

## **LICENSING PANEL**

**WEDNESDAY, 9 OCTOBER 2013**

PRESENT:- Councillors Junab Ali, John Ballman and Michael Dickinson

An apology for absence was received from Councillors Andrew Bennett.

### **11. Appointment of Chair**

Resolved – That Councillor Michael Dickinson Chair this meeting of the Panel.

(Councillor Dickinson took the Chair.)

### **12. Minutes**

Resolved – That the minutes of the meetings held on 1<sup>st</sup> and 24<sup>th</sup> July and 29<sup>th</sup> August 2013 be confirmed and signed.

### **13. 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.

### **14. Application to Review the Premises Licence of the Nine Elms Public House, Old Shaw Lane, 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 Nine Elms Public House, Old Shaw Lane, Swindon, made by a local resident, Mr Dennis Law and joined by five "other persons" and supported by a petition containing twenty signatures seeking the removal of permission for outdoor entertainment at the location, (b) written representation supporting the maintenance of the current Licensing conditions received from four local residents, (c) oral representations from Mr Law and Mr Smart (Local Residents) in support of the application submitted, (d) written and oral representatives on behalf of Punch Taverns PLC by Mr Larenbury (Solicitor to the Licensee) and Messrs Johnson and Peterson, (e) questions from Members to the Licensee and representatives of Punch Taverns PLC, (f) the Council's procedure for licensing hearings, Government Guidance and the Council's Licensing Policy.

Resolved – That after considering: -

1. The application for a Review of the Premises Licence made by Mr Law on behalf of and supported by local residents
2. Submissions made by representatives of the Licensee and supported by local residents:

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 public nuisance

The Panel has determined that the conditions applied to the Premises Licence be amended as follows:

1. All regulated entertainment outside the building cease by 22:30 hours.

Reason

(i) The condition (applying to the marque) was offered by the Licensee and the Panel determined that, subject to it being amended to cover the outdoor area, was based on evidence that the problems raised by objectors related to four events in the current year and that this was a proportionate response.

(ii) The Panel took into account whilst reaching this determination that the Nine Elms ran one all-day event each year known as the “Nine Elms Stock” Festival and the other events held were entertainment for weddings, christenings and other family events.

(iii) The Panel heard evidence that the interior of the building was not suitable for the hosting of musical entertainment and felt it would be disproportionate to remove the venue’s ability to host musical events.

(iv) The Panel noted that there were no representations from the Statutory Authorities and that there was local support for both the amendments and retention of the current licensing conditions.

(v) The Panel were mindful that the events referred to in the review were held within a limited time period (approximately six weeks) but considered that given the number of events referred to at the hearing that this was not unreasonable.

2. A management plan for the proper management of the premises during events held outside the building will be drawn up within 28 days, with a copy provided to the Licensing Authority.

Reason

(i) This condition was offered by the Licensee and the Panel determined that it would assist the management in reducing the potential for noise nuisance to neighbouring properties and was a proportionate response.

3. That the management shall ensure that those parties providing the regulated entertainment understand that the management has ultimate control over the volume at which entertainment can be provided.

Reason

(i) This condition was offered by the Licensee and the Panel determined that it would assist the management in reducing the potential for noise nuisance to neighbouring properties and was a proportionate response.

4. That a telephone number shall be made available to residents living in the vicinity in order that they can contact the management of the premises should they wish to complain about the volume of entertainment being undertaken.

Reason

(i) This condition was offered by the Licensee and the Panel determined that it would assist the management in reducing the potential for noise nuisance to neighbouring properties and was a proportionate response.

5. A log of complaints will be maintained at the premises. This log will record any complaints received, the time and date of the complaint, the name of the person complaining, the person taking the call and any remedial action taken thereafter. This log will be made available to the Licensing Authority, Police and the Council's Environmental Health Team on reasonable request.

Reason

(i) This condition was offered by the Licensee and the Panel determined that it would assist the management in reducing the potential for noise nuisance to neighbouring properties and was a proportionate response.

6. The management offered a condition that they would give ten notice of events to local residents. The Panel determined that this condition should not be appended to the licence.

Reason

(i) The Panel determined that given the number of events held at the location, and given the nature of bookings received that any such condition would be restrictive and not proportionate.

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