

LICENSING PANEL

TUESDAY, 22 JANUARY 2013

PRESENT:- Councillors Andrew Bennett, Alan Bishop and Claire Ellis.

52. Appointment of Chair

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

53. Minutes

Resolved – That the minutes of the meeting held on 10th December 2012 be confirmed and signed.

54. 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.

55. Application to Review the Premises Licence for The Goddard Arms, 1 High Street, Old Town, Swindon

The Panel considered (a) a report of the Council's Licensing Officer setting out details of an application made by Wiltshire Police for a review of the Premises Licence for The Goddard Arms, Old Town, Swindon, (b) oral representations from Wiltshire Police in support of their application for a review, (c) representatives from the management of The Goddard Arms opposing the review, (d) questions from Members to the applicants and the Police and the answers received, and (e) the Council's procedure for licensing hearings, Government Guidance and the Council's Licensing Policy.

Resolved - After considering: -

1. The application for variation to the licence made by the Licensee; 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 Crime and Disorder;
- ii. The Protection of Children from Harm.

The Panel determined the following:

The Panel considered the sale of alcohol to minors to be very serious and in line with Statutory Guidance the Panel first considered the revocation or suspension of the premises licence, but in the light of the evidence presented to it in relation to the management systems in place, checks and training together with the management's cooperation with the Police at the premises felt that in this instance revocation was

not appropriate and the Panel decided therefore not take further action at this time.

However, despite the checks and systems in place the Panel was concerned that a failure of a test purchase had occurred. The Panel determined that a Challenge 25 condition be substituted for the Challenge 21 condition currently on the licence.

Reasons

The Panel considered that the current training regime and management policies at the premises were adequate and accepted the management argument that the underage sale was a mistake by an individual member of staff.

The Panel heard evidence that the member of staff who sold alcohol to an underage female volunteer had refused to serve alcohol to an underage male volunteer accompanying her.

The Panel considered that its determination was fair and proportionate given the failed test purchases at the premises and given the management had provided evidence that a "Think 25" policy was currently operated by management to support the existing Challenge 21 condition on the current Premises Licence.

The Chair reminded both parties that they had the right of appeal to the Magistrates Court.