

LICENSING PANEL

FRIDAY, 5 OCTOBER 2012

PRESENT:- Councillors Andrew Bennett, Claire Ellis and Derique Montaut

30. Appointment of Chair

Resolved – That Councillor Andrew Bennett Chair this meeting of the Panel.
(Councillor Bennett took the Chair.)

31. 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.

32. Application to vary a Premises Licence at Mr Mok's 96-97 Commercial Road, Swindon, SN1 5PL

The Panel considered (a) a report of the Council's Licensing Officer setting out a request for a variation of the Premises Licence for Mr. Mok's 96-97 Commercial Road, Swindon, (b) an objection to the variation received from Wiltshire Police, (c) oral representations from Wiltshire Police in support of their objection, (d) representatives from Mr. Mok (licensee) and Mr. Saplander (Partner) in support of their application, (e) questions from Members to the applicants and the Police and the answers received, and (f) the Council's procedure for licensing hearings, Government Guidance and the Council's Licensing Policy.

Resolved - The Panel considered the application for variation of the Premises Licence by the applicant who clarified the application, at the meeting, stating that the business would continue to operate primarily as a restaurant for the consumption of hot food and alcohol on the premises although karaoke, limited dancing and occasional live music would be provided. The Panel also noted suggested conditions put forward by the applicant in response to Police concerns.

The Panel also considered and took into account representations and material put forward by the Police.

And took into account: -

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

And had 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 the following: -

1. The application for the extension of the sale of alcohol on the premises, sale of hot food and regulated entertainment from 12.00midnight until 03:00 hours daily be permitted subject to (a) that the sale of food remaining the primary activity at the

premises and that any sale of alcohol is only permitted with the purchase and consumption of hot food, and (b) the conditions set out in (2) to (8) below.

Reason

To ensure the Licensing objectives are maintained and the conditions imposed by this Panel remain effective, and in line with the evidence of the applicants that the character and nature of the business would remain primarily for the provision of hot food and alcohol on the premises with ancillary regulated entertainment for customers.

2. There will be a minimum of one SIA trained door staff on duty between the hours of 12:00 midnight until 3:00 am or when the business stops trading for the day whichever is the earlier.

Reason

To ensure the safety of patrons, to prevent intoxicated persons entering the premises to assist with removing any patrons causing disorder.

3. CCTV shall be installed in the premises covering the exterior and interior and a recording shall be made and kept for a period of no less than 28 days. Such recordings shall be made available to the Police or other authorised officers of the Licensing Authority upon request.

Reason

To assist with the maintenance of the Licensing Objectives.

4. A Challenge 25 Policy shall be operated at the premises for all patrons entering the premises after 12:00 midnight.

Reason

To assist with the maintenance of the Licensing Objectives.

5. All windows and doors (except for egress and access) shall be kept closed during all regulated entertainment after 12:00 midnight.

Reason

To prevent any potential noise nuisance arising from ancillary entertainment.

6. Unbreakable glassware will be used for all alcohol and other drinks purchased after 12:00 midnight.

Reason

To assist with the maintenance of the Licensing Objectives.

7. All staff (including new staff) shall be fully trained to deal with late night drinking prior to the commencement of their duties and full refresher training shall be

undertaken on a 6 monthly basis.

Reason

To assist with the maintenance of the Licensing Objectives.

8. That whilst operating the extended hours granted the management shall be active members of Pubwatch or any successor organisation.

Reason

To assist with the maintenance of the Licensing Objectives.

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.