

LICENSING PANEL

FRIDAY, 5 OCTOBER 2012

PRESENT:- Councillors Peter Heaton-Jones, Richard Hurley and Steve Wakefield

26. Appointment of Chair

Resolved – That Councillor Richard Hurley Chair this meeting of the Panel.
(Councillor Hurley took the Chair.)

27. 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.

28. Minutes

Resolved – That the minutes of the meeting held on 24th August 2012 be confirmed and signed.

29. Application to Review a Premises Licence at The Grapes Hotel, 135 Faringdon Road, Swindon SN1 5BJ

The Panel considered (a) a report of the Council's Licensing Officer setting out a request from Trading Standards for a review of the Premises Licence for the Grapes Hotel, 135 Faringdon Road, Swindon, following the failure of the licensee to uphold the Prevention of Public Nuisance Licensing Objective following poor management in relation to environmental noise control, (b) oral representations from Trading Standards Officers and Wiltshire Police in support of their application for review, (c) representations from Mr. John Badge (Enterprise Inns), (d) questions from Members to Environmental Health Officers and the Police and the answers received, and (e) the Council's procedure for licensing hearings, Government Guidance and the Council's Licensing Policy.

The Panel noted the absence of Mr. Allen Mortimer (Designated Premises Supervisor and manager of the Grapes Hotel). The Panel determined that it would proceed in Mr. Mortimer's absence following confirmation that the appropriate notices had been served and displayed on the premises and given that there had been no application for adjournment from Mr. Mortimer.

Resolved - That, having listened to and carefully considered all of the evidence and submissions put forward by the police, the Environmental Health Manager, the representative of Enterprise Inns and a written submission by the legal representatives of Enterprise Inns. The Panel has determined that the Police and Environmental Protection have provided compelling evidence of a history of breaches of the Prevention of Public Nuisance Licensing Objective. There was evidence of the following, excessive noise, breaches of licensing conditions attached to the Premises Licence, drunkenness and violence and poor management relating to the premises.

The Panel, having considered the evidence was not satisfied that any compelling evidence was put forward that breaches of the licensing objectives would not continue at the level currently experienced and that any additional conditions imposed would be complied with.

The Panel therefore determined that:

(1) That Mr Allen Mortimer be removed as Designated Premises Supervisor of the The Grapes Hotel, 135 Faringdon Road, Swindon.

Reasons

(a) The Panel heard compelling evidence of a lack of management and supervisory control as evidenced by breaches of the licensing conditions relating to noise, hours of regulated entertainment and CCTV provision.

(b) The Panel heard that bar staff employed at premises had received no formal training with respect to their role and responsibilities under the Licensing Act.

(2) The Panel conscious of its duty to ensure that the licensing objectives are met determined that the Premises Licence be revoked.

Reasons

(a) The current Management of the Grapes Hotel had been responsible for a series of breaches of the premises licensing conditions relating to noise prevention, hours of operation, allowing patrons to exit the premises to smoke in the garden area after the permitted hours and CCTV installation in the back garden area.

(b) The breaches of the Licensing Objectives had included unacceptable intoxication at the premises and violence.

(c) The current management had ignored written and verbal advice from the Police and Environmental Protection Officers to prevent further breaches of the Licensing Conditions.

(d) The Panel had no confidence that, given evidence before it about failure to comply with the Licensing Objectives and breaches of conditions and compliance with the lease for the premises, that any additional conditions as suggested by the applicants for the review would be adhered to.

(e) The Panel heard evidence that Enterprise Inns were undertaking action to remove Mr. Mortimer from the premises but had, given the evidence before it and lack of co-operation from Mr. Mortimer with Enterprise Inns and the statutory authorities, no confidence that this would happen in the near future.

The Chair reminded both parties that they had the right of appeal to the Magistrates' Court against the determination of the Panel. Any such appeal, must be commenced within 21 days of this determination.