

LICENSING PANEL

FRIDAY, 22 MARCH 2013

PRESENT:- Councillors John Ballman, Andrew Bennett and Richard Hurley.

72. Appointment of Chair

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

73. Minutes

Resolved – That the minutes of the meetings held on 22nd, 23rd 25th and 30th January 2013 be accepted as a correct record.

74. 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.

75. Application for a Premises Licence for 37-38 Fleet Street, Swindon, together with a copy of each relevant representation made and supporting documents

The Panel considered (a) a report of the Council's Licensing Officer setting out details of an application for a Premises Licence for 37-38 Fleet Street, Swindon, (b) written objections to the grant of the Premises Licence from Wiltshire Constabulary Mr. Mervyn Claxton (Local Resident) and Mr. Paul Mellor (Chair of Pub Watch), (c) oral submissions by Sergeant Graham McLaughlin, Sian Kalyuka and PC Andy Alexander (Wiltshire Constabulary) in support of their objection and setting out proposed conditions to be appended to any Premises Licence granted, (d) submissions received in support of the application received from Mr Di Liso (applicant) and his solicitor, (e) oral representations from Councillor Bob Wright (Ward Councillor) in respect of the application, (f) questions from Members to the applicants, Wiltshire Constabulary and the representatives of the applicants and answers received, and (g) the Council's procedure for licensing hearings, Government Guidance and the Council's Licensing Policy.

Resolved - After considering: -

1. The application for a Premises 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 prevention of public nuisance
- iii. Public Safety

The Panel has determined that the Premises Licence be granted for the following hours:

1. The permitted hours for the sale of alcohol be:
Tuesday to Wednesday 21:00 until 02:00 (the following morning).
Thursday to Saturday 21:00 until 04:00 (the following morning)
Sundays prior to Bank Holidays 21:00 until 04:00 (the following morning).

Reasons

(i) The Panel considered Police evidence setting out the Hours of incidents in the Fleet Street area but weighed this against the lack of evidence in support of a contention that the applicant would be unable to manage the premises during the hours of operation requested or that he was likely to manage them in a manner that would increase public disorder. In determining the hours of operation the Panel also had regard to assurances from the applicant as to the target customer base and the type of refreshment to be offered.

(ii) Evidence put forward by the Police regarding the club previously using the premises and former management was noted but the Panel considered this in the light of evidence from the applicant that the former management of Angelo's Nightclub would have no role in the current club's operation. Such evidence was not disputed by the Police.

2. The permitted hours for regulated entertainment to recorded music and performance of dance be:
Tuesday to Wednesday 21:00 until 02:00 (the following morning).
Thursday to Saturday 21:00 until 04:00 (the following morning)
Sundays prior to Bank Holidays 21:00 until 04:00 (the following morning).

Reason

The Panel considered Police evidence setting out the Hours of incidents in the Fleet Street area but weighed this against the lack of evidence in support of a contention that the applicant would be unable to manage the premises during the hours of operation requested or that he was likely to manage them in a manner that would increase public disorder. In determining the hours of operation the Panel also had regard to assurances from the applicant as to the target customer base and the type of refreshment to be offered.

(ii) Evidence put forward by the Police regarding the club previously using the premises and former management was noted but the Panel considered this in the light of evidence from the applicant that the former management of Angelo's Nightclub would have no role in the current club's operation. Such evidence was not disputed by the Police.

2. That the conditions agreed by the applicant and appended to his application be agreed.

Reason

The Panel agreed that the conditions put forward by the applicant were relevant to the good management of the club.

3. That conditions 1, 2, 3, 5 8 9 and 10 put forward by the Police and agreed by the applicant be approved.

Reason

The Panel noted these conditions had been agreed between the applicant and the Police and concurred that the conditions put forward were relevant to the good management of the club.

4. That condition 4 put forward by the Police shall be imposed.

Reasons

(i) The Panel noted the evidence from the applicant with respect to the nature of clientele and the type of refreshment to be served at the club. However given the location of the club in the Night Time Economy area and given evidence from the Police as to the success of similar conditions elsewhere in this area the Panel determined that it was prudent, on public safety grounds, to approve this condition.

(ii) The Panel was mindful of comments from the applicant that if such a condition were imposed that he would purchase high quality polycarbonate shatter-to-safe glasses, and in these circumstance the Panel did not feel the condition was disproportionate.

5. That there shall be a minimum of 4 SIA registered door supervisors, excluding the Premises DPS, on duty from 22:00 on a Thursday, Friday, Saturday or any session which begins on a Sunday prior to a Bank Holiday. The manager shall undertake a Risk Assessment of Door Staff provision at all times.

Reason

(i) The Panel considered evidence from the applicant and the Police regarding the appropriate level of door supervisors to be on duty. The Panel considered that four door supervisors would be appropriate given the duties to be undertaken and given the premises was split over two floors. The Panel also took into account the capacity of the club and its location.

(ii) The Premises DPS was excluded from being a Door Supervisor for the purposes of this calculation as it was considered that he should not be distracted from his duties of supervision and management.

(iii) The Panel determined that although the specification a minimum level of Door Supervision was necessary the management still had a duty to undertake risk assessments to ensure that this was sufficient to uphold the licensing objectives.

6. That there shall be a last entry time for admission to the premises of

02:30.

Reason

The Panel considered both the submission of the applicant against the imposition of a last entry time and police submissions on the Hours of incidents in the Fleet Street area. The Panel determined that a last entry time would assist in the maintenance of the licensing objectives.

7. That the applicant's offer of a maximum capacity for the venue of 120 patrons plus staff be agreed and imposed on the Premises Licence.

Reason

The Panel accepted the applicants offer to limit the capacity of the club as useful in helping the management maintain the licensing objectives and noted that the Police did not object to the offer made.

The Chair reminded both parties that they had the right of appeal to the Magistrates' Court against the determination of the panel and that any such an appeal must be commenced within 21 days of the determination.