

LICENSING PANEL

MONDAY, 11 NOVEMBER 2013

PRESENT:- Councillors Andrew Bennett, Michael Dickinson and Alan Bishop

An apology for absence was received from Councillor Vera Tomlinson.

18. Appointment of Chair

Resolved – That Councillor Michael Dickinson Chair this meeting of the Panel.

(Councillor Dickinson took the Chair.)

19. Minutes

Resolved – That the minutes of the meeting held on 9th and 18th October 2013, be confirmed and signed as a correct record.

20. 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.

21. Application to Vary the Premises Licence, Punjab Chicken, 61 Bridge Street, Swindon

The Panel considered (a) a report of the Council's Licensing Officer setting out details of an application to vary the Premises Licence held by the Punjab Chicken, 61 Bridge Street, Swindon, (b) a written submission supporting the application for variation received from Planning Concepts and Solutions Ltd on behalf of the Applicant, (c) an objection to the variation application received from Wiltshire Police, (d) additional written submission received from Wiltshire Police supporting their objection to the variation of the premises Licence held by Punjab Chicken, 61 Bridge Street, Swindon, (e) oral representations from Mrs Ephraim (Planning Concepts and Solutions Ltd) and Mr Chhabbi Singh (Applicant) in support of the application submitted, (f) oral representations received from Wiltshire Police in support of their objection, (g) questions from Members to the Premises licence Holder and Wiltshire Police, and (h) the Council's procedure for licensing hearings, Government Guidance and the Council's Licensing Policy.

Resolved – That after considering: -

1. The application for a Variation of the Premises Licence made by Mr Chhabbi Singh to extend the opening hours of the premises from 09:00 – 0300 to 09:00 to 05:00 daily and permitting Late night Refreshments from 23:00 to 05:00 daily.
2. Submissions made by Wiltshire Police opposing the application for a variation of the Premises Licence:

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

(1) That the hours of operation for the Premises Licence held by Punjab Chicken, 61 Bridge Street, including Late Night Refreshments be amended accordingly:

Late Night Refreshment

| | |
|-----------------------|---------------|
| Monday to Wednesday: | 23:00 – 05:00 |
| Thursday to Saturday: | 23:00 – 03:00 |
| Sunday: | 23:00 – 05:00 |

Opening Hours

| | |
|-----------------------|---------------|
| Monday to Wednesday: | 23:00 – 05:00 |
| Thursday to Saturday: | 23:00 – 03:00 |
| Sunday: | 23:00 – 05:00 |

Reasons

(i) The Panel heard evidence from Wiltshire Police that premises were situated in the centre of an alcohol related “Hot Spot” of Anti-Social Behaviour and Crime and Disorder, in close proximity to a number of licensed premises and on a pedestrian red route.

(ii) The Panel heard evidence from Wiltshire Police that incidents within the Night Time Economy Area (which covered the location of the premises) had shown a recent increase which was impacting on the ability of the Police to fulfil their functions in attending to and preventing Crime and disorder within the locality in the peak period of Thursday to Saturday.

(iii) The Panel heard evidence from the Police that food outlets within the Night Time Economy area acted as congregation points slowing down the dispersal of patrons leaving pubs and clubs within the immediate vicinity and significantly increasing the potential of flash-points of trouble.

(iv) The Panel heard evidence from the Applicant that he had limited seating capacity in his establishment and the majority of patrons left the premises with their food. The Police evidence suggested that patrons congregated on the street outside the premises or within the immediate vicinity where they consumed the majority of this food.

(v) The Panel heard evidence from the Applicant that his target market was patrons leaving the licensed premises in the area and that he didn’t intend to offer a take away service during any extended hours. The Police view of this operating model was that this heightened the risk of Crime and Disorder.

(vi) The Panel granted extended hours of operation on Sunday to Wednesday as the Police evidence was based on issues relating to Thursday to Saturday evenings.

(vii) The Panel took into account the written submission by Planning Concepts and solutions Limited and in particular the points made regarding the location of the premises, dispersal of customers, noise issues, other businesses in the locality and measures taken by the Applicant to allay police concerns.

(viii) The Panel also took into account submissions by the Applicant regarding the operation of the premises and the history of hours of operation.

(2) That the following condition shall be applied to the revised Premises Licence:

A minimum of 1 door supervisor shall be deployed at the premises on Sunday following a Bank Holiday from 03:00 until the close of business. A record of the name, badge number and contact details of each door supervisor shall be recorded in a register at the start of each shift. The register shall be retained on the premises and made available for inspection by a police officer or authorised officer on request.

Reasons

(i) To assist the management in ensuring that the Licensing Objectives were not undermined.

(ii) To maintain order at the premises and the safety of patrons and to cater for an expected rise in patrons on Sundays following a Bank Holiday.

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 appeal must be commenced within 21 days of the determination being sent to both parties.