

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

NOTICE OF HEARING

Date of Hearing: Monday, 11 November 2013

Place of Hearing: Committee Room 2, Civic Offices

Time of Hearing: 5.30 p.m.

Panel Members:

Conservative Councillors

Andrew Bennett

Michael Dickinson

Vera Tomlinson

Committee Officer: Shaun Banks (Telephone 01793 463606)

Email: email: sbanks@swindon.gov.uk

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

AGENDA

- 1. Appointment of Chair**
- 2. Apologies for Absence**
- 3. Minutes** (Pages 3 - 10)
To receive the minutes of the meeting held on 9th and 18th October 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, Punjab Chicken, 61 Bridge Street, Swindon, together with a copy of each relevant representation made and supporting documents** (Pages 11 - 38)

Date of Despatch: 01 November 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:

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:

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:

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:

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:

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

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 1st and 24th July and 29th 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.

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LICENSING PANEL

FRIDAY, 18 OCTOBER 2013

PRESENT:- Councillors Junab Ali, John Haines and Steve Wakefield.

15. Appointment of Chair

Resolved – That Councillor Junab Ali Chair this meeting of the Panel.
(Councillor Ali took the Chair.)

16. 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.

17. Application to Review the Premises Licence held by Longs Bar, Victoria Road, Swindon

The Panel considered (a) a report of the Council's Licensing Officer setting out details of an application made by the Wiltshire Police to review the Premises Licence held by the Longs Bar, Victoria Road, Swindon, (b) written representation supporting application for Review received from Wiltshire Police, (c) oral representations from Sarah Lefeure (Barrister to the Police), Sian Kalyinka (Police Licensing Officer) and PC Michael Diffin (Wiltshire Police Night Time Economy Manager) in support of the application, (d) written representatives opposing the application received from Mr Nigel Musgrove (Cousins Business Law), (e) oral representation opposing the application by Mr Nigel Musgrove (Cousins Business Law), Mr George Arkell (Premises Licence Holder) and Mr Michael Sheridan (Designated Premises Supervisor), (g) written submissions received from Lincolns Inn Consultancy Limited opposing the application, (h) questions from Members to the Police representatives, Mr Nigel Musgrove, Mr Michael Sheridan and Mr George Arkell and answers received, and (i) 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 the Wiltshire Police
2. Submissions made by representatives of the Applicant and the Licensee:

And taking into account: -

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

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

- i. The Prevention of Crime and Disorder
- ii. The Protection of Children from Harm

(1) That Mr Michael Sheridan be removed from his position as Designated Premises Supervisor.

Reasons

(i) Mr Sheridan was the Designated Premises Supervisor for Longs Bar during the period when on four occasions sales of alcohol were made to underage test purchasers during operations conducted by the Police.

(ii) The Panel considered a letter from Lincolns Inn Consultancy Limited regarding the legitimacy of the underage sales tests conducted by Wiltshire Police. The Panel determined that in the absence of any corroborative evidence to support the letter the contents would not form part of its decision. The Panel further noted that there was no suggestion from Messrs Arkell, Musgrove or Sheridan that the test purchases had not been correctly undertaken.

(iii) The Panel noted that Section 11.27 of the amended Home Office Guidance set out that the illegal purchase and consumption of alcohol by minors should be treated particularly seriously and that 11.30 of the same Guidance indicated that the responsible authorities should consider revoking the licence if it considers this outcome is appropriate.

(iv) The Panel noted that Section 11.23 of the amended Home Office Guidance indicated that it is the duty of the Licensing Authority to take steps with a view to the promotion of the Licensing Objectives in the interest of the wider community.

(v) The Panel noted that paragraph 9.12 of the of the amended Home Office Guidance indicated that the Police were an essential source of advice and information on the impact and potential impact of licensable activities and in particular with reference to the Crime and Disorder Licensing Objective; the Panel took this into consideration when reaching its decision.

(vi) The Panel considered the fact that Mr Sheridan had appeared before a Licensing Panel on 5th December 2012 in relation to an application by the Wiltshire Police for a review of the Premises Licence following a failed test purchase by two under age volunteers. This had followed a previous failure in February 2010 involving volunteers aged 15 and 17 respectively.

(vii) Further sales to minors during test purchase operations occurred on 26th February 2013 and 13th July 2013.

(viii) The Panel heard evidence from the Police that Mr Sheridan appeared to intervene to allow under age test purchasers to gain access to the Premises after they had initially been refused access by door staff. This evidence was disputed by Mr Sheridan and the Panel determined that this evidence would not form part of its decision. Likewise disputed timescales for the notification to the Police of malfunctioning CCTV equipment was also not considered.

(ix) The Panel took into consideration the fact that Mr Sheridan had undergone a period of illness. The Panel listened carefully to the evidence from Mr Sheridan regarding his health and whilst the panel was sympathetic to the health issues Mr Sheridan faced it determined that as Designated Premises Supervisor it was his responsibility to ensure appropriate measures, including if necessary the appointment of alternative management, to ensure that the Licensing Objectives

were upheld.

(x) The Panel noted that following a Review of the Premises Licence brought by Wiltshire Police in December 2012 additional conditions relating to the use of a Challenge 25 Policy, supervision of under 18s at the bar after 9:00pm and the use of SIA qualified door staff had been imposed on the Premises Licence as a proportionate response to the review application. It also noted that the systemic management failures on the prevention of underage sales continued despite these additional conditions, advice from the Police regarding the prevention of underage sales, advice on staff training and, based upon evidence from Mr George Arkell, advice from the Brewery. The Panel heard no evidence to persuade it that the culture of sales to minors had changed and that further sales to minors would not occur.

(xi) The Panel noted the installation of an ID Scanner at the premises. However, given evidence from Mr Sheridan that there were problems with its current operation and further the failure by Mr Sheridan to consistently use other management tools and policies the Panel was not persuaded that the sale of alcohol to minors would be prevented.

(xii) The Panel considered evidence of the logbooks showing refusals of sales but determined that given the failure to pass four under age test purchases and three in nine months that the management and adherence to management policies was at best inconsistent. This was evidenced by Mr Sheridan's statement that a member of staff had refused to serve what appeared to be an under aged customer immediately prior to a volunteer being served.

(xiii) The Panel considered evidence relating to training including annual training from an outside provider, records of training, the ABV training packs, signage, door supervisor duty logs and staff wearing Challenge 25 badges. The Panel accepted that such training was in place and noted Mr Sheridan's statement that he was working to put in place appropriate management systems. However the panel determined that, given the track record of underage test purchase failures, management was not consistently enforcing this policy and training appeared to be ineffective. Given that a Challenge 25 Policy was conditioned this showed a lack of adherence to the training or failure of management to ensure its enforcement.

(xiv) The Panel noted Mr Sheridan's twenty-two years in Swindon in various licensing roles but its primary concern was the circumstances relating to the review.

2. That the Premises Licence for Longs Bar, Victoria Road, Swindon, be revoked.

Reasons

(i) The Panel heard evidence from the Premises Licence Holder that he had no management control over the activities at Longs bar.

(ii) The Panel heard evidence from the Premises Licence Holder that in his opinion he couldn't impose or insist that effective management controls be put in place at Longs Bar because of the lease agreement in operation. The Panel did not accept the principle that the lease agreement of a public house could or should take precedence over the legislation setting out the Licensing Act or over the

maintenance of the Licensing Objectives.

(iii) The Panel determined on the basis of information provided at the hearing that there were no effective management policies in operation by the Premises Licence Holder to promote the Licensing Objectives at Longs Bar.

were no effective management policies in operation by the Premises Licence Holder to promote the Licensing Objectives at Longs Bar.

(iv) The Panel noted evidence that Arkells Brewery were made aware of the problem of underage sales at Longs Bar through emails and meetings with Wiltshire Police.

(v) The Panel heard evidence that following failed underage test purchases intervention from the Premises Licence Holder was through advice and the offer of support. The Panel determined that failure by the Premises Licence Holder to instigate a policy review or a review of policies leading to the failure of upholding the Licensing Objectives and to rely on the Police and Licensing Authority to oversee compliance with the Licensing Objectives at the bar was an abdication of responsibility for events that were known to be occurring in a property that the brewery owned.

(vi) The Panel noted that the Premises Licence Holder had funded the installation of an ID Scanner at the premises. However, noted from the evidence of Mr Sheridan that there were problems with its current operation.

(vii) The Panel noted the regret of the Premises Licence Holder in respect of the failed underage tests purchases but determined that to the Premises Licence Holder ought to have taken proper action to ensure the Licensing objectives were upheld at the premises.

(viii) That given the evidence of the Premises Licence Holder the Panel was not confident that the Premises Licence Holder would intervene to ensure compliance should further breaches of the Licensing Objectives occur at Longs Bar.

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 the determination being sent to both parties.

**Application to vary the Premises Licence in respect of the Punjab
Grilled Chicken, 61 Bridge Street, Swindon, SN1 1BT**

Licensing Panel

Date: 11th November 2013

Author: Licensing Officer

Wards Affected: Central

Purpose

- To consider the representation received in response to an application to vary the premises licence issued in respect of Punjab Grilled Chicken, 61 Bridge Street, Swindon, SN1 1BT and to determine the application.

Recommendation

The Licensing Committee is asked to, in light of the representation received from Wiltshire Police, 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, omitting or attaching new conditions; or
- To reject the whole or part of the application.

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 to vary the premises licence issued in respect of Punjab Grilled Chicken, 61 Bridge Street, Swindon has been received from Mr Chhabbi Singh.
- 2.2 A copy of the application is attached as **Appendix A**.
- 2.3 The application seeks to extend the existing hours authorised by the licence for the provision of late night refreshment and the opening hours of the premises. The additional hours are as follows:

Late Night Refreshment

Monday to Sunday 03:00 – 05:00

Opening Hours

Monday to Sunday 03:00 – 06:00

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

Application to vary the Premises Licence in respect of the Punjab Grilled Chicken, 61 Bridge Street, Swindon, SN1 1BT

Licensing Panel

Date: 11th November 2013

- 2.4 The applicant considers that no additional steps are necessary to ensure the promotion of the licensing objectives if the application is granted.
- 2.5 The application was received on 16 September 2013. It was circulated to all responsible authorities and advertised in accordance with the requirements of the Licensing Act 2003 and associated regulations. The last date for representations to be received was 14th October 2013.
- 2.6 A representation was received from Wiltshire Police who consider that the granting of the application would undermine the prevention of crime & disorder licensing objective. A copy of this representation is attached as **Appendix B**. No representations were received from any other responsible authority or any other persons.
- 2.7 The existing premises licence was granted to Mr Singh on 12 July 2013. It authorises
- | | |
|-------------------------------|---------------|
| <u>Late Night Refreshment</u> | |
| Monday to Sunday | 23:00 – 03:00 |
| <u>Opening Hours</u> | |
| Monday to Sunday | 09:00 – 03:00 |
- 2.8 The licence was granted following the withdrawal of a representation by Wiltshire Police, which resulted from Mr Singh agreeing to reduce the terminal hour for the provision of late night refreshment from 04:00 to 03:00 and offering additional conditions.
- 2.9 The existing premises licence is attached to the report as **Appendix C**.
- 2.9 The Panel is requested to consider the application to vary the premises licence on its merits, having regard to the Swindon Borough Council's Statement of Licensing Policy and the Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003.
- 2.10 Having regard to the information put forward by the applicant and the representation made by the responsible authority, the Sub-Committee must take such steps (if any) that it considers appropriate for the promotion of the licensing objectives. The steps, as set out in section 35(4) of the Licensing Act 2003 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 appropriate 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; or
 - To reject the application in whole or in part.

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

Application to vary the Premises Licence in respect of the Punjab Grilled Chicken, 61 Bridge Street, Swindon, SN1 1BT

Licensing Panel

Date: 11th November 2013

3. Alternative Options

- 3.1 The determination of the application can be delayed to a date within five working days of the day (or the last day) on which the hearing is held, or the hearing itself can be deferred to a specified date (or dates) where it is considered to be necessary for the authority's consideration of any representation or notice made by a party. However, either step should be seen as an exceptional measure.

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 crime & disorder or 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

- 4.5 There is no DIA prepared in conjunction with this report

Risk Management

- 4.6 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.

Application to vary the Premises Licence in respect of the Punjab Grilled Chicken, 61 Bridge Street, Swindon, SN1 1BT

Licensing Panel

Date: 11th November 2013

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.

6 Background Papers

- 6.1 Licensing Act 2003
- 6.2 Swindon Borough Council's Statement of Licensing Policy
- 6.3 Amended Guidance Issued Under Section 182 of the Licensing Act 2003 (*October 2012*)

7 Appendices

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

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 **Mr Chhabbi Singh**

(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 881130186LAPRE
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Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Punjab Grilled Chicken 61 Bridge Street			
Post town	Swindon	Postcode	SN1 1BT
Telephone number at premises (if any)	01793 611 775		
Non-domestic rateable value of premises	£13,500		

Part 2 – Applicant details

Daytime contact telephone number	01793 611 775		
E-mail address (optional)	chhabbi26@msn.com		
Current postal address if different from premises address	Flat 260 Ferndale Road		
Post town	Swindon	Postcode	SN2 1HB

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
<input type="text"/>	<input type="text"/>	<input type="text"/>

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)

Extend hours for late night refreshment from 03:00 to 05:00 Monday to Sunday (inclusive)
Extend opening hours from 03:00 to 06:00 Monday to Sunday (inclusive)

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

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

B

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

C

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

D

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

E

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

F

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

G

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

H

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

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4) Late night refreshment may be provided to customers in the premises and also by way of a delivery service.			
Mon	23:00	05:00				
Tue	23:00	05:00				
Wed	23:00	05:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 5)			
Thur	23:00	05:00				
Fri	23:00	05:00	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 (please read guidance note 6)			
Sat	23:00	05:00				
Sun	23:00	05:00				

J

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

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

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	09:00	06:00	
Tue	09:00	06:00	
Wed	09:00	06:00	
Thur	09:00	06:00	
Fri	09:00	06:00	
Sat	09:00	06:00	
Sun	09:00	06:00	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)

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.

NONE

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 EXISTING

b) The prevention of crime and disorder

AS EXISTING

c) Public safety

AS EXISTING

d) The prevention of public nuisance

AS EXISTING

e) The protection of children from harm

AS EXISTING

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	Chunhyi Sun
Date	16-09-13
Capacity	OWNER

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)

Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

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.



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 Singh,
XXXX
XXXXXXXXXXXX
XXXXX
XXXXXXX

Date 20th September 2013

Dear Mr Singh,

APPLICATION TO VARY A PREMISES LICENCE FOR 61 BRIDGE STREET, SWINDON

Thank you for your application to vary a premises licence which was received on the 16th September 2013.

A premises licence was recently granted in June 2013 and we agreed a closing time for your premises of 0300hours along with some conditions. This was to ensure that you as a premises licence holder would be able to meet the licensing objectives and to ensure the premises would not have an impact on crime and disorder in the area.

Wiltshire Police have concerns around late night refreshment premises remaining open late within the town centre and this remains the same since your first application. There is concern over alcohol related violence and recently there has been a 30% increase in anti social behaviour within the town centre area particularly on Friday and Saturdays after 00.00hours. The late night refreshment premises in the town centre prevent people from dispersing and we often see incidents of disorder occurring due to this.

Despite having a licence until 0300hours recently granted you have been witnessed trading past the terminal hour which is a criminal offence for which you have received a warning.

Due to the current issues experienced in Swindon Town Centre Wiltshire Police make representations against this variation. The licensing objective of the prevention of crime and disorder will not be achieved by extending the closing time of your premises to 0600hours.

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 Kalyinka
Police Licensing Officer



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Licensing Authority
5th Floor, Wat Tyler West
Beckhampton Street
Swindon
SN1 2JG
Tel: 01793 466113
licensing@swindon.gov.uk

Premises Licence Schedule 12 - Part A

(THIS PART OF THE LICENCE MUST BE KEPT AT THE PREMISES AT ALL TIMES AND PRODUCED
UPON REQUEST OF AN AUTHORISED OFFICER)

Premises Licence Number	881130438LAPVPE
--------------------------------	-----------------

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code Punjab Grilled Chicken 61 Bridge Street Swindon SN1 1BT
Telephone number 01793 611 775

Where the licence is time limited the dates Not Applicable
--

Licensable activities authorised by the licence Late Night Refreshment
--

Times the licence authorises the carrying out of licensable activities Late Night Refreshment Monday to Sunday 23:00 - 03:00

The opening hours of the premises Monday to Sunday 09:00 - 03:00
--

Where the licence authorises supplies of alcohol whether these are on and / or off supplies Not Applicable
--

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Mr Chhabbi Singh
XXXXXXXXXX
XXXXXXXXXX
XXXXXXX
XXXXXXXXXX
XXXXXXX

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

Not Applicable

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

None

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Not Applicable

This Premises Licence is issued by Swindon Borough Council as Licensing Authority under Part 3 of the Licensing Act 2003 and regulations made thereunder.

Dated this 16th September 2013



Kathryn Ashton
Licensing Manager

Mandatory Conditions

None

Conditions consistent with the Operating Schedule

1. Late night refreshment may be provided to customers in the premises and also by way of a delivery service.
2. No 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, regardless of whether children are on the premises or not, shall be provided in the premises.
3. All crime and disorder shall be reported to the police.
4. A minimum of 1 door supervisor shall be deployed at the premises on Friday and Saturday from 23:00hrs until close of the premises, and on a risk assessed basis at any other time. A record of the name, badge number and contact details of each door supervisor should be recorded in a register at the start of each shift. The register shall be retained on the premises and made available for inspection by a police constable or authorised officer on request.
5. CCTV equipment which is fit for purpose and which covers the entrance to the premises and all trading areas shall be provided and maintained in working condition and operational at all times that the premises are open for business. All recordings shall be retained for a minimum of 28 days and shall be provided to a police constable or authorised officer on request. There shall be a person on the premises who is able to download CCTV footage at all times that the premises is trading. Notices shall be prominently displayed in the premises to advise customers that CCTV is in operation.
6. To prevent incidents of crime and disorder, the operator of the premises and their staff shall participate in the local night safe radio scheme.
7. Only cardboard boxes shall be used for food delivery.
8. Fire exit signs shall be on display to clearly identify the exit routes from the premises.
9. Notices shall be prominently displayed in the premises to request that customers leave the premises and surrounding area quietly.
10. No children shall be allowed in the premises after 22:00 on any day.

Conditions attached after a hearing by the Licensing Authority

None

Plans

See attached (Reference Number P/ 881130186)