

Swindon Borough Council
Licensing Act 2003 – Licensing Panel

NOTICE OF HEARING

Date of Hearing: Friday, 21 November 2014

Place of Hearing: Function Room, Civic Offices

Time of Hearing: 10.30 a.m.

Panel Members:

Conservative Councillors

Oliver Donachie

Vera Tomlinson

Labour Councillors

Peter Watts

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 2nd and 14th July 2014.
- 4. Declarations of Interest**
Members are reminded that at the start of the meeting they should declare any known interests in any matter to be considered, and also during the meeting if it becomes apparent that they have an interest in the matters being discussed.
- 5. Application for a Premises Licence for LJ Food 'N' Wins Store, 42 Manchester Road, Swindon SN1 1BT together with a copy of each relevant representation made and supporting documents** (Pages 11 - 56)

Date of Despatch: 06 November 2014

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, 2 JULY 2014

PRESENT:- Councillors Derique Montaut, Eric Shaw and Vera Tomlinson

Apologies for absence were received from Councillors .

1. Appointment of Chair

Resolved – That Councillor Derique Montaut chair this meeting of the Panel.
(Councillor Montaut took the Chair.)

2. Minutes

Resolved – That the minutes of the meeting held on 10th April 2014, be confirmed and signed as a correct record.

3. 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.

4. Licensing Act 2003 - Temporary Event Notice - Consideration of an Objection Notice in respect of Warren Farm, Liddington, Swindon

The Panel considered (a) a report of the Council's Licensing Officer setting out details of an application for a Temporary Event Notice for Warren Farm, Liddington, Swindon, (b) written representations from Wiltshire Police and the Council's Environmental Health Department in respect of the application, (c) oral submissions from the Police and the Council's Environmental Health Department in respect of their written submissions, (d) oral submissions received from Mr Mark Loddington (applicant) in support of the application (e) questions from Members to the applicant, Police and Public Health representatives and answers received, and (f) the Council's procedure for licensing hearings, the Secretary of State's Guidance and the Council's Licensing Policy.

After considering: -

1. The application for a Temporary Event Notice; 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 public nuisance
- ii. Public Safety

The Panel determined that it would not to issue a counter notice and granted the Temporary Event Notice subject to the following conditions being applied:

(1) Annexe 2 of the Premises Licence - Conditions 2, 4 and 7.

Reasons

(i) That the conditions set out, and transferred from the existing Premises Licence, were relevant and proportionate to an event of the size being proposed.

(ii) The conditions as applied to the existing Premises Licence had proven to be effective in the maintenance of the Licensing Objectives.

(2) Annexe 3 of the Premises Licence – Conditions 1, 2, 3 4, 13, 15, 19 and 20.

Reasons

(i) That the conditions set out, and transferred from the existing Premises Licence, were relevant and proportionate to an event of the size being proposed.

(ii) The conditions as applied to the existing Premises Licence had proven to be effective in the maintenance of the Licensing Objectives.

(3) The following amended conditions in Annexe 3 of the Premises Licence:

(a) Condition 7 be applied and amended to read: “The licence holder shall provide contact details of the person responsible for managing noise at the event to the manager of the Environmental Enforcement Team not less than 24 hours prior to the start of the event.

Reason

The Panel determined that it would be overly onerous to condition the appointment of a noise control consultant for an event of the size proposed.

(b) Condition 8. The person responsible for managing noise at the event shall be on site for the duration of the period of amplified music during the festival and shall liaise between all parties including the licence holder, promoter, sound system provider, sound engineer and the licensing authority on all matters relating to noise control. Noise data from all monitoring positions shall be submitted to the Environmental Enforcement Manager [or his or her successor] upon request.

Reason

The Panel determined that it would be overly onerous to condition the appointment of a noise control consultant for an event of the size proposed.

LICENSING PANEL

MONDAY, 14 JULY 2014

PRESENT:- Councillors Abdul Amin, Vera Tomlinson and Michael Bray and Vera Tomlinson.

Apologies for absence were received from Councillors .

1. Appointment of Chair

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

2. 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.

3. Application to Application for the grant of a Premises Licence in respect of Highworth Town Junior Football Club, Sands Grounds, Swindon Road, Highworth SN6 7ES

The Panel considered (a) a written request from the applicants seeking an adjournment of the hearing tabled at the meeting, and (b) further oral representations from the applicants confirming that they wished to proceed with the hearing and confirming that they were satisfied that they were in a position to make their representations as they wished to do so. The Panel determined that having received such assurances the hearing would proceed.

The Panel considered (a) a report of the Council's Licensing Officer setting out details of an application for a variation to the Premises Licence held by Highworth Town Junior Football Club, Highworth, Swindon, (b) written representations from local residents against the grant of the variation, (c) written representations from local residents in support of the application, (d) additional representations tabled at the meeting, (e) oral submissions by Councillors Alan Bishop and Maureen Penny (attending in their capacity as Borough Councillors), (f) oral submissions received in support of the application from Mark Collet and Liz Barron (on behalf of Highworth Town Junior Football Club), (g) questions from Members to the applicants and objectors and answers received, and (h) the Council's procedure for licensing hearings, the Secretary of State's Guidance and the Council's Licensing Policy.

After considering: -

1. The application for a variation of a Premises Licence; and
2. Representations and material put forward on behalf of the Police, Environmental Health Department, Applicant, Highworth Town Council, Ward Councillors, Local residents opposing the application and local residents supporting the application;

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
- ii. Protection of Children from Harm.

The Panel in considering the application paid no regard to submissions in relation to Planning which fell outside the remit of the Panel.

The Panel noted that the existing hours of operation for indoor activities remain as stipulated already on the licence.

The Panel determined that the application for a variation of the Premises Licence to include outdoor events be granted subject to the following hours and conditions:

Sale of Alcohol

Monday to Thursday inclusive	19.00 – 23:00
Friday	18.00 – 00:00
Saturday and Sunday	10:00 - 00:00

Plays, Films, Indoor Sporting Events

Monday to Sunday inclusive	10.00 – 00:00
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Recorded Music and Live Music

Monday to Sunday inclusive	10.00 – 23:00
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Late Night Refreshment

Monday to Sunday inclusive	23.00 – 00.00
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Opening Hours

Monday to Sunday inclusive	10.00 – 00.00
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Reason

(i) To define the scope of the varied licensable activities and to protect the amenities of local residents.

(ii) That the hours approve, as proposed by the applicant, were subject to conditions and it was determined that approval of such hours subject to conditions should ensure minimal impact on the amenities of local residents.

Conditions:

(1) That the Police conditions set out on Pages 55 to 57 of the agenda pack be approved subject to the following amendments:

Reason

(i) That the proposed measures set out by the police, as amended, were proportionate in ensuring the maintenance of the Licensing Objectives.

(ii) The Panel noted that the applicant accepted the Police conditions.

(a) That conditions 1, 2 and 6 shall be substituted for conditions 1, 2 and 3 on the existing licence.

Reasons

(i) The substituted conditions allowed for the same conditions to be applied to both outdoor and indoor events.

(ii) The conditions imposed would assist the Licensee in protecting children from harm. The Panel noted that the applicant accepted the proposed conditions.

(b) That conditions 8 and 9 shall be amended so as to apply to outdoor events with anticipated attendance exceeding 499 people.

Reasons

The Panel determined that the imposition of these conditions for smaller events would be overly onerous given that there has been no history of public control issues at previous events.

(c) Condition 4 shall be amended to apply to both indoors and outdoors and shall cover the whole of the premises used for entertainments.

Reasons

(i) To assist the applicant in meeting the prevention of public nuisance objective and to assist in their management of events.

(2) That the conditions recommended by the Council's Environmental Health Department be approved subject to the following amendments:

Reason

(i) That the proposed measures set out by the Environmental Health Department, as amended, were proportionate in ensuring the maintenance of the Licensing Objectives and in protecting the amenity of local residents.

(a) That Condition 1 relating to the Event Management Plan shall be amended so as to apply to outdoor events with an anticipated attendance exceeding 499 people.

Reason

The Panel determined that the imposition of these conditions for smaller events would be overly onerous given that there has been no history of public control issues at previous events.

(b) That Condition 2 be amended to delete the reference to a maximum number of 6 outdoor events each year.

Reason

The Panel determined that given the evidence before on previous management of events and the proposed nature of events to be held at the venue that this condition was unnecessarily restrictive to the management and promotion of events at the venue.

(c) That Condition 2 be amended to require the organiser of outdoor events to provide the Local Authority and Police with 28 days notice for outdoor events with an anticipated attendance exceeding 499 people and in respect of all other events a minimum of 14 days notice or as soon as is practicable.

Reason

(i) The Panel determined that, given the evidence before it regarding the previous management of events and the proposed nature of events to be held at the venue, the original proposed condition was unnecessarily restrictive to the management of events at the venue.

(ii) The notice period for events was considered proportionate both for the Licensee and to the Statutory Authorities.

(d) That condition 3 be amended to refer to outdoor events with anticipated attendance exceeding 499 people so as to require the organiser to provide a Noise Management Plan.

Reason

That having taken into account representations from the public and Environmental Health Department and the location of the venue in relations to residential properties the Panel determined that it would be overly onerous given that there had been minimal reports of noise nuisance to the Council's Environmental Health Department arising from previous events.

(e) Noise from amplified music at any event shall not exceed 65 dB.

Reason

(i) To protect the amenity of local residents.

(f) That all amplified, live or recorded music in outdoor areas shall cease at 23:00

hrs.

Reason

(i) To protect the amenity of local residents.

(3) That for all outdoor events the organiser will fence off the area within which the event will be held for the duration of the activities provided.

Reason

(i) To assist the Licensee in maintaining the integrity of the premises in the maintenance of the Licensing Objectives

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**Application for the grant of a Premises Licence in respect of LJ Food 'N'
Wine Store, 42 Manchester Road, Swindon, SN1 1BT**

Licensing Panel

Date: 21 November 2014

Author: Licensing Manager

Wards Affected: Central

Purpose

- To determine the application submitted by LJ Food 'n' Wine Limited for the grant of a premises licence in respect of 42 Manchester Road, Swindon, SN1 2AG.

Recommendation

Taking into account the representations made by all parties in respect of this application the Licensing Committee is asked 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 application in whole or in part.

1. Reasons

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

2. Detail

- 2.1 An application for the grant of a premises licence in respect of 42 Manchester Road to vary the premises licence issued in respect of Food 'n' Wine Limited, 42 Manchester Road, Swindon SN1 2AG.

- 2.2 A copy of the application is attached as **Appendix A**.

- 2.3 The application seeks authorisation for the sale of alcohol for the following hours:

Sale by retail of alcohol

Monday to Sunday inclusive 10.00 – 01:00

Opening Hours

Monday to Sunday inclusive 08:00 – 01:00

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 for the grant of a Premises Licence in respect of LJ Food 'N' Wine Store, 42 Manchester Road, Swindon, SN1 1BT

Licensing Panel

Date: 21 November 2014

- 2.4 The applicant has offered conditions as contained within the Operating Schedule of the application and these will be attached to any licence if granted. These are as follows:
- 2.4.1 Records shall be kept in the form of an incidents log to cover escorting of patrons, complaints received, any incidents of crime and disorder, any refusal of sale of alcohol and any visit from a relevant authority or emergency service.
- 2.4.2 CCTV shall be installed within the premises and will cover all entrances and exits used by members of the public and also the alcohol sales area. The CCTV shall be made available to authorised officers on request
- 2.4.3 All fire safety equipment shall be maintained in accordance with fire regulations
- 2.4.4 Public areas shall be kept clean and free from obstruction. Clear signage shall denote all fire exits.
- 2.4.5 Clear and prominent signage shall be in place requesting customers to leave the premises quietly
- 2.4.6 A challenge 21 policy shall be in place at the premises and a record of refusals shall be kept on the premises.
- 2.5 A representation has been 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 and additional information is attached as **Appendix B**. No representations were received from any other responsible authority or any other persons.
- 2.6 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.
- 2.7 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.

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 for the grant of a Premises Licence in respect of LJ Food 'N' Wine Store, 42 Manchester Road, Swindon, SN1 1BT

Licensing Panel

Date: 21 November 2014

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.

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

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 for the grant of a Premises Licence in respect of LJ Food 'N' Wine Store, 42 Manchester Road, Swindon, SN1 1BT

Licensing Panel

Date: 21 November 2014

judicial review if the Policy is found not to comply with the requirements of the Licensing Act 2003 and associated legislation, regulations and guidance.

5 Consultees

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

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 for the grant of a Premises Licence
- Appendix B Representation and additional received from Wilshire Police



SWINDON BOROUGH COUNCIL

Receipt

HSG 67060

£

p

24 July 20 14

Received of M

CPL Training

of

Egerton House, 2 Tower Road

the sum of

one Hundred

pounds

- ONLY -

pence

in respect of

Premises Licence - Lifordwine Ltd

by ~~Cash/P.O./M.O.~~ Cheque

MP863

CHQ

for Director of Housing Services

£100

SWINDON BOROUGH COUNCIL
Licensing Department
Wat Tyler House
Beckhampton Street
Swindon
SN1 2JH

Dear Sirs,

Please find enclosed the premises licence application for LJ Foodwine Ltd, 42 Manchester Road, Swindon, SN1 2AG

I have not been able to obtain a list of all the responsible authorities' addresses from your website in order to serve a copy of this application on them.

Having been in contact with your customer services team I have been advised to submit the application to yourselves and your licensing team will serve the copies of the application to all relevant responsible authorities.

Should have any questions the please do not hesitate to contact me directly on the following details:
CPL Training main tel: 0151 650 6910
Or Gui.chipchase@cpltraining.co.uk

Many Thanks



Guillaume Chipchase
Licensing Manager

*£100pd 24/7/14
HSG 67060
8811404414APRE
Consultation
period ends
21/8/14*

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

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We LS FOODWILLZNE LTD
(Insert name(s) of applicant)

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

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
<u>LS FOODWILLZNE</u> <u>42 MANCHESTER ROAD</u>			
Post town	<u>SUTTON</u>	Postcode	<u>SN1 2AG</u>

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ <u>0</u>

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

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

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

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

Please tick yes

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

I am making the application pursuant to a

statutory function or ☐

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

SECOND INDIVIDUAL APPLICANT (if applicable)

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

(B) OTHER APPLICANTS

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

Name	LS FOODMILK LTO
Address	7 BATH ROAD SWEEDON SN1 4AS
Registered number (where applicable)	09099384
Description of applicant (for example, partnership, company, unincorporated association etc.)	LIMITED COMPANY
Telephone number (if any)	
E-mail address (optional)	

Part 3 Operating Schedule

When do you want the premises licence to start?

DD		MM		YYYY			
2	2	0	8	2	0	1	4

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

DD		MM		YYYY			
1	1	1	1	1	1	1	1

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

CONVENIENCE STORE AND OFF LICENCE PREMISES

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

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

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

Provision of regulated entertainment

Please tick any that apply

- | | |
|---|--------------------------|
| a) plays (if ticking yes, fill in box A) | <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 type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input 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 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

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
			State any seasonal variations for performing plays (please read guidance note 4)		
Wed					
Thur					
			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 5)		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
Day	Start	Finish			Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)			
Tue						
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)			
Thur						
Fri			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 5)			
Sat						
Sun						

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
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 5)
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)			
Mon						
Tue						
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)			
Thur						
Fri						
Sat						
Sun						

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
			State any seasonal variations for the performance of live music (please read guidance note 4)		
Wed					
Thur					
			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 5)		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
Day	Start	Finish			Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)			
Tue						
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 4)			
Thur						
Fri			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 5)			
Sat						
Sun						

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for the performance of dance (please read guidance note 4)		
Wed			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 (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	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 3)		
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 4)		
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 5)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)			
Mon						
Tue						
			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)			
Wed						
Thur						
			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 5)			
Fri						
Sat						
Sun						

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises <input type="checkbox"/>
				Off the premises <input checked="" type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4) <i>N/A</i>	
Mon	10	00		
	01	00		
Tue	10	00		
	01	00		
Wed	10	00		
	01	00		
Thur	10	00		
	01	00		
Fri	10	00		
	01	00		
Sat	10	00		
	01	00		
Sun	10	00		
	01	00		

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

Name	LORRAINE KING
Address	7 PLOUGH CLOSE WILLESDEN LONDON
Postcode	NW11 0 5BZ
Personal licence number (if known)	222214770
Issuing licensing authority (if known)	LONDON BOROUGH OF BRENT COUNCIL

K

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

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4) <i>N/A</i>
Day	Start	Finish	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 5) <i>N/A</i>
Mon	08	00	
	01	00	
Tue	08	00	
	01	00	
Wed	08	00	
	01	00	
Thur	08	00	
	01	00	
Fri	08	00	
	01	00	
Sat	08	00	
	01	00	
Sun	08	00	
	01	00	

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

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

RECORDS WILL BE MAINTAINED IN AN INCIDENT LOG TO COVER:
Ejections of Patrons, Complaints Received, Any incidents of disorder
Any refusal of service of alcohol and any visit by a relevant
authority or emergency service.

b) The prevention of crime and disorder

CCTV WILL COVER EXITS AND ENTRANCES USED BY MEMBERS OF
THE PUBLIC AND ALCOHOL DISPLAYS AND SALES COUNTER. CCTV WILL
BE MADE AVAILABLE TO THE POLICE ON REQUEST.

c) Public safety

ALL FIRE SAFETY EQUIPMENT WILL BE MAINTAINED IN ACCORDANCE
WITH FIRE SAFETY REGULATIONS.
PUBLIC AREAS WILL BE KEPT CLEAN AND FREE FROM OBSTRUCTION.
CLEAR AND PROMINANT SIGNAGE WILL BE IN PLACE TO DENOTE ALL
FIRE EXITS

d) The prevention of public nuisance

CLEAR AND PROMINANT SIGNAGE WILL BE IN PLACE TO REQUEST CUSTOMERS
TO LEAVE THE PREMISES QUIETLY.

e) The protection of children from harm

LS FOODVILLE WILL OPERATE A 'CHALLENGE 21' POLICY AND MAINTAIN A 'REFUSAL TO SERVE LOG' IN RELATION TO ATTEMPTED UNDER AGE PURCHASES OF ALCOHOL.

Checklist:

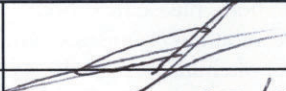
Please tick to indicate agreement

- I have made or enclosed payment of the fee. ☒
- I have enclosed the plan of the premises. ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☒
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. ☒
- I understand that I must now advertise my application. ☒
- 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 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 11).
If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	23/7/2014
Capacity	Agent

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

MR GUILLAUME CHAPCHASE
CPL TRAINING LTD
EGERTON HOUSE
2 TOLLIER ROAD

Post town	BIRKENHEAD	Postcode	CH41 1FN
Telephone number (if any)	0151 650 6910		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) GUL. CHAPCHASE @ CPL TRAINING . CO . UK			

Notes for Guidance

1. 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.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example the 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.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. 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.
7. 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'.
8. 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.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

Consent of individual to being specified as premises supervisor

I LORRAINE KING
[full name of prospective premises supervisor]

of 7 PLOUGH COSE
MILLESDEN LONDON

NW11 0 5BZ
[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

GRANT OF PREMISES LICENCE [type of application]

by LJ FOODNWINE LTD [name of applicant]

relating to a premises licence [number of existing licence, if any]

for 42 MANCHESTER ROAD

SWINDON, WILTSHIRE, SN1 2AG

(LJ FOODNWINE)
[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made

by [name of applicant]

concerning the supply of alcohol at 42 MANCHESTER ROAD

SWINDON, WILTSHIRE, SN1 2AG

.....
[name and address of premises to which application relates].

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number 222214770
[insert personal licence number, if any]

Personal licence issuing authority BRENT COUNCIL
[insert name and address and telephone number of personal licence issuing authority, if any]

[Signature]signed

LORRAINE KINGname (please print)

26.6.14dated

Notes:

This drawings have been produced to the standards set out within the Licensing Act 2003.

No deviation may be made from the details shown on this drawing without prior written permission of UK Surveyors. Any discrepancy found between this drawing and any other document should be referred immediately to UK Surveyors.

IF IN ANY DOUBT PLEASE ASK.

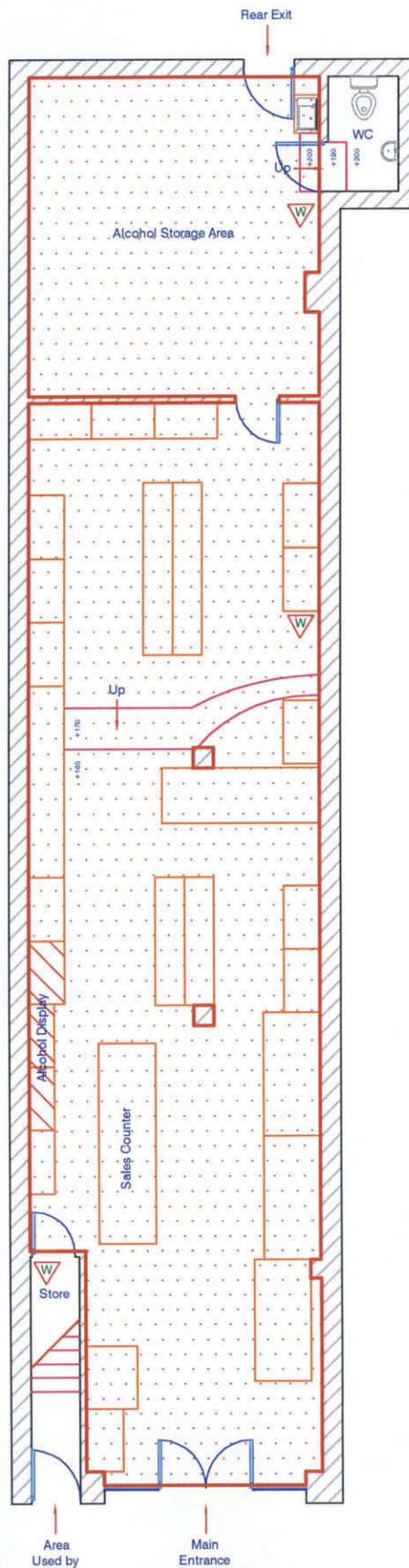
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Existing Ground Floor

Ground Floor Licensed Area: 98.4sm

Total Licensed Alcohol Area: 98.4sm



Fire/Security Symbols

-  : Fire extinguisher
-  : Linear Luminaire, Self Contained, Emergency
-  : Alcohol Licensed Area

Drawing No:
002823

Drawing Title:
Premises Licensing Plan

Drawing: 42-44 Manchester Road, Swindon,
Wiltshire SN1 2AG

Date:
18/07/2014

Sheet:
1 of 1

UK Surveyors Ltd

Retail/Commercial Gambling & Alcohol Licensing, Architectural CAD,
Planning & Surveying Services

☎ : Birmingham: 0121 647 4060
☎ : London: 0203 056 7537
☎ : Manchester: 0161 871 7006
✉ : enquiries@uksurveyors.net
🌐 : www.uksurveyors.net

Do not scale off this plan

Drawn By: BC & DJR

Scale: 1:100 @ A4



Mr G Chipchase,
CPL Training,
Egerton House,
2 Tower Road,
Birkenhead,
Wirral, CH41 1FN

Swindon Police Station
Gablecross
Shrivenham Road
South Marston
Swindon
Wiltshire SN3 4RB
Telephone: 101
Ext: 760 417
Facsimile: 01793 507892
DX: 132780

Date 01/08/2014

Your ref

Our ref 42 Manchester Road LA

Reply contact name is: Sian Kalyinka – Police Licensing Officer

Dear Mr Chipchase,

Application for a premises licence 42 Manchester Road, Swindon

Thank you for the above application received at this office on the 29th July 2014.

The application has been considered and the relevant Neighbourhood Policing Team has been consulted. I draw your attention to the following concerns:

The application is seeking a licence to supply alcohol for consumption off the premises between the hours of 10.00am and 01.00am 7 days a week.

The Neighbourhood Policing Team are working hard to tackle issues within this area and its immediate environs is well documented as being the regular haunt of problem drinkers, street sex workers and other anti-social elements associated with both forms of activity. It is felt that the granting of these hours for the sale of alcohol will only add to these problems. The area is currently covered by a s.30 Dispersal Order to assist in tackling the anti social behaviour issues experienced.

The area of Manchester Road is also saturated with 8 other off licence premises which all contribute to the issues described above in the area.

Wiltshire Police are concerned over the suitability of the premises licence holder. A search of the company applying for the premises licence shows a Mr Lavel King as Director who has relevant criminal convictions and a long offending history.

Wiltshire Police also understand that the DPS on the application has yet to receive her personal licence from Brent Council indicating that there is little to no experience and understanding of licensing legislation and what is required to ensure compliance with the Licensing Act 2003.



INVESTOR IN PEOPLE



Therefore, on behalf of Wiltshire Police I object to the application for a premises licence on the grounds that the prevention of crime and disorder objective will not be upheld.

If you would like any clarification in relation to the contents of this letter please feel free to contact this office.

I will also send a copy of this letter to the Swindon Borough Council Licensing Department.

Yours sincerely

Sian Kalynka
Police Licensing Officer

Documentation to be relied upon by Wiltshire Police

Hearing Date 11th September 2014

For the Application for a premises licence 42 Manchester Road, Swindon.

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Mr G Chipchase,
CPL Training,
Egerton House,
2 Tower Road,
Birkenhead,

Swindon Police Station
Gablecross
Shrivenham Road
South Marston
Swindon
Wiltshire SN3 4RB
Telephone: 101
Ext: 760 417
Facsimile: 01793 507892

DX: 132780

Date 01/08/2014

Your ref

Our ref 42 Manchester Road LA

Reply contact name is: Sian Kalyinka – Police Licensing Officer

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If you would like any clarification in relation to the contents of this letter please feel free to contact this office.

I will also send a copy of this letter to the Swindon Borough Council Licensing Department.

Yours sincerely

Sian Kalynka

Police Licensing Officer

Kalynka, Sian

From: Gui Chipchase [Gui.Chipchase@cpltraining.co.uk]
Sent: 02 August 2014 12:25
To: Kalynka, Sian
Subject: RE: 42 Manchester Road Premises Licence Application [NOT PROTECTIVELY MARKED/UNCLASSIFIED]

Dear Sian,

Thank you for your e-mail and attached letter.

I would very much like to discuss the contents of your letter with you and have tried to call your offices. I am available at our offices today until 3pm (0151 650 6910) but alternatively we can speak on Monday 4th upon my return.

In relation to the proposed DPS Miss Lorraine King, I see that you indicate she has *'little to no experience and understanding of Licensing legislation and what is required to ensure compliance with the licensing act 2003'* however the act itself only requires that a DPS must hold a valid personal licence and consent in writing to becoming the DPS of premises, but in order to be a personal licence holder that person must have achieved the relevant 'Award for Personal licence Holders (APLH)' qualification in order to make their application for a personal licence.

We received Miss King's personal licence to our offices on 28/07/2014 and dispatched it to her on 29/07/2014 following its grant on 01/07/2014 after successful completion of the required APLH qualification on 28/05/2014. As you know there is currently no requirement for a DPS to complete and hold a separate 'higher level' qualification, and so Miss King as a personal licence holder has complied with the relevant elements of the Licensing Act 2003 and so shouldn't be denied the position of DPS due to experience.

I look forward to speaking with you soon.
Many Thanks

Kind regards,

GUI CHIPCHASE MLOL
LICENSING SERVICES MANAGER

CPL TRAINING
EGERTON HOUSE
2 TOWER ROAD
BIRKENHEAD
WIRRAL, CH41 1FN

TEL . 0151 650 6910
MOB. 0758 6565 754
FAX . 0151 650 6935
WEB . WWW.CPLTRAINING.CO.UK
EMAIL . GUI.CHIPCHASE@CPLTRAINING.CO.UK
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 Please consider our environment before printing this e-mail.

LJ Foodnwine Ltd

Company directors and board members:

SHANTEL MURREY (current)

Secretary, 2014.06.24

7 BATH ROAD , SWINDON

SN1 4AS, WILTSHIRE

ENGLAND

LAVEL KING (current)

Director, SHOP OWNER, 2014.06.24

7 BATH ROAD , SWINDON

SN1 4AS, WILTSHIRE

ENGLAND

Swindon Advertiser

Man jailed for a year possession of crack cocaine

6:11pm Sunday 9th May 2010

A MAN who threw away more than £1,000 worth of crack cocaine as he ran away from police in a Swindon street has been jailed for a year.

Lavel King hurled the package as he fled from an officer who had spotted a suspected drug deal taking place in a town centre car park.

And, after hearing that the 23-year-old was just looking after the drugs for his dealer, a judge sitting at Swindon Crown Court imposed the 12-month sentence.

Lynne Henderson, prosecuting, said a policeman was watching the Granville Street car park on Tuesday, June 30 last year when he saw the defendant pull up in a BMW.

Shortly afterwards a Ford Mondeo parked in front of the car and the driver got out to speak to King, who was standing outside his vehicle.

She said the officer thought a drug deal was taking place so identified himself to the men as a policeman.

King tried to drive away but the officer managed to grab the keys to stop him.

As the policeman spoke to the other driver, King jumped out of the BMW and ran off on to Commercial Road with the officer in pursuit.

"As the defendant ran, he was observed by a witness and she told the police that she had seen the defendant throw something," Miss Henderson said.

"She seized it and handed it to other police officers who had arrived on the scene."

The package contained three separate quantities of crack cocaine weighing a total of just over 22 grams.

When King was searched he also had a wrap containing 1.9 grams of the drugs.

All together the drugs had a street value of up to £1,500.

He also had a bag containing just under £640 in cash and three mobile telephones.

King told police all of the drugs were for his own use and denied possession with intent to supply, adding he had the money to buy some white goods for his partner.

But before a jury could be sworn in King changed his plea to admit the offence saying he was holding them for a short period for his dealer.

King, of Heronbridge, Swindon, admitted to possessing crack cocaine with intent to supply and possession of the smaller amount.

Rob Ross, defending, said his client had a history of minor offending associated with an addict with a number of convictions for possessing various drugs.

He said on the day he had been asked to look after the package for a period and was to return it to his dealer.

Mr Ross said his client worked for his father as a painter and decorator.

Jailing him, Judge Euan Ambrose said "The seriousness of this offence is that your actions, had they not been disrupted by the police would have enabled a crack cocaine dealer to avoid detection."

Dealer must hand back just £5,000

6:00pm Monday 7th February 2011

A MAN who made more than £26,000 from dealing hard drugs has been ordered to repay just £5,000.

And most of the money Lavel King will have to repay was found on him when he was caught with crack cocaine in the Granville Street car park.

King, 23, of Heronbridge Close, Westlea, was jailed for a year in May last year after admitting possessing the class-A drug with intent to supply.

Now, under the Proceeds of Crime Act, he has been found to have benefited from his crime to the tune of £26,127.99.

But King, who has already served his time in jail, will only have to repay £5,000 within the next six months or face the prospect of a further 45 days in prison.

The court heard that the police were holding a little over £3,000 which they had seized, leaving him to find the rest.

Colin Meeke, prosecuting, said the case had taken so long to be sorted out because there had been questions over a £10,000 Mercedes car he had owned.

He said there was evidence the car had been disposed of in September 2009 and the money used for living expenses before he was jailed.

King was spotted throwing away more than £1,000 worth of crack cocaine as he ran away from police who had spotted a suspected drug deal taking place.

But a judge imposed the one-year jail term after hearing that he was just looking after the drugs for his dealer.

A policeman was watching the car park on June 30, 2009, when he saw the defendant pull up in a BMW.

Shortly afterwards a Ford Mondeo parked in front of the car and the driver got out to speak to King.

By then King was standing next to his vehicle.

The officer thought a drug deal was taking place so identified himself as a policeman to the men.

King tried to drive away from the scene but the officer managed to grab the keys from the ignition to stop him. But as he spoke to the other driver the defendant took the chance to jump out of the BMW and run off to Commercial Road with the officer in pursuit.

A passer by saw him throw an object which she retrieved and handed to officers, who found three quantities of the drug weighing a total of just over 22 grams.

When King was searched he also had a wrap containing 1.9 grams of the drugs. In total the drugs had a street value of up to £1,500.

He also had a bag containing just under £640 and three mobile telephones.

King pleaded guilty to possessing crack cocaine with intent to supply and simple possession of the smaller amount.

Rob Ross, defending, said his client had a history of minor offending associated with an addict with a number of convictions for possessing various drugs.

He said on the day he had been asked to look after the package for a short period and was going to return it to his dealer.

Incident Logs for Alcohol related incidents/ASB Manchester Road Area
16/03/14 – 10/08/14.

16/03/14 13:40 hours – 4 intoxicated males drinking and urinating in alleyway off Ponting Street

16/03/14 19:39 hours – 15 year old female subject to child protection concerns found on Manchester Road heavily intoxicated.

17/03/14 14:31 hours – Group of 10 intoxicated persons drinking in alleyway behind the Mosque on Manchester Road.

17/03/14 22:40 hours – Staff member of off-license on Manchester Road viewed to serve heavily intoxicated customer.

18/03/14 22:22 hours – Heavily intoxicated male stood on Manchester Road shouting at members of the public.

19/03/14 14:20 hours – Group of street drinkers consuming alcohol on Lagos Street

23/03/14 22:44 hours – Two intoxicated street drinkers involved in disorder on Manchester Road

30/03/14 14:25 hours – Group of intoxicated youths in alleyway off Ponting Street

31/03/14 14:24 hours – Group of street drinkers consuming alcohol in alleyway off Ponting Street

02/04/14 11:14 hours – Street drinkers drinking in alleyway off Ponting Street

03/04/14 22:00 hours – Intoxicated male punched second male in the face on Manchester Road causing cut to eyebrow.

12/04/14 19:33 hours – Large disorder involving intoxicated males on Manchester Road. Males had consumed alcohol purchased from licensed premises in area.

14/04/14 22:22 hours – Female breaching ASBO by consuming alcohol in public on Manchester Road.

20/04/14 21:30 hours – Male assaulted by known male after both parties consumed alcohol purchased from licensed premises on Manchester Road.

22/04/14 22:13 hours – Intoxicated male on Alfred Street banging on random doors.

25/04/14 19:27 hours – Intoxicated male looking through resident's windows on County Road.

28/04/14 23:11 hours – Group of intoxicated street drinkers stole cigarettes from a victim on Manchester Road.

01/05/14 14:32 hours – Intoxicated male banging on doors offering to clean windows on Broad Street.

02/05/14 01:00 hours – Heavily intoxicated victim subjected to a robbery by two known offenders on Manchester Road.

03/05/14 20:28 hours – Disorder involving group of intoxicated males resulting in shop window on Manchester Road being smashed.

05/05/14 20:46 hours – Group of youths drinking in alleyway to rear of Manchester Road.

18/05/14 21:10 hours – Group of intoxicated street drinkers hanging around outside Abby's Off License, Manchester Road

20/05/14 13:48 hours – Three street drinkers drinking and searching through bins on Isambard Place.

24/05/14 14:11 hours – Intoxicated males drinking in alleyway behind Ponting Street.

26/05/14 19:30 hours – Intoxicated male assaulted victim by pushing them against a wall outside licensed premises on Manchester Road

02/06/14 16:32 hours – Males drinking alcohol outside William Hill on Manchester Road thus breaching DPPO.

03/06/14 18:55 hours – Males drinking alcohol in alleyway off Manchester Road.

06/06/14 22:12 hours – Males drinking on corner of Ponting Street and Manchester Road.

08/06/14 22:15 hours – Lone male assaulted by being pushed by intoxicated group inside licensed premises.

08/06/14 02:00 hours – Staff members of licensed premises on Manchester Road viewed serving alcohol past licensed opening hours

16/06/14 13:20 hours – Males drinking on Broad Street

22/06/14 14:30 hours – Two drunk males on Ponting Street arrested for drunk and disorderly and refusing to comply with DPPO and Section 30 Dispersal Order.

18/07/14 18:48 hours – Six males seen drinking alcohol in alleyway off Ponting Street.

19/07/14 23:36 hours – Intoxicated males outside Portuguese Cafe on Manchester Road shouting abuse at each other.

21/07/14 00:06 hours – Group of intoxicated sex workers and street drinkers causing ASB on Manchester Road.

29/07/14 17:31 hours – Street drinkers in alleyway off Manchester Road causing ASB.

30/07/14 13:45 hours – Drunk male being abusive on Broad Street.

30/07/14 02:04 hours - Group of intoxicated sex workers and street drinkers causing ASB on Manchester Road.

08/08/14 12:10-16:00 hours – 3 seperate logs of street drinkers in alleyways around Manchester Road.

**In the matter of the application for a premises license for the address of LJ FOOD N
WINE, 42 Manchester Road, Swindon.**

Statement of PC 2410 Luke ATKINSON

I, **Luke ATKINSON**, Police Constable 2410, Divisional Police Headquarters, Gablecross Police Station, Swindon, Wiltshire SN3 4RB will state as follows:

Introduction

1. I am Police Constable 2410 Luke ATKINSON of Wiltshire Police. I am the Community Beat Manager for the Broadgreen area of Swindon on the Swindon Town Centre Neighbourhood Policing Team. I have been in post since November 2012. My main role is to deal with Crime, Anti-Social behaviour and a number of other Policing Objectives in the Broadgreen area which encompasses Manchester Road.
2. Within my role I have responsibility for policing the night time economy in Broadgreen as well as monitoring alcohol related incidents of disorder and Anti-social behaviour in the area.
3. Broadgreen, in particular Manchester Road has a large number of off-licenses the latest of which is currently open until midnight. Sales of high strength alcohol from these businesses directly contribute to the levels of anti-social behaviour in the area.
4. Broadgreen and Manchester Road are located within a Designated Public Place (DPPO) for the purposes of controlling alcohol related anti-social behaviour in the area. This gives a Police Constable the power to remove alcohol from the possession of persons believed to be drinking in the area. DPPOs are implemented

by local councils in order to address alcohol-related crime and disorder in public places. They are only implemented on areas which have a problem with alcohol related crime or alcohol related anti-social behaviour.

5. In the previous 6 months dated 01/03/2014 to 31/08/2014 there have been 45 separate incidents reported to the Police of alcohol related anti-social behaviour or alcohol related crime and disorder taking place in the Manchester Road area. Many of these incidents take place in the vicinity of the premises of 42 Manchester Road with numerous reports of street drinkers being abusive to local residents, urinating on private property and generally causing Anti-social behaviour in the area. Of the 45 reported incidents of alcohol related anti-social behaviour on Manchester Road many of these took place after the hour of 20:00 and have a massive impact on the lives of local residents. Perhaps more concerning is the number of alcohol related crimes which have taken place in the location. These crimes have included assaults on members of the public, incidents of large scale disorder and criminal damage to both residential and business properties in the area.
6. Wiltshire Police have as recently as August 2014 received information that known street drinkers who are subject to Anti-Social Behaviour Orders (ASBOs) banning them from consuming alcohol in public in the borough of Swindon, have purchased high strength alcohol from off-licences located in the area of Manchester Road, and consumed it within the DPPO area. This is a regular occurrence and specific actions such as Police patrol plans and partnership working with Swindon Borough Council agencies has been carried out. Some of the work that has taken place is to carry out enforcement action against those with the ASBOS, enforcement action of the DPPO and work carried out with the off licences which has included educating the shop keepers. This is an ongoing

problem of which a large number of Police resources are dedicated.

Specific Concerns/ Objections:


7. The granting of another premises license allowing the sale of alcohol in the Manchester Road area will exacerbate an already substantial anti-social behaviour issue and will contribute to incidents of crime and disorder in the Broadgreen area, specifically in and around Manchester Road. This will have a negative impact on the community and policing in Swindon, drawing unnecessary resources away from other key areas of Policing across the Division. Anti-Social behaviour in the Manchester Road and Broadgreen area is also a Central Sector Neighbourhood Policing Team Priority due to the current problems in the area. Adding a further off-license which remains open later than those currently in existence will have an adverse effect on our battle against alcohol related Anti-Social behaviour, and will negatively impact on the lives of local residents.
8. It is my experience as the local Police Community Beat Manager the off-licenses on Manchester Road attract street-drinkers to the area, many of whom are banned from consuming alcohol in the Borough of Swindon and are also banned from entering the Town Centre resulting in them being displaced to a) purchase alcohol in Broadgreen and b) consume it in the area. The attraction for the street drinkers is the wide availability of very cheap, high strength alcohol which can be sold in individual cans. I am very concerned that adding a further off-license to an already saturated area will reduce prices of alcohol in existing off-licenses, and as such will make alcohol easier to obtain by persons who engage in alcohol related anti-social behaviour, crime and disorder.

9. Broadgreen has numerous alleyways where street drinkers feel able to consume alcohol without attracting the attention of the Police or other enforcement agencies. Unfortunately, these alleyways back onto residential premises resulting in local residents being negatively affected. There is also a serious issue with littering in the Broadgreen area which is directly related to items purchased from existing off-licenses. Adding a further off-license to the area would again exacerbate this issue. The premises of 42 Manchester Road has an alleyway behind it which runs parallel to Manchester Road and in between Gladstone Street and Salisbury Street, both of which are almost entirely residential in their makeup.
10. Allowing a new Off-license to remain open for the purposes of serving alcohol until 01:00 hours is later than any other off-License in the Manchester Road area. This will directly contribute to increasing crime and disorder and public nuisance in the area which does not promote the licensing objectives.

Additional information

Statement of truth

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

Signed: 

PC 2410 Luke ATKINSON

Dated..... 01/09/2014 .