

LICENSING PANEL

TUESDAY, 15 NOVEMBER 2016

PRESENT:- Councillors Alan Bishop, Vera Tomlinson and Peter Watts

17. Appointment of Chair

Resolved – That Councillor Peter Watts Chair this meeting of the Panel.
(Councillor Watts took the Chair.)

18. Minutes

Resolved – That the minutes of the meetings held on 28th and 30th September 2016 be confirmed and signed.

19. 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.

20. Application to vary the Premises Licence for New College, New College Drive, Swindon, SN3 1AH

The Panel considered (a) a report of the Council's Licensing Manager setting out details of an application to vary the premises licence held by New College, New College Drive, Swindon, SN3 1AH, (b) written representations opposing the application received from a local resident, (c) oral submissions opposing the application for variation from Councillor Steve Allsopp and a local resident, (d) oral submissions in support of the application from the applicant, (e) questions from members to the applicant and objector and answers received, (f) the Council's procedure for licensing hearings, the Secretary of State's Guidance and the Council's Statement of Licensing Policy.

The Council's Licensing Manager introduced the report noting:

- The variation was to permit the sale of alcohol for consumption between the hours of 17:00 and 22:00 hours Monday to Friday and 11:00 to 22:00 hours Saturday and Sunday and 11:00 to 22:00 hours during periods of curriculum downtime.
- Events were held in the Phoenix Theatre.
- The sale of alcohol was for consumption on the premises.
- Conditions offered by the applicant relating to CCTV, training and Challenge 25 checks were set out within the agenda papers.
- There was a no glass policy within trading areas and the use of door staff was risk assessed.
- No comments had been received from the statutory authorities and the conditions set out on pages 34 to 35 of the agenda papers had been discussed with Wiltshire Police.
- The existing premises licence permitted licensable activities 08:00 to 00:00 hours daily.
- A representation had been received from one local resident.

Councillor Steve Allsopp made representations on behalf of a local resident opposing the variation of the premises licence. These representations can be broadly summarised as:

- The sale of alcohol in the auditorium was not opposed as it was ancillary to its use and well managed, but the sale of alcohol outside of this area as shown on the plans on page 43 of the agenda papers was opposed.
- Local concerns were that the variation might lead to undesirable events in the future should the college come under financial pressure.
- That there was a planning application for a 3G football pitch adjacent to the site and there was local concern that users of that facility would be able to access alcohol.
- The additional hours requested were a concern locally.
- The sale of alcohol within an education setting was of concern.

The applicant commented on a number of issues and responded to questions put in respect of:

- That the college had been operating events using requested hours for a year through the use of Temporary Event Notices without adverse issues.
- The reason for the variation was to provide the college with greater flexibility in arranging events as the maximum number permitted under Temporary Event Notices had been used in the preceding year.
- The application was for the area marked in red in the application (the theatre) and did not involve the sale of alcohol to students at the college.
- The sale of soft drinks currently exceeded the sale of alcohol at events as most people attending events drove to the college.
- There was no intention to undertake any drinks promotions.
- The bar was set up after students had left the premises.
- There was clear signage during events that the sale of alcohol would only be made to people producing event tickets.
- Sales were restricted to the college building and did not include the 3G pitches this was clearly defined in the submitted plans.
- That licensed SIA door staff were employed for events after undertaking a risk assessment.
- Periods of curriculum downtime were schools holidays when students were not on campus.
- The supervised use of the premises by students outside of core teaching periods.

Resolved - After considering: -

The application for a premises licence made by the Applicant; and

1. Representations and material put forward on behalf of the Objectors;

and taking into account: -

1. The Secretary of State's Guidance; and

2. The Licensing Authority Licensing Statement:

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

- i. The prevention of crime and disorder;
- ii. The prevention of public nuisance;

the Panel determined that a Premises Licence for the main college building be granted subject to: -

- 1. The permitted hours for the sale of alcohol be:
Monday to Saturday 17:00 until 22:00 hours Monday to Friday
Saturday and Sunday 11:00 until 22:00.

During periods of core curriculum downtime:
Monday to Sunday 11:00 to 22:00 hours.

- 2. That the conditions offered by the applicant and set out in the hearing papers shall be applied to the Premises Licence.

Reasons

- 1. The Panel was satisfied that the conditions proposed by the applicant would minimise the impact on the amenities of local residents and uphold the Licensing Objectives.
- 2. The Panel noted that the applicant had confirmed that the application was for the main college building and did not include sports pitches or the college sports hall.
- 3. The Panel carefully considered the written and oral representations of the local resident and Ward Councillor who opposed the application and the written and oral submissions of the applicant and were mindful that there had been no objections from the Statutory Authorities.
- 4. Whilst carefully considering the objectors representations the Panel was mindful that harm caused by the grant of a licence needed to be definitively linked to the application and needed to be evidence based.

The Chair reminded both parties that they had a 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.