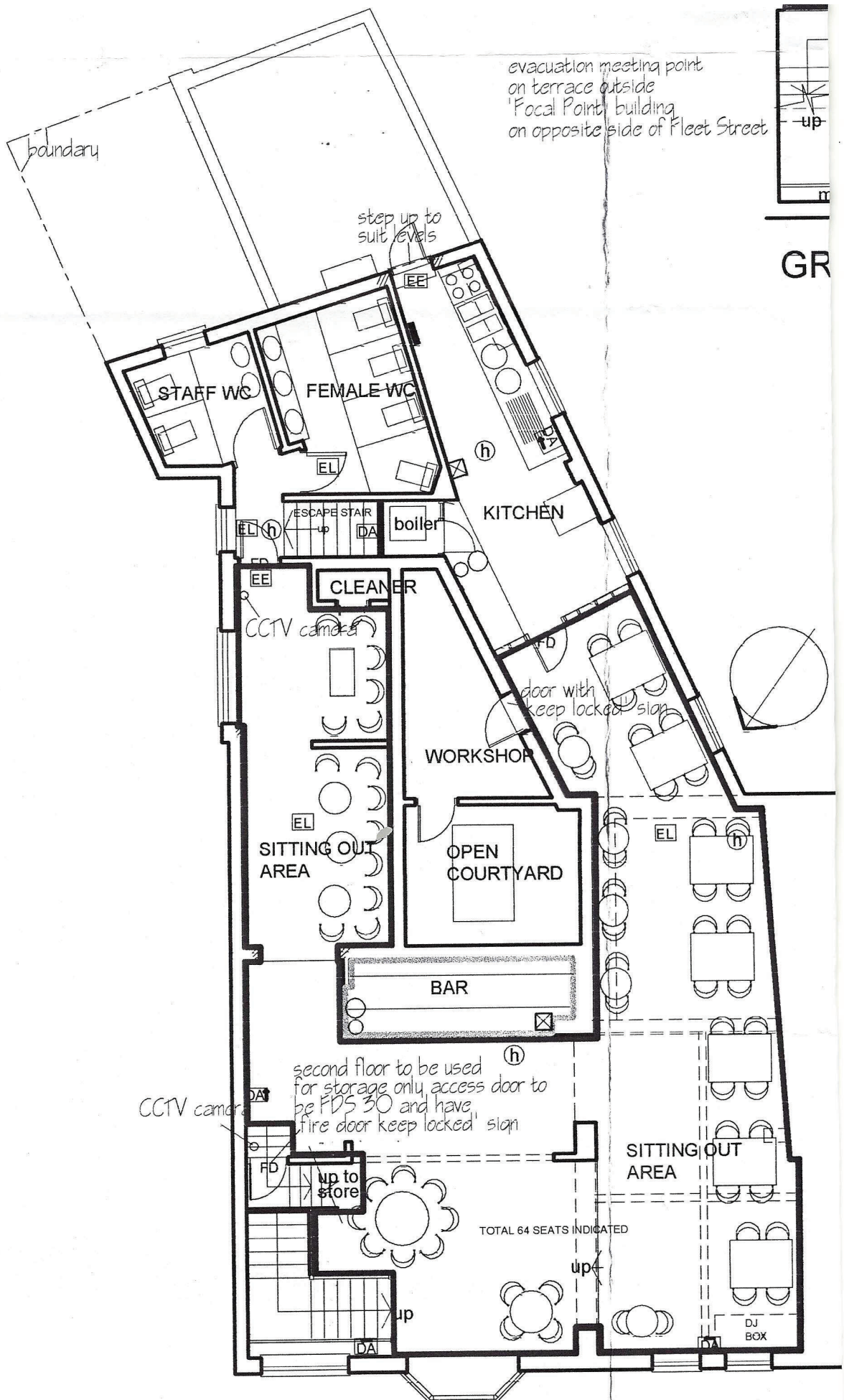
Paul Mellor  
Chairman, Swindon Pubwatch





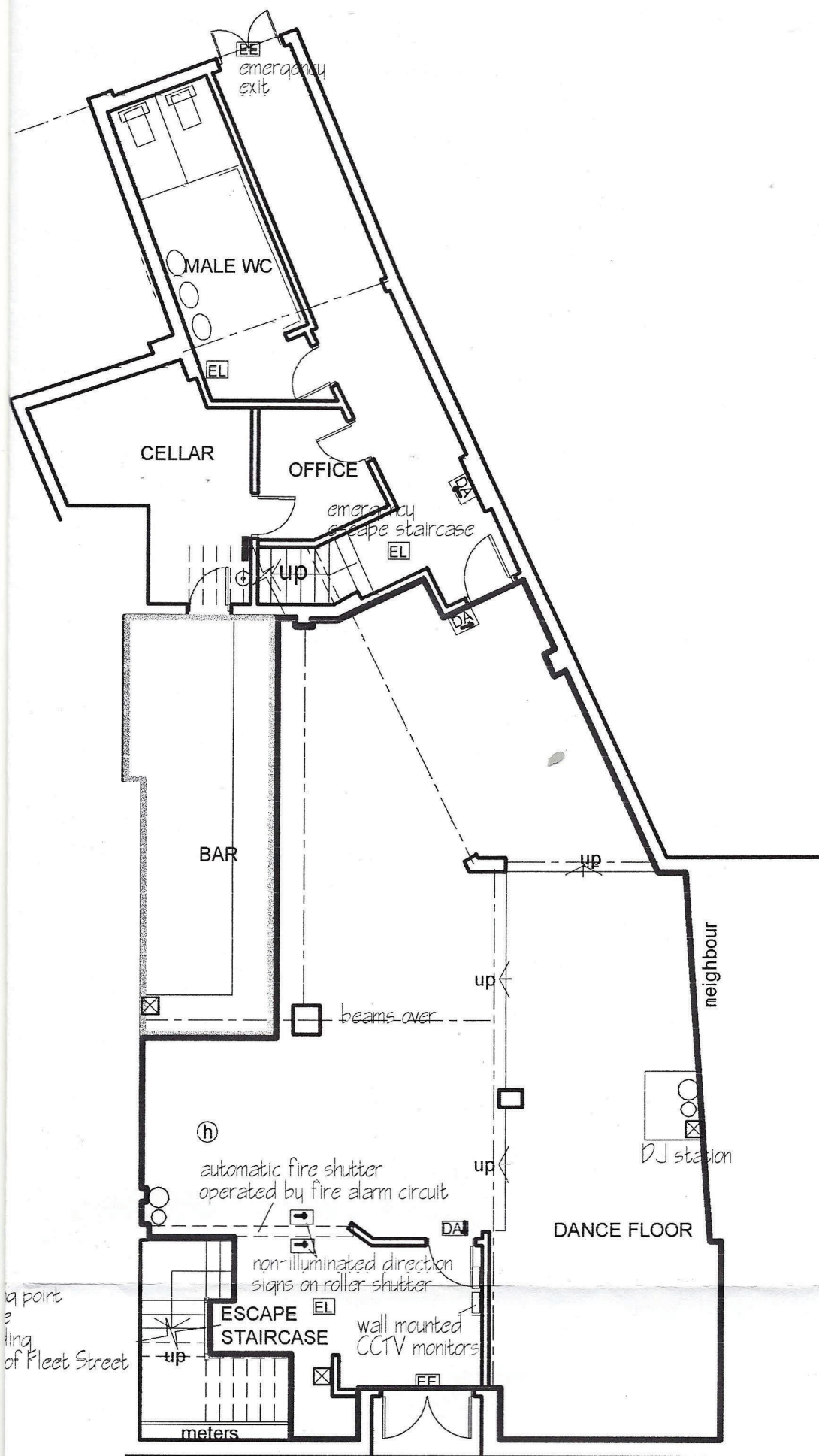
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**FIRST FLOOR PLAN**

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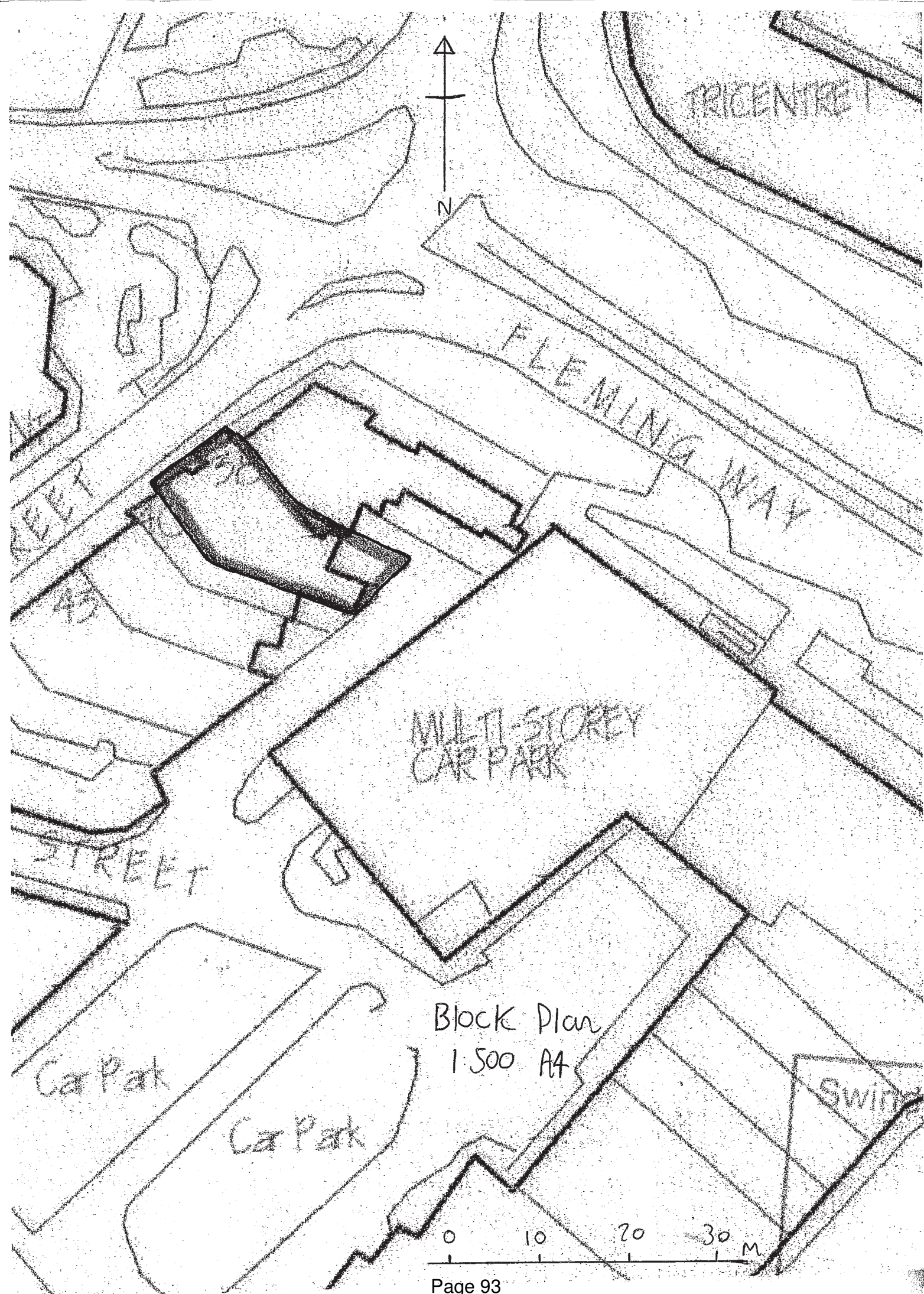


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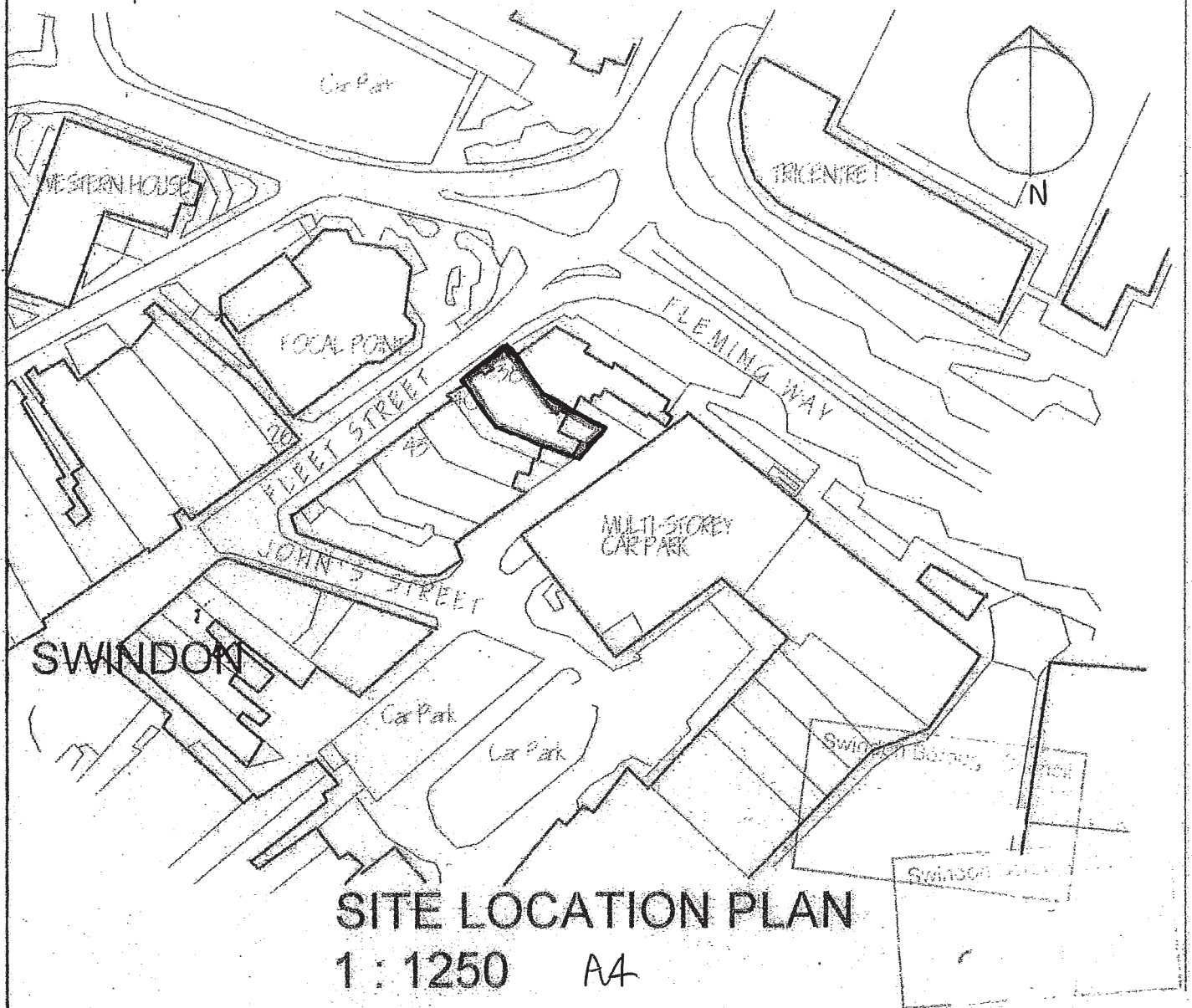
GROUND FLOOR PLAN

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Block Plan  
1:500 A4



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