

# Swindon Borough Council

## Licensing Act 2003 – Licensing Panel

### NOTICE OF HEARING

**Date of Hearing:** Monday, 1 July 2013

**Place of Hearing:** Committee Room 1, Civic Offices

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

**Panel Members:**

Conservative Councillors

Alan Bishop

Michael Bray

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 - 6)  
To receive the minutes of the meeting held on 22<sup>nd</sup> March 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 to vary the Premises Licence in respect of the Queens Tap, 74 Station Road, Swindon together with a copy of each relevant representation made and supporting documents** (Pages 7 - 38)

**Date of Despatch:** 20 June 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**

**FRIDAY, 22 MARCH 2013**

PRESENT:- Councillors John Ballman, Andrew Bennett and Richard Hurley.

**72. Appointment of Chair**

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

**73. Minutes**

Resolved – That the minutes of the meetings held on 22<sup>nd</sup>, 23<sup>rd</sup> 25<sup>th</sup> and 30<sup>th</sup> January 2013 be accepted as a correct record.

**74. 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.

**75. Application for a Premises Licence for 37-38 Fleet Street, Swindon, together with a copy of each relevant representation made and supporting documents**

The Panel considered (a) a report of the Council's Licensing Officer setting out details of an application for a Premises Licence for 37-38 Fleet Street, Swindon, (b) written objections to the grant of the Premises Licence from Wiltshire Constabulary Mr. Mervyn Claxton (Local Resident) and Mr. Paul Mellor (Chair of Pub Watch), (c) oral submissions by Sergeant Graham McLaughlin, Sian Kalyuka and PC Andy Alexander (Wiltshire Constabulary) in support of their objection and setting out proposed conditions to be appended to any Premises Licence granted, (d) submissions received in support of the application received from Mr Di Liso (applicant) and his solicitor, (e) oral representations from Councillor Bob Wright (Ward Councillor) in respect of the application, (f) questions from Members to the applicants, Wiltshire Constabulary and the representatives of the applicants and answers received, and (g) the Council's procedure for licensing hearings, Government Guidance and the Council's Licensing Policy.

Resolved - After considering: -

1. The application for a Premises 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 prevention of public nuisance
- iii. Public Safety

The Panel has determined that the Premises Licence be granted for the following hours:

1. The permitted hours for the sale of alcohol be:  
Tuesday to Wednesday 21:00 until 02:00 (the following morning).  
Thursday to Saturday 21:00 until 04:00 (the following morning)  
Sundays prior to Bank Holidays 21:00 until 04:00 (the following morning).

### Reasons

(i) The Panel considered Police evidence setting out the Hours of incidents in the Fleet Street area but weighed this against the lack of evidence in support of a contention that the applicant would be unable to manage the premises during the hours of operation requested or that he was likely to manage them in a manner that would increase public disorder. In determining the hours of operation the Panel also had regard to assurances from the applicant as to the target customer base and the type of refreshment to be offered.

(ii) Evidence put forward by the Police regarding the club previously using the premises and former management was noted but the Panel considered this in the light of evidence from the applicant that the former management of Angelo's Nightclub would have no role in the current club's operation. Such evidence was not disputed by the Police.

2. The permitted hours for regulated entertainment to recorded music and performance of dance be:  
Tuesday to Wednesday 21:00 until 02:00 (the following morning).  
Thursday to Saturday 21:00 until 04:00 (the following morning)  
Sundays prior to Bank Holidays 21:00 until 04:00 (the following morning).

### Reason

The Panel considered Police evidence setting out the Hours of incidents in the Fleet Street area but weighed this against the lack of evidence in support of a contention that the applicant would be unable to manage the premises during the hours of operation requested or that he was likely to manage them in a manner that would increase public disorder. In determining the hours of operation the Panel also had regard to assurances from the applicant as to the target customer base and the type of refreshment to be offered.

(ii) Evidence put forward by the Police regarding the club previously using the premises and former management was noted but the Panel considered this in the light of evidence from the applicant that the former management of Angelo's Nightclub would have no role in the current club's operation. Such evidence was not disputed by the Police.

2. That the conditions agreed by the applicant and appended to his application be agreed.

### Reason

The Panel agreed that the conditions put forward by the applicant were relevant to the good management of the club.

3. That conditions 1, 2, 3, 5 8 9 and 10 put forward by the Police and agreed by the applicant be approved.

#### Reason

The Panel noted these conditions had been agreed between the applicant and the Police and concurred that the conditions put forward were relevant to the good management of the club.

4. That condition 4 put forward by the Police shall be imposed.

#### Reasons

(i) The Panel noted the evidence from the applicant with respect to the nature of clientele and the type of refreshment to be served at the club. However given the location of the club in the Night Time Economy area and given evidence from the Police as to the success of similar conditions elsewhere in this area the Panel determined that it was prudent, on public safety grounds, to approve this condition.

(ii) The Panel was mindful of comments from the applicant that if such a condition were imposed that he would purchase high quality polycarbonate shatter-to-safe glasses, and in these circumstance the Panel did not feel the condition was disproportionate.

5. That there shall be a minimum of 4 SIA registered door supervisors, excluding the Premises DPS, on duty from 22:00 on a Thursday, Friday, Saturday or any session which begins on a Sunday prior to a Bank Holiday. The manager shall undertake a Risk Assessment of Door Staff provision at all times.

#### Reason

(i) The Panel considered evidence from the applicant and the Police regarding the appropriate level of door supervisors to be on duty. The Panel considered that four door supervisors would be appropriate given the duties to be undertaken and given the premises was split over two floors. The Panel also took into account the capacity of the club and its location.

(ii) The Premises DPS was excluded from being a Door Supervisor for the purposes of this calculation as it was considered that he should not be distracted from his duties of supervision and management.

(iii) The Panel determined that although the specification a minimum level of Door Supervision was necessary the management still had a duty to undertake risk assessments to ensure that this was sufficient to uphold the licensing objectives.

6. That there shall be a last entry time for admission to the premises of

02:30.

Reason

The Panel considered both the submission of the applicant against the imposition of a last entry time and police submissions on the Hours of incidents in the Fleet Street area. The Panel determined that a last entry time would assist in the maintenance of the licensing objectives.

7. That the applicant's offer of a maximum capacity for the venue of 120 patrons plus staff be agreed and imposed on the Premises Licence.

Reason

The Panel accepted the applicants offer to limit the capacity of the club as useful in helping the management maintain the licensing objectives and noted that the Police did not object to the offer made.

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 the determination.

**Application to vary the Premises Licence in respect of the Queens Tap,  
74 Station Road, Swindon SN1 1DG**

**Licensing Panel**

**Date: 1 July 2013**

**Author: Licensing Manager**

**Wards Affected: Central**

**Purpose**

- To consider representations received in respect of an application to vary the Premises Licence at the Queens Tap, 74 Station Road, Swindon SN1 1DG.

**Recommendation**

The Licensing Committee is asked to, in light of the representations received from the Environmental Health Department and 'other persons', 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. Summary of the application**

- 2.1 An application to vary the Premises Licence in respect of the Queens Tap, Swindon has been received from Punch Taverns Plc, Jubilee House Second Avenue, Burton upon Trent.
- 2.2 A copy of the application is attached as Appendix A
- 2.3 The application seeks the following:
- Provision of live music between the hours of 08.00 and 00.00 Monday to Wednesday and between the hours of 08.00 and 02.00 Thursday to Saturday;
  - Provision of recorded music between the hours of 08.00 and 00.00 Monday to Wednesday and between the hours of 08.00 and 02.00 Thursday to Saturday;

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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 to vary the Premises Licence in respect of the Queens Tap, 74 Station Road, Swindon SN1 1DG**

## **Licensing Panel**

**Date: 1 July 2013**

- Anything similar to that falling within (e), (f) or (g) between the hours of 08.00 and 00.00 Monday to Wednesday and between the hours of 08.00 and 02.00 Thursday to Saturday;
- Supply of alcohol between the hours of 08.00 and 00.00 Monday to Wednesday and between the hours of 08.00 and 02.00 Thursday to Saturday;
- Hours of opening between the hours of 08.00 and 00.30 Monday to Wednesday and between the hours of 08.00 and 02.30 Thursday to Saturday;
- To remove the condition in Annex 2 of the current licence which reads, 'Plays, films, indoor spectator sports, boxing, wrestling and the performance of dance are not permitted'.
- No change to Sunday permissions

2.4 The applicant has also offered to add conditions to the licence should the variation be granted. These conditions are detailed in part M of the application.

2.5 The current Premises Licence authorises the following:

- Regulated entertainment, (excluding plays, films, indoor sporting events, boxing and performance of dance), between the hours of 11.00 until 23.00 Monday to Wednesday and between the hours of 11.00 and 00.00 Thursday to Saturday;
- Supply of alcohol between the hours of 11.00 until 23.00 Monday to Wednesday and between the hours of 11.00 and 00.00 Thursday to Saturday;

2.6 The application was received on May 2013 and was circulated to all the responsible Authorities and advertised in accordance with the regulations. The last date for representations to be received was 10 June 2013.

2.7 A representation has been received from Environmental Health Department, as in the opinion of Mr Damon Green, Environmental Protection Team Leader, should the variation be granted then it would undermine the Licensing Objective in respect of the prevention of public nuisance. A copy of this representation is attached as Appendix B.

2.8 A representation has also been received from a resident living in close proximity to the premises stating that loud music was already causing disturbance and should the variation be granted would undermine the Licensing Objective in respect of public nuisance. A copy of the representation is attached as Appendix C

## **3. Background and history of premises**

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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 to vary the Premises Licence in respect of the Queens Tap, 74 Station Road, Swindon SN1 1DG**

## **Licensing Panel**

**Date: 1 July 2013**

- 3.1 The premises is located in the Central Ward of Swindon directly opposite the railway station in Swindon. There is another public house on the opposite corner of the road to the Queens Tap.
- 3.2 The premises is currently licence and has held the Premises Licence since 2006.
- 3.3 There is currently one open complaint in respect of noise
- 3.4 A copy of the current Premises Licence is attached as Appendix D

## **4. Relevant Considerations**

- 4.1 The Licensing Act 2003 states that the licensing authority can only consider representations if they are relevant to one of the Government's four licensing objectives:
  - The prevention of crime and disorder
  - Public safety
  - The prevention of public nuisance
  - The protection of children from harm
- 4.2 The Panel is requested to consider the application for variation of 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.

## **5. Human Rights Act 1998**

- 5.1 The Human Rights Act provides that "Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law. The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to

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# **Application to vary the Premises Licence in respect of the Queens Tap, 74 Station Road, Swindon SN1 1DG**

## **Licensing Panel**

**Date: 1 July 2013**

secure the payment of taxes or other contributions or penalties.” The term “possession” includes a Licence as well as a home and the things it contains.

### **5.2 The Act further provides:**

” (1) it is unlawful for a public authority to act in a way which is incompatible with a Convention right.

(2) Subsection (1) does not apply to an act if-

as the result of one or more provisions of primary legislation, the authority could not have acted differently; or

in the case of one or more provisions of, or made under, primary legislation which cannot be read or given effect in a way which is compatible with the Convention rights, the authority was acting so as to give effect to or enforce those provisions.”

### **5.3 However, it is recognised that the Council's Statement of Licensing Policy and Statutory Guidance cannot anticipate every possible scenario or set of circumstances that may arise. Therefore subject to both the Policy and Guidance having been properly and carefully considered, licensing authorities may depart from them if they have a justifiable reason to do so. If doing so, licensing authorities will need to give full reasons for their actions.**

## **6 Legal Considerations**

6.1 A Premises Licence lasts for the lifetime of the business, unless it lapses due to the death or insolvency of the licence holder, is surrendered by the applicant, is suspended, or is revoked.

6.2 However, the Government have introduced a review mechanism where licensed premises are found to be contravening one of the licensing objectives.

6.3 The Statutory Guidance issued under section 182 of the Licensing Act states at 11.2, “At any stage, following the grant of a premises licence, a responsible authority, or an interested party, may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.”

6.4 The applicant for review, holder of the Premises Licence, or any other person who made relevant representations to the application may appeal against the Council's decision to the Magistrates Court within 21 days beginning with the day on which the appellant was notified by the Council of the decision being appealed against.

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# **Application to vary the Premises Licence in respect of the Queens Tap, 74 Station Road, Swindon SN1 1DG**

## **Licensing Panel**

**Date: 1 July 2013**

- 6.5 The decision of the Council, following the review hearing, will not have effect until the end of the period allowed for appeal, or until the appeal is disposed of. Any interim steps taken will remain in force over these periods.
- 6.6 The Statutory Guidance under section 182 of the Licensing Act 2003 states at 12.10 "It is important that licensing authorities should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal. It is particularly important that reasons should also address the extent to which the decision has been made with regard to the licensing authority's statement of licensing policy and this Guidance. Reasons should be promulgated to all the parties of any process which might give rise to an appeal under the terms of the 2003 Act.

## **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**

### *Financial and Procurement Implications*

There are no direct financial implications arising from the report. Failure to reach a reasonable conclusion, based on the facts, could lead to breach of the licensing objectives 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. The Council provides training for Members who sit on the Licensing Committee, as one of the measures to mitigate financial risk.

*Legal / Human Rights Implications* A declaration has been made by the Secretary of State, that the Licensing Act is compliant with the Human Rights Act.

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

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.

## **Background Papers and Appendices**

Appendix A	Application to vary Premises Licence
Appendix B	Representation received from Environmental Health
Appendix C	Representation received from resident
Appendix D	Copy of the current Premises Licence

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**Application to vary the Premises Licence in respect of the Queens Tap,  
74 Station Road, Swindon SN1 1DG**

**Licensing Panel**

**Date: 1 July 2013**

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Bristol BS1 6TP  
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DX 7815 Bristol

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Our ref 303L/PU01/77345/9426  
Your ref

Swindon Police Station  
For the attention of: Police Divisional Licensing Officer  
Gablecross  
Shrivenham Road  
South Marston  
SWINDON  
SN3 4RB

Direct tel +44 (0)117 917 7734 Date 10 May 2013  
Direct fax +44 (0)117 917 7566 Email paul.uren@tltsolicitors.com

Please note telephone calls may be recorded for training or regulatory purposes

Dear Sirs

**Licensing Act 2003: Application to vary premises licence  
Queens Tap 74 Station Road Swindon SN1 1DG**

We enclose a copy application form, with its enclosures, today submitted to Swindon Borough Council.

This is submitted as our records indicate that you are a relevant statutory consultee in relation to this application.

Should you need to discuss the enclosed then please contact the writer.

Yours faithfully

TLT LLP

enc Copy application form



**Application to vary a premises licence 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** Punch Taverns Plc

*(Insert name(s) of applicant)*

**being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below**

Premises licence number 881070266PREM
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**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description Queens Tap 74 Station Road			
Post town	Swindon	Postcode	SN1 1DG
Telephone number at premises (if any)	01793 535395		
Non-domestic rateable value of premises	£22500		

**Part 2 – Applicant details**

Daytime contact telephone number	01283 501600		
E-mail address (optional)	risk@punchtaverns.com		
Current postal address if different from premises address	Jubilee House Second Avenue		
Post town	Burton Upon Trent	Postcode	DE14 2WF

**Part 3 - Variation**

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

☒ Yes

☐ No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

(Please see guidance note 1) ☐ Yes

☒ No

**Please describe briefly the nature of the proposed variation** (Please see guidance note 2)

This is an application to extend the sale of alcohol and the provision for regulated entertainment as follows:-

Monday to Wednesday from 08:00h until 00:00h (current permission from 11:00h until 23:00h)

Thursday to Saturday from 08:00h until 02:00h the following morning (current permission from 11:00h until 00:00h)

Sunday hours are to remain unchanged.

To maintain thirty minutes drinking up time following the last permitted sale of alcohol.

To remove the following condition under Annex 2:-

- Plays, films, indoor spectator sports, boxing, wrestling and the performance of dance are not permitted

To add the following conditions:-

- CCTV equipment which is fit for purpose and which covers all trading areas, smoking areas and entrance areas shall be provided and maintained in working condition when the premises are open for business. The CCTV product will be maintained for a minimum of 28 days and shall be provided to enforcement bodies on request. There must be a person on the premises able to download CCTV at all times the premises is open for trading.
- The bar will be cleared of customers within 30 minutes of the bar closing, following a session where alcohol has been sold.
- A Challenge 25 policy will apply to the premises and all staff serving alcohol trained in the operation of the scheme so that anyone attempting to buy alcohol who appears to be aged 25 or under will be asked for identification of age in the form of either a valid passport, photo driving licence, government issued identity card, or PASS accredited card or its equivalent successor card, and if none is supplied or that supplied unacceptable a sale will be refused and a record kept of the refusal. Staff selling alcohol will be subject to refresher training every 3 months and records of training shall be kept. Records of refusals and training shall be made available to enforcement officers on request.
- The Designated Premises Supervisor will belong to the Pub watch scheme and any alternative area network designed to promote the licensing objectives. The DPS will attend a majority of Pub watch meetings in each calendar year and will comply with the terms of the Pub watch scheme regarding the exchange of information and enforcement of banning procedures
- An incident book shall be kept and entries shall be made of any instances of disorder, together with a record for any person who is detained on the premises or who is escorted from the premises. The log shall record the date and time and brief details. The names of the staff who dealt with the matter shall be recorded against each incident. The book shall be kept on the premises and shall be shown to any authorised officer on request, at any reasonable time.
- Where a home football match or other event has been identified by the Police as being of higher risk, doorstaff will be provided on a risk assessed basis. The risk assessment should be carried out and documented and produced to enforcement staff on request.

All other hours, activities and conditions are to remain unaltered by this application.

If your proposed variation would mean that 5,000 or more people are

n/a

expected to attend the premises at any one time, please state the number expected to attend:

#### **Part 4 Operating Schedule**

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

##### **Provision of regulated entertainment**

**Please tick all that apply**

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

**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 7)			<b><u>Will the performance of a play take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
Day	Start	Finish			Both <input type="checkbox"/>
Mon			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue					
Wed			<b><u>State any seasonal variations for performing plays</u></b> (please read guidance note 5)		
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 6)		
Sat					
Sun					

# B

<b>Films</b> Standard days and timings (please read guidance note 7)			<b><u>Will the exhibition of films take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
Day	Start	Finish			Both <input type="checkbox"/>
Mon			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue					
Wed			<b><u>State any seasonal variations for the exhibition of films</u></b> (please read guidance note 5)		
Thur					
Fri			<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 6)		
Sat					
Sun					

# C

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 7)			<b><u>Please give further details</u></b> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 5)
Wed			
			<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 6)
Thur			
Fri			
Sat			
Sun			

# D

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 7)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	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 4)		
Mon					
Tue			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 5)		
Wed			<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 6)		
Thur					
Fri					
Sat					
Sun					

# E

<b>Live music</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	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 4) As per current permission.		
Mon	08:00	00:00			
Tue	08:00	00:00			
			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 5)		
Wed	08:00	00:00			
Thur	08:00				
			<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 6) As per current permission.		
Fri		02:00			
	08:00				
Sat		02:00			
	08:00				
Sun		02:00			

# F

<b>Recorded music</b> Standard days and timings (please read guidance note 7)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)		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 4) As per current permission.			
Mon	08:00	00:00				
Tue	08:00	00:00				
Wed	08:00	00:00				
Thur	08:00		<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 5)			
Fri		02:00				
Sat		02:00				
Sun		02:00				
			<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 6) As per current permission.			
	08:00					
	08:00					

# G

<b>Performances of dance</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)		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 4)		
Mon					
Tue					
			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 5)		
Wed					
Thur					
			<b><u>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</u></b> (please read guidance note 6)		
Fri					
Sat					
Sun					

# H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing As per current permission.		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Mon	08:00	00:00		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	08:00	00:00	<b><u>Please give further details here</u></b> (please read guidance note 4) As per current permission.		
Wed	08:00	00:00			
Thur	08:00		<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 5)		
Fri		02:00			
	08:00				
Sat		02:00	<b><u>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</u></b> (please read guidance note 6) As per current permission.		
	08:00				
Sun		02:00			

# I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)		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 4)			
Mon						
Tue						
Wed			<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 5)			
Thur						
Fri						
Sat			<b>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</b> (please read guidance note 6)			
Sun						

# J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption –</b> <b>please tick</b> (please read guidance note 8)	On the premises <input type="checkbox"/>
				Off the premises <input type="checkbox"/>
Day	Start	Finish		Both <input checked="" type="checkbox"/>
Mon	08:00	00:00	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)	
Tue	08:00	00:00		
Wed	08:00	00:00		
Thur	08:00		<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 6) As per current permission.	
Fri		02:00		
	08:00			
Sat		02:00		
	08:00			
Sun		02:00		

# 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 9).  
 None.

**L**

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)			<b>State any seasonal variations</b> (please read guidance note 5)
Day	Start	Finish	
Mon	08:00		
Tue		00:30	
	08:00		
Wed		00:30	
	08:00		
Thur		00:30	
	08:00		
Fri		02:30	
	08:00		
Sat		02:30	
	08:00		
Sun		02:30	

**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** (please read guidance note 6)  
 As per current permission.

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

To remove the following condition under Annex 2:-

- Plays, films, indoor spectator sports, boxing, wrestling and the performance of dance are not permitted

Please tick as appropriate

- I have enclosed the premises licence ☒
- I have enclosed the relevant part of the premises licence ☒

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

## M

**Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:**

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)**

As per current permission save for those removed/added as part of this application.

The bar will be cleared of customers within 30 minutes of the bar closing, following a session where alcohol has been sold.

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

CCTV equipment which is fit for purpose and which covers all trading areas, smoking areas and entrance areas shall be provided and maintained in working condition when the premises are open for business. The CCTV product will be maintained for a minimum of 28 days and shall be provided to enforcement bodies on request. There must be a person on the premises able to download CCTV at all times the premises is open for trading.

The Designated Premises Supervisor will belong to the Pub watch scheme and any alternative area network designed to promote the licensing objectives. The DPS will attend a majority of Pub watch meetings in each calendar year and will comply with the terms of the Pub watch scheme regarding the exchange of information and enforcement of banning procedures

An incident book shall be kept and entries shall be made of any instances of disorder, together with a record for any person who is detained on the premises or who is escorted from the premises. The log shall record the date and time and brief details. The names of the staff who dealt with the matter shall be recorded against each incident. The book shall be kept on the premises and shall be shown to any authorised officer on request, at any reasonable time.

Where a home football match or other event has been identified by the Police as being of higher risk, doorstaff will be provided on a risk assessed basis. The risk assessment should be carried out and documented and produced to enforcement staff on request.

**c) Public safety**

**d) The prevention of public nuisance**

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

A Challenge 25 policy will apply to the premises and all staff serving alcohol trained in the operation of the scheme so that anyone attempting to buy alcohol who appears to be aged 25 or under will be asked for identification of age in the form of either a valid passport, photo driving licence, government issued identity card, or PASS accredited card or its equivalent successor card, and if none is supplied or that supplied unacceptable a sale will be refused and a record kept of the refusal. Staff selling alcohol will be subject to refresher training every 3 months and records of training shall be kept. Records of refusals and training shall be made available to enforcement officers on request.

**Checklist:**


**Please tick to indicate agreement**

- I have made or enclosed payment of the fee; or  
I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy. ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☒
- I understand that I must now advertise my application. ☒
- I have enclosed the premises licence or relevant part of it or explanation. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.**

**Part 5 – Signatures** (please read guidance note 11)

**Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent** (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	09/05/2013
Capacity	SOLICITOR TO THE APPLICANT

**Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent** (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

**Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 14)**

Paul Uren  
TLT Solicitors  
One Redcliff Street

<b>Post town</b>	<b>Bristol</b>	<b>Post code</b>	<b>BS1 6TP</b>
<b>Telephone number (if any)</b>	<b>0117 917 7734</b>		
<b>If you would prefer us to correspond with you by e-mail, your e-mail address (optional)</b> <b>paul.uren@tltsolicitors.com</b>			

### Notes for Guidance

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.**

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.
2. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
4. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
7. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
10. Please list here steps you will take to promote all four licensing objectives together.
11. The application form must be signed.
12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
13. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
14. This is the address which we shall use to correspond with you about this application.

Hello Kathryn

With regard to the application by Punch Taverns to amend the Licence for the Queen's Tap, 74 Station Road, Swindon:

I note from the application that it is proposed that both recorded and live music should be allowed to continue until 0200 on Thurs, Fri & Sat nights and, further; that there are no proposed mitigations or precautions under the heading 'Prevention of Public Nuisance'.

I would have serious concerns about any extension of hours for this licensed premises due to its proximity to noise sensitive premises; especially Wellington House (62 Residential Flats), and Izambard Place (47 Residential Flats). Residents of Wellington House (approx. 25-30ft from the Southern façade of the premises) especially will doubtless be unreasonably disturbed by the proposed extension as they overlook the premises, and are very close to it.

For this reason, and the lack of any proposed mitigations; I must oppose the application. I would suggest that the current restrictions strike the correct balance between the interests of nearby residential occupiers and the premises operators.

***Damon Green***

**Team Leader Environmental Enforcement**

**Swindon Borough Council  
Wat Tyler House West 5th Floor  
Beckhampton Street  
Swindon  
SN1 2JG**

*Tel: 01793 466102*

[www.swindon.gov.uk](http://www.swindon.gov.uk)



**Please consider the environment before printing this email**

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Kathryn, I believe the pub the Queens Tap has applied for an extension to its licence to be open to 2am, as a resident I would strongly object to this extension, the noise from the pub at present disturbs residents in Isambard place, an example of Karaoke being sung very loud on the Tuesday 21/5/13 until 2am, I don't think the pub was open, I guess that it was a lock in, but this noise level is a regular pain to all of us that live in the area

Simon Evans  
Anti Social Behaviour Manager  
Swindon Borough Council  
Swindon Community Safety Partnership Team , Wat Tyler West - 5th Floor Wat Tyler  
house,Beckhampton St, Swindon  
SN1 2JH  
Tel 01793 466733  
Mob 07766368339  
[SEvans@swindon.gov.uk](mailto:SEvans@swindon.gov.uk)

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Licensing Team  
Premier House  
Station Road  
SN1 1TZ  
01793 466113  
licensing@swindon.gov.uk

Signed

.....  
Head of Licensing

## Premises licence issued on 5 July 2007

Premises licence number

**881070266PREM**

### Part 1. Premises details

*Postal address of premises or if none, Ordnance Survey map reference or description*  
Queens Tap 74 Station Road Post Town Swindon Post code SN1 1DG Telephone  
number 01793 535395

*Where the licence is time limited, the dates* The licence operates for every date from  
15 March 2010 onward.

*Licensable activities authorised by the licence* The licensable activities are the sale of  
alcohol and the provision of regulated entertainment.

*The times the licence authorises the carrying out of licensable activities:*

11.00hrs until 23.00hrs Monday to Wednesday; 11.00hrs until midnight Thursday to  
Saturday; noon until 23.00hrs Sunday; An extra hour Friday to Monday inclusive at all  
Bank Holiday weekends, Thursday before Good Friday, Christmas Eve and Boxing  
Day, straight through to the next session for New Year's Eve.

*Where the licence authorises supplies of alcohol, whether these are on and/or off supplies* The licence authorises on and off sales of alcohol.

*The opening hours of the premises* Opening hours when no licensable activities are taking place are at the sole discretion of the proprietor.

*Name (registered) address, telephone number and e-mail (where relevant) of holder of premises licence* The licence is held by Punch Taverns plc. The Registered address is Jubilee House, Second Avenue, Burton upon Trent DE14 2WF. Telephone number 01283 501600.

*Registered number of holder, for example company number, charity number (where applicable)* 03752645

*Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol* The designated supervisor is Nicola King of 13 whitehead Street Swindon SN1 5JX

*Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol* The Personal Licence number for Nicola King is 881060043, issued by Swindon Borough Council

#### **Annexe 1.**

*Mandatory conditions* No supply of alcohol may be made under the premises licence at a time when there is no designated premises supervisor in respect of the premises licence or at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.  
Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

#### **Annexe 2.**

*Conditions consistent with the Operating Schedule* Plays, films, indoor spectator sports, boxing, wrestling and the performance of dance are not permitted. Sales of alcohol to individuals shall not be made unless paid for at the time. No child under 14 allowed in the bar unless in an area set aside for table meals. All publicly accessible windows shall be kept shut when loud music is playing. Noise containment measures such as double glazing and the maintenance of sound trap lobbies shall be maintained. Staff shall witness the noise impact of entertainments from outside the premises on a regular basis and shall take swift corrective action as necessary. Customers shall not be permitted to take open glass containers away when they leave.

#### **Annexe 3.**

*Conditions attached by the licensing authority after a hearing* Not applicable

#### **Annexe 4. Plans**

*The attached is a representation of the original plan, held on the licensing register of the Licensing Authority for Swindon.*