

LICENSING PANEL

WEDNESDAY, 10 DECEMBER 2014

PRESENT:- Councillors Oliver Donachie, Vera Tomlinson and Peter Watts.

12. Appointment of Chair

Resolved – That Councillor Vera Tomlinson Chair this meeting of the Panel.
(Councillor Tomlinson took the Chair.)

13. 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.

14. Application for a Premises Licence for LJ Food 'N' Wine 42 Manchester Road, Swindon

The Panel considered (a) a report of the Council's Licensing Officer setting out details of an application for a Premises Licence for LJ Food 'N' Wine, 42 Manchester Road, Swindon, SN1 2AG, (b) written representations from Wiltshire Police objecting to the grant of a Premises Licence, (c) additional written representations supporting their objection to the grant of a Premises Licence received from Wiltshire Police, (d) additional written documentation relating to crime figures in the locality received in support of the application and additional conditions volunteered by the applicant, (e) oral submissions in support of their objection received from Sian Kalyuka (Police Licensing Officer), PC Atkinson and PC Diffin in support of the Police Objection, (f) oral submissions received in support of the application from Mr Jon Payne (Licensing Lawyers) solicitor to the applicants, Mr Lavel King (Company Director) and Ms Lorraine King (applicant), (g) questions from Members to the applicants and objectors and answers received, and (h) the Council's procedure for licensing hearings, the Secretary of State's Guidance and the Council's Licensing Policy.

After considering: -

1. The application for a variation of a Premises Licence; and
2. Representations and material put forward on behalf of the Police and the applicant:

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 public nuisance
- ii. The prevention of crime and disorder.

The Panel determined that:

1. The application for grant of a Premises Licence to LJ Wine 'n' Food, 42 Manchester Road, Swindon be granted subject to (a) the following hours and the conditions set out in the application together with the following additional/ modified conditions:

Hours of Operation

Sale of Alcohol

Monday to Sunday inclusive

10.00 – 23:00

Reasons

(i) The original hours requested for the sale of alcohol (until 1:00am daily) were modified at the hearing by the applicant and the hours for the sale of alcohol until 11:00pm daily were proposed by the applicant and agreed subsequently by the Panel.

(ii) To define the scope of the varied licensable activities and to protect the amenities of local residents.

(iii) That the hours approved, as proposed by the applicant, were subject to conditions and it was determined that approval of such hours subject to conditions should ensure minimal impact on the amenities of local residents and should minimise the risk of breaches of the Licensing Objectives.

Conditions:

That in addition to the conditions set out in the application for a Premises Licence the following additional/modified conditions should be applied to the licence: -

Reason

(i) A number of conditions were offered by the applicant in relation to the grant of a Premises Licence. The Panel considered the conditions offered and amended these where it felt clarity was required or to strengthen the condition to ensure the maintenance of the Licensing Objectives. It was felt that the imposition of these conditions was proportionate in ensuring the maintenance of the Licensing Objectives given evidence received from the Police in respect of street drinking and other alcohol related disorder in the vicinity.

(a) A Closed-Circuit Television (CCTV) system shall be maintained in operational condition at the premises at all times when the sale of alcohol is undertaken.

Reasons

(i) The Panel heard evidence from the Police relating to anti-social and alcohol

related issues in the vicinity and the Panel determined that this condition would assist the applicant in meeting the prevention of public nuisance and the prevention of crime and disorder Licensing Objectives.

(ii) This measure was offered by the applicants as an additional condition for the grant of the Premises Licence.

(b) The CCTV system will have sufficient storage retention capacity for a minimum of 31 days' of recording.

Reasons

(i) The Panel determined that the condition offered would assist the applicant and Police in ensuring the maintenance of the Licensing Objectives.

(ii) This measure was offered by the applicants as an additional condition for the grant of the Premises Licence.

(c) The CCTV footage will be controlled and kept in a secure environment to prevent tampering or unauthorised viewing.

Reasons

(i) The Panel determined that the condition offered would assist the applicant and Police in ensuring the maintenance of the Licensing Objectives.

(ii) This measure was offered by the applicants as an additional condition for the grant of the Premises Licence.

(d) A member or members of staff, who has been trained and is conversant in the operation of the CCTV system, including the making of copies and who shall be authorised to access the CCTV footage shall be on the premises during the hours of licensable activities. At the request of an authorised officer of a Responsible Authority (under the Licensing Act 2003) any CCTV footage, as requested, shall be downloaded immediately or secured to prevent any overwriting.

Reason

(i) The Panel determined that the condition offered would assist the applicants and Police in ensuring the maintenance of the Licensing Objectives.

(ii) A variation of this condition was offered by the applicants as an additional condition for the grant of the Premises Licence. The Panel determined that it be amended to strengthen the operation of the condition and to assist with meeting the Licensing conditions and based upon evidence from the Police that the area in the vicinity of the premises suffered from alcohol related problems.

(e) A marking system shall be adopted for all single bottles of alcohol sold below a capacity of 75cl to indicate that the bottle has been sold from the premises. Where cans of alcohol are sold, including multi-packs, each individual can shall be similarly

marked.

Reasons

(i) The Panel determined that the condition offered would assist the applicant and Police in ensuring the maintenance of the Licensing Objectives.

(ii) A variation of this condition was offered by the applicants as an additional condition for the grant of the Premises Licence. The Panel determined that it be amended to strengthen the operation of the condition and to assist with meeting the Licensing conditions and based upon evidence from the Police that the vicinity of operation of the premises suffered from alcohol related problems.

(f) No single cans or bottles of beer, lager or cider of 5.5% ABV (alcohol by volume) or above shall be sold.

Reasons

(i) The Panel determined that the condition offered by the applicant would assist the applicant and Police in ensuring the maintenance of the Licensing Objectives.

(ii) The Panel received evidence from the Police as to problems arising from street drinking in the vicinity and determined that the condition offered by the applicant would assist in the maintenance and promotion of the Licensing Objectives and was proportionate.

(g) All staff shall undertake and receive qualification in a Responsible Alcohol Retail Course prior to being permitted to undertake alcohol sales. A copy of this certification shall be retained by management on the premises.

Reasons

(i) The Panel determined that the condition offered by the applicant would assist the applicant and Police in ensuring the maintenance of the Licensing Objectives.

(ii) The Panel received evidence from the Police as to problems arising from street drinking in the vicinity and determined that the condition offered by the applicant would assist in the maintenance and promotion of the Licensing Objectives and was proportionate.

(iii) The Panel determined that it was not disproportionate to request the management to retain a copy of the certification of training on the premises.

(h) All staff shall receive bi-annual refresher training, to be provided by management and a record of this training shall be maintained on the premises.

Reasons

(i) The Panel determined that the condition offered by the applicant would assist the

applicant and Police in ensuring the maintenance of the Licensing Objectives.

(ii) The Panel received evidence from the Police as to problems arising from street drinking in the vicinity and determined that this was proportionate given the vicinity of the premises and would assist in the maintenance and promotion of the Licensing Objectives and was proportionate.

(iii) The Panel determined that it was not disproportionate to request the management to retain a copy of the certification of training on the premises.

Both parties were reminded that they had the right of appeal to the Swindon Magistrates Court against the determination of this Licensing Panel and that notice of appeal must be lodged with the Court within a period of 21 days, beginning with the day on which the parties receive notification of the decision.