

**Application for the Review of the Premises Licence:
Brunel Rooms, 1 Havelock Square, Swindon, SN1 1LE**

Licensing Panel

Date 19 February 2014

Author: Licensing Officer

Wards Affected: Central

Purpose

- To consider the application made by Wiltshire Police under the prevention of crime & disorder and public safety licensing objectives and, to determine the application in view of the information put forward by the licence holder and persons making relevant representations.

Recommendation

The Licensing Panel is asked to consider the application and having regard to the information put forward by the licence holders and any relevant representations, take such steps (if any) that are considered appropriate for the promotion of the licensing objectives. The steps that may be taken are:

- (a) to modify the conditions of the licence by altering or omitting existing conditions or adding new conditions;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the designated premises supervisor;
- (d) to suspend the licence for a period not exceeding three months;
- (e) to revoke the licence.

1. Reasons

- 1.1 An application to review a premises licence must be determined by the Licensing Authority and the Licensing Panel has a duty to undertake the functions of the Licensing Authority, where these have been delegated by full Council.

2. Detail

- 2.1 An application for the review of the premises licence held by the Brunel Rooms Limited for the Brunel Rooms, 1 Havelock Square, Swindon, SN1 1LE has been made by the Chief Constable of Wiltshire Police under the prevention of crime & disorder and public safety licensing objectives. This is attached as **Appendix A**.
- 2.2 The grounds for the review are:
 - 2.2.1 The failure to meet the licensing objective of the prevention of crime and disorder due to a number of incidents of crime and disorder linked to the premises;

Further information on the subject of this report can be obtained from Kathryn Ashton on 01793 466113 or e-mail kashton@swindon.gov.uk

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- 2.2.2 The failure to meet the licensing objectives of the protection of public safety due to incidents involving injury; and
- 2.2.3 Failure of the management and premises licence holder of the premises to uphold the licensing objectives.
- 2.3 Information from Wiltshire Police to support the application is set out in the application and associated documents attached to the application (**Appendix A**).
- 2.4 The application was received by Swindon Borough Council (the Licensing Authority) on 13 December 2013 and advertised in accordance with the statutory requirements to invite representations from responsible authorities and other persons.
- 2.5 A representation has been received from one Ward Councillor and from one resident. These are attached as **Appendix B**.
- 2.6 The premises licence was first granted to Brunel Rooms Limited at a hearing held by Swindon Borough Council on 24 July 2013.
- 2.7 The licence has subsequently been varied to change the premises supervisor and to replace the condition that required "all glasses used on the premises to be Polycarbonate shatter to safe plastic, paper or other inherently safe container approved in writing with the Licensing Authority", with the following condition:
- Only polycarbonate, shatter-to-safe, plastic, paper or other inherently safer types of container shall be used in the premises, other than in 'The Gold Lounge' area of the premises located in a self-contained room off the main nightclub on the second floor of the premises, where glasses and glass bottles may be used. Security staff shall be located at both entrances/exits to the area when it is in use to prevent the removal of glasses or glass bottles.*
- All bottled drinks served in any part of the premises, other than 'The Gold Lounge', shall be decanted into plastic vessels unless the bottles are also plastic.*
- 2.8 The current premises licence is attached as **Appendix C**.
- 2.9 The Panel is requested to consider the application to review the premises licence and the information put forward by the licence holder and those persons making relevant representation, having regard to the Swindon Borough Council's Statement of Licensing Policy and the Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003.

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2.10 The Sub-Committee may take such steps as set out in section 52(4) of the Licensing Act 2003, if any, that it considers are appropriate for the promotion of the licensing objectives. The steps are:

- (a) to modify the conditions of the licence (i.e. altering or omitting existing conditions or adding new conditions;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the designated premises supervisor;
- (d) to suspend the licence for a period not exceeding three months;
- (e) to revoke the licence.

3 Alternative Options

3.1 None

4 Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

4.1 There are no direct financial implications arising from the report. Failure to reach a reasonable conclusion, based on the facts, could lead to crime & disorder or nuisance to the public or to unwarranted damage to the business in question. Either scenario could raise issues of compensation. In the case of an appeal, the Council could become liable for costs.

Legal and Human Rights Implications

4.2 A declaration has been made by the Secretary of State, that the Licensing Act is compliant with the Human Rights Act. None of the relevant Articles of the Human Rights Act has absolute sway over the others. Article 8 deals with a right to undisturbed home life; Article 10 gives the right to free expression, including the right to entertain; Article 1 of the Protocol says that licences are 'possessions', which the holder has a right to enjoy. Common sense has to be used, in balancing each of these against the other.

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

4.3 This report relates to the requirements of Licensing legislation

Links to Corporate Plans and Policies (in particular to Swindon 2010 Promises)

4.4 The determination of the application will be made in accordance with set legal principles. The exercise of licensing powers by the Panel relates particularly to the LAA outcome of reducing crime and the fear of crime.

Diversity Impact Assessment

4.5 There is no DIA prepared in conjunction with this report

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Risk Management

- 4.6 There is a theoretical risk of civil action against the Licensing Authority if it is found not to have exercised due diligence in licensing matters. There is also the risk of judicial review if the Policy is found not to comply with the requirements of the Licensing Act 2003 and associated legislation, regulations and guidance.

5 Consultees

- 5.1 The Board Director Finance, Revenues, Benefits and Property (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

6 Alternative Options

It would be possible to defer the determination of the application to a date within five working days of the day (or the last day) on which the hearing was held, or to defer the hearing itself to a specified date (or dates) where it is considered to be necessary for the authority's consideration of any representation or notice made by a party. However, either step should be seen as an exceptional measure.

7 Background Papers

- 7.1 [Licensing Act 2003](#)
- 7.2 [Swindon Borough Council's Statement of Licensing Policy](#)
- 7.3 [Amended Guidance Issued Under Section 182 of the Licensing Act 2003 \(October 2012\)](#)
- 7.4 [Licensing Panel report and minutes of hearing held on 24 July 2013 to determine the application for the premises licence to be granted in respect of the Brunel Rooms, 1 Havelock Square, Swindon, SN1 1LE](#)

8 Appendices

Appendix A Application to review premises licence

Appendix B Relevant representations

Appendix C Current premises licence (to be circulated under separate cover)

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Appendix D – Additional Police Evidence