

LICENSING PANEL

WEDNESDAY, 24 JULY 2013

PRESENT:- Councillors Andrew Bennett, John Haines and Derique Montaut.

5. Appointment of Chair

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

6. 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.

7. Application for Premises Licence The Brunel Rooms, Havelock Square, Swindon

The Panel considered (a) a report of the Council's Licensing Officer setting out details of an application for a Premises Licence for The Brunel Rooms, Havelock Square, Swindon, (b) written objections to the grant of the Premises Licence from Wiltshire Constabulary, local residents, the Council's Environmental Health Team, (c) oral submissions by PC Mike Diffin, Sian Kalyuka and Inspector Burt (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 the applicant and Directors of Brunel Rooms, Swindon Limited, (e) oral representations from Mr Gareth Drinkwater (Local Resident) against the grant of the application requested, (f) oral submissions by (f) oral representations from Mr Damian Green supporting the Environmental Health Representation opposing the application, (g) the views of Councillor David Wood on the potential for nuisance to residents within his ward and regarding the inclusion of a condition for a last entry time to the premises, (h) questions from Members to the applicants, Wiltshire Constabulary and the representatives of the applicants and answers received, and (i) 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

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

Plays

Monday to Sunday 10:00 to 23:00

Boxing/Wrestling

Monday to Sunday 19:00 to 23:00

Sale by Retail of Alcohol (for consumption on & off the premises), Films, Live Music, Recorded Music, Performances of Dance

Sunday to Wednesday 10:00 to 01:00

Thursday 10:00 to 03:00

Friday and Saturday 10:00 to 04:00

Sunday before Bank Holiday Monday 10:00 to 04:00

New Year's Eve, from the end of permitted hours until the start of permitted hours on New Year's Day.

An "all night event" on up to 6 times per calendar year, where Alcohol, Films, Live Music, Recorded Music, Performances of Dance will be provided from 10:00 to 06:00.

Late Night Refreshment

Sunday to Wednesday 23:00 to 01:00

Thursday 23:00 to 03:00

Friday and Saturday 23:00 to 04:00

Sunday before Bank Holiday Monday 23:00 to 04:00

New Year's Eve 23:00 to 05:00

An "all night event" on up to 6 times per calendar year, where Late Night Refreshment will be provided from 23:00 to 05:00.

The hours that the premises will be open to the public will be:

Sunday to Wednesday 10:00 to 01:30

Thursday 10:00 to 03:30

to Saturday 10:00 to 04:30

Sunday before Bank Holiday Monday 10:00 to 04:30

New Year's Eve, from the end of permitted hours until the start of permitted hours on New Year's Day.

An "all night event" on up to 6 times per calendar year from 10:00 to 6:30.

Reasons

(i) The Panel accepted the applicants' offer to reduce their requested hours for musical entertainment on Thursdays from 4:30 am until 3:00am on the basis that the later hours requested on Fridays and Saturdays were for events.

(ii) The Panel considered Police evidence against the opening hours 04:30 on Fridays and Saturdays and in particular the evidence relating to problem hotspots

and potential for breaches of the licensing objectives. However apart from police shift patterns the police failed to provide evidence as to why this situation would be worse at 04:30 when they had offered a 03:00 closing time, subject to the application of conditions on the Premises Licence. The panel noted the police contention that the later people were able to consume alcohol the greater the risk of incidents however the Panel noted that full training was to be given to staff prior to commencement of their duties and that there would be refresher training and that the applicant was aware of their duty not to sell alcohol to inebriated patrons.

(iii) The Panel in reaching its decision took into account that the applicants had shown a willingness to address Police concerns; and that with the exception of the police request to cease entertainment and the sale of alcohol at 03:00 on Fridays and Saturdays the applicant had agreed to all 28 conditions requested by the Police as set out on pages 37 to 40 of the agenda papers. This agreement had included the installation of an ID scanner bought by the applicants following a request from the police.

(iv) The Panel heard evidence that policies and procedures to be operated at the club were to be approved by the company providing the Door Supervisors.

(v) The Panel took into account the potential noise nuisance arising from the club, especially in the early morning and the objections of the Council's Environmental Health Team and local residents. The Panel heard evidence from the applicants that the newly installed speaker system was directed away from the building roof and was calibrated for noise quality and not loudness. It was mindful of the hours of operation other establishments in the town centre area and determined that by conditioning that a noise reduction plan be agreed with the Council's Environmental Health Team within two months of operation that this potential nuisance could be minimised.

(vi) The Panel did not take into account police comments relating to the Director of the Company making the application as it had no power to remove the individual concerned from his position as a Director.

(vii) The Panel considered the experience of the club management in the light of the size of the establishment. The panel heard assurances from the Directors of the company applying for the Premises Licence that the Manager would have full operational control of the running of the premises during the hours of operation of the establishment. It further noted that the manager had been in a deputy or assistant manager role at the premises whilst it operated as the Brunel Rooms and Liquid and Envy.

(viii) The Panel considered Police evidence setting out the potential for incidents in the Havelock Square area. In particular it took account of information set out on police produced maps of "hot spots" and "Red Routes" tabled at the meeting.

2. That the conditions tabled by the police and agreed by the applicants on pages 37 to 40 of the agenda papers shall be imposed on the premises licence with the exception of Condition 7 which shall be amended to the effect that all glasses used on the premises shall be Polycarbonate shatter to safe plastic, paper or other inherently safe container approved in writing with the Licensing Authority.

Reasons

(i) The conditions (with the exception of the hours of operation) requested by the Police were agreed by the applicants.

(ii) The panel determined that the imposition of the conditions agreed by the applicant would assist in the maintenance of the Licensing Objectives.

(iii) The use of Polycarbonate shatter to safe plastic, paper or other inherently safe container approved in writing with the Licensing Authority was seen as beneficial in the maintenance of the Licensing Objectives. The Panel noted the management request to use safe to shatter glass in the VIP area but noted that there were good quality alternatives available to the management.

3. That the Door Supervisor positioned in the smoking area shall be part of the noise monitoring team and shall liaise immediately with management concerning any noise issues arising.

Reason

To reduce the risk of noise nuisance occurring that would affect neighbouring properties.

4. That within one month of the commencement of entertainment the management of the Brunel Rooms will arrange for a full noise assessment, during periods of entertainment by a qualified individual and the report arising from this assessment will be lodged with the Licensing Authority. Within one further month the management shall agree in writing a noise containment policy with the Council's Environment Health team and that this policy once approved shall come into immediate effect.

Reason

(i) To reduce the risk of noise nuisance occurring that would affect neighbouring properties.

(ii) To ensure a suitable policy that is fit for purpose is in operation to prevent noise nuisance affecting neighbouring properties.

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.