

Application to vary a Premises Licence in respect of New College, New College Drive, Swindon, SN3 1AH

Licensing Panel

Date: 15 November 2016

Author:	Fiona MacAdam – Environmental Health Officer – Licensing and Events
Wards:	Walcot and Park North
Locality Affected:	
Parishes Affected:	None

1. Purpose and Reasons

- To consider and determine the application made by Mr Dave Poole, New College, New College Drive, Swindon, SN3 1AH, for the grant of a variation to the premises licence held by New College.

2. Recommendations

That the Panel:

- 2.1 Considers the application made by Mr Dave Poole, taking into account the representation made by a local resident (1) (**Appendix C**), in respect of this application, the Licensing Panel is asked to determine the application. The options available to the Panel are:
- To grant the application in its current form with conditions consistent with the operating schedule;
 - To grant the application but to modify the conditions by amending, omitting or attaching new conditions; or
 - To reject the application in whole or in part.

3.0 Detail

- 3.1 An application to vary the premises licence for New College, New College Drive, Swindon has been received from Mr Dave Poole, New College, New College Drive, Swindon, SN3 1AH.
- 3.2 The application is to vary the existing premises licence to allow the sale of alcohol for consumption on the premises only: -
- 3.2.1 Between 17:00 – 22:00hrs Monday to Friday and 11:00 – 22:00 hrs Saturday and Sunday.

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- 3.2.2 During periods of core curriculum downtime the hours requested are Monday to Sunday 11:00 – 22:00hrs.
- 3.3 The application states the provision of the bar is for the benefit of the audience attending performances/events in the 250 person capacity Phoenix Theatre although events may take place in other areas of the College.
- 3.4 The sale of alcohol will be subject to Challenge 25 checks, staff will be trained in the sale of alcohol to persons who are intoxicated and/or underage and in the operation of the Challenge 25 policy. CCTV equipment covering trading areas will be operated. There will be a no glass policy. Door staff will be employed on an event by event risk assessed basis.
- 3.5 A copy of the application is attached as **Appendix A**.
- 3.6 Wiltshire Police has not made any representations, as the application and conditions attached to the application had been discussed with the applicant prior to the application
- A copy of the email from the Police Licensing Officer is attached as **Appendix B**
- 3.7 The application seeks the following licensable activities:
- Sale by Retail of Alcohol for consumption on the premises*
- Monday to Friday 17:00 – 22:00hrs*
- Saturday and Sunday 11:00 – 22:00 hrs*
- During periods of core curriculum downtime the hours requested are Monday to Sunday 11:00 – 22:00hrs*
- 3.8 The existing licence allows the provision of regulated entertainment between the hours of 08:00hrs until midnight daily. **Appendix D**
- 3.9 The use for this premises is described by the applicant as a convenience store with alcohol sales.
- 3.10 The applicant has offered conditions contained within the Operating Schedule which is attached as part of the application. In addition the applicant has spoken with the Police Licensing Officer to discuss conditions prior to submission of the application and the conditions attached to the application reflect those discussions.

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- 3.11 Representations have been received from one resident, who consider that the licensing objective in respect of protecting children from harm will be undermined should the application be granted in its current form.
- 3.12 This representation is attached as **Appendix C**.
- 3.13 There have been no objections from any responsible authorities.
- 3.14 The Panel is requested to consider the application for the grant of variation to the existing Premises Licence having regard to Swindon Borough Council's Statement of Licensing Policy and the amended Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003.
- 3.15 Having regard to the information put forward by the applicant and the representations made by other persons, the Panel must take such steps, (if any), that it considers appropriate for the promotion of the licensing objectives. Such steps are set out in Section 18(4) of the Licensing Act 2003 and are as follows:
- To grant the application in its current form with conditions consistent with the operating schedule;
 - To grant the application but to modify the conditions by amending, omitting or attaching new conditions; or
 - To reject the application in whole or in part.
- To refuse to specify a person in the licence as the premises supervisor

4. Alternative Options

- 4.1 None.

5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 5.1 There are no direct financial implications arising from the report. Failure to reach a reasonable conclusion, based on the facts, could lead to crime and 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

- 5.2 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

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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.

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

This report relates to the requirements of licensing legislation.

5.4 Diversity Impact Assessment

It is not considered that the preparation of a DIA is required in respect of this report.

5.5 Consultees

The Director of Law and Democratic Services (Monitoring Officer) is consulted in respect of all reports.

5.6 Background Papers

Licensing Act 2003

Secretary of State revised Section 182 Guidance

Licensing Authority Statement of Licensing Policy

5.7 Appendices

Appendix A - Application for the grant of a variation to the Premises Licence in respect of New College

Appendix B- Email from Michael Diffin – Police Licensing Officer advising no representation to be made.

Appendix C – Representation from 1 resident