

LICENSING PANEL

THURSDAY, 10 APRIL 2014

PRESENT:- Councillors Roderick Bluh, Michael Bray and Steve Wakefield

25. Appointment of Chair

Resolved – That Councillor Mick Bray Chair this meeting of the Panel.
(Councillor Bray took the Chair.)

26. Minutes

Resolved – That the minutes of the meetings held on 11th and 26th November 2013, be confirmed and signed as a correct record.

27. 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.

28. Application to vary the Premises Licence in respect of the Punjab Grilled 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 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 – The Panel expresses its concern and disappointment that the Premises Licence Holder failed to ensure the maintenance of the conditions appended to the Premises Licence, namely the failure to maintain their licensed hours and failure to ensure that a member of staff could operate the CCTV equipment and download CCTV footage at the request of an authorised officer or the police. The Panel notes that had these breaches been put before it in a review situation rather than a variation application hearing it would have considered them in the light of the options available to it.

However, 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 Police;

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;

The Panel has determined the following: -

1. The permitted hours for the provision of Late Night Refreshments be extended:
Thursday to Saturday inclusive from 03:00 until 04:00.

Reasons

1. 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. Whilst being sympathetic to the police position the Panel noted that (a) no incidents had been attributed directly to the premises or to its customers, (b) that there were other premises within the immediate vicinity with similar or later hours, (c) the premises had been granted a series of Temporary Event Notices beyond the existing licensed hours and that there had been no incidents reported during the operation of these later hours, and (d) there was no direct evidence that the additional hour of operation would undermine the licensing objectives.

2. The Panel heard evidence that the premises had been open later than its permitted hours on two occasions on 8th September 2013 and 15th March 2014, the second of which had led to a formal caution of the licensee. The Panel took these incidents seriously but accepted the Licensees explanation that the later incident was a misunderstanding on the part of a newly appointed manager. The Panel further took into account that any future breaches could result in a review application.

3. The Panel noted the concerns of the Police regarding a fifth late night refreshment premises open after 3:00am in the vicinity but found no evidence that granting an extension to the operating hours would undermine the licensing objectives.

2. That in addition to the conditions on the existing Premises Licence the following additional/modified conditions should be applied to the licence: -

(11) That, in addition to the requirements of Condition 5 of the Premises Licence, the Premises Licence holder shall arrange within 14 days of this hearing refresher training for all persons managing the premises ensuring that they can properly operate the CCTV equipment covering the entrance to the premises and all trading areas. Such training shall incorporate the downloading of CCTV footage as well as its general operation. Such training will be either (a) undertaken by an independent trainer or (b) all trained staff shall demonstrate their competence to the Council's Licensing Officer. A written record of all staff undertaking this training shall be maintained and a written copy shall be forwarded to the Council's Licensing Officer.

Reasons

1. The Panel heard evidence that on 15th March 2014 staff working at the premises were unable to properly operate the CCTV equipment, nor could they download a copy of the CCTV footage upon request of the Police. This was in contravention of existing licence conditions.

2. That given evidence from Mr Singh as to the training offered to staff to date the Panel required assurance that any future training would be effective and robust.

3. The Panel determined that robust training was required to meet the existing licensing conditions.

(12) That in addition to the requirements of Condition 5 of the Premises Licence, the Premises Licence holder shall ensure that during the hours of operation there is at least one person on the premises that can both operate the CCTV equipment and download CCTV footage on request of a police officer or an authorised officer.

Reasons

1. To ensure that existing conditions on the premises licence are adhered to.

2. Previously management lapses had resulted in staff being unable to provide a copy of CCTV footage when requested to do so by the police.

3. To ensure the premises met its obligations in respect of the maintenance of the Prevention of Crime and Disorder Licensing Objective.

(13) That, should either the CCTV equipment be not operational, or should there be an exceptional circumstance when where is no person on the premises properly trained in accordance with conditions 11 and 12, the Premises Licence holder or his nominated representative shall immediately advise the Police Licensing Officer or Police Town Centre Beat Manager, of such circumstances. The Premises Licence holder shall also advise the Police if this situation will occur for more than 48 hours, together with the likely timescale during which the system will remain unavailable and the reasons why it is likely to be out of operation for longer than the stated period, together with the actions taken to remedy the situation. The Premises Licence holder shall also confirm with the Police Licensing Officer when the CCTV equipment is again operational.

Reasons

1. To ensure that management of the premises are active in meeting their obligations in relation to the provision of operational CCTV equipment and to ensure that when in exceptional circumstances the management might not be should they be able to meet these obligations the relevant authorities are made aware of the situation.

(14) A written record of the operating procedures for the CCTV equipment and process for downloading footage shall be put in writing and shall be kept in a prominent and visible location near the CCTV equipment.

Reasons

1. To ensure that existing conditions on the premises licence were adhered to.

2. There was evidence that as a consequence of management's failure to train appropriate staff, they were unable to provide a copy of CCTV footage when requested to do so by the police.

3. To ensure the premises met its obligations in respect of the maintenance of the Prevention of Crime and Disorder Licensing Objective.

(15) That an additional SIA qualified doorman shall be deployed at the premises from 3:00am to 04:00am (Thursday to Saturday inclusive).

Reasons

1. The Panel felt that this condition, offered by the applicant, would assist management in ensuring the Prevention of Crime and Disorder Licensing Objective was not undermined.

(16) That the door supervisors shall be proactive in dispersing patrons from the premises and that the premises shall be closed to the public from 10 minutes after the last permitted provision of hot food and that no public shall be permitted to enter the premises from the time of the last permitted provision of hot food.

Reasons

1. To ensure that existing conditions on the premises licence were adhered to.

2. To prevent the congregation of people in a "hot spot" and red route vicinity.

3. To ensure the premises met its obligations in respect of the maintenance of the Prevention of Crime and Disorder Licensing Objective.

(17) That signage shall be prominently displayed setting out the hours when hot food may be provided and stating that no sales of hot food shall be permitted after this time.

Reasons

1. To ensure that existing conditions on the premises licence were adhered to.

2. To prevent the congregation of people in a "hot spot" and red route vicinity at times when the premises would be unable to offer hot food.

3. To ensure the premises met its obligations in respect of the maintenance of the Prevention of Crime and Disorder Licensing Objective.

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.