

LICENSING PANEL

TUESDAY, 24 JANUARY 2017

PRESENT:- Councillors Malcolm Davies, Nick Martin and Peter Watts

21. Appointment of Chair

Resolved – That Councillor Nick Martin Chair this meeting of the Panel.
(Councillor Martin took the Chair.)

22. Minutes

Resolved – That the minutes of the meeting held on 4th October and 15th November 2016, be confirmed and signed as a correct record.

23. 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.

24. Consideration of an Objection Notice in respect of a Temporary Event Notice at 37/38 Fleet Street, Swindon SN1 1RE together with a copy of each relevant representation made and supporting documents

The Panel considered (a) a report of the Council's Licensing Manager setting out details of an application to for a Temporary Event Notice at 37/38 Fleet Street, Swindon, SN1 1RE, (b) a written objection to the application received from Wiltshire Police, (c) oral submissions opposing the application from Wiltshire Police, (d) oral submissions in support of the application from the applicant, (e) questions from members to the applicant and objector and answers received, (f) the Council's procedure for licensing hearings, the Secretary of State's Guidance and the Council's Statement of Licensing Policy.

The Council's Licensing Manager advised the Panel that additional written documentation had been received from Wiltshire Police supporting their objection. The Panel heard from the Police as to the nature of the supporting documentation and from the applicant opposing its consideration. The Panel determined that the documentation should not be considered on the grounds that it raised additional issues not specially referred to in the original written police objection. The Panel determined that the applicant therefore would not have had opportunity to prepare to rebut this information.

The Licensing Manager introduced the report noting:

- The application was for live and amplified music on 27th and 28th January 2017 at 37/38 Fleet Street, Swindon.
- An individual can apply for up to 15 Temporary Event Notices per annum with a maximum attendance of 499 people or less.
- Wiltshire Police had made a valid objection to the application for a Temporary

Event Notice based upon the Prevention of Crime and Disorder and Protection of Children from Harm licensing objectives.

- The Panel needed to consider the representations of both parties and determine whether to permit the event or issue a counter notice.
- The premises at 37/38 Fleet Street were covered by a premises licence but had not been in operation for some time.
- The applicant had offered a number of conditions and controls as part of their application.
- The applicant had operated a number of events within the Borough but had been refused a Temporary Event Notice following his previous application.
- If the Panel was minded to allow the application it could only attach relevant conditions that were applied to the existing premises licence.

Police Constable Michael Diffin, Police Licensing Officer, made representations opposing the grant of a Temporary Event Notice. These representations can be broadly summarised as:

- The objection was to maintain the licensing objectives which he felt would be undermined if the event were to take place.
- The police did not feel the event would be adequately managed by a competent individual.
- The location of the proposed event, 37/38 Fleet Street, Swindon, was in the middle of the night-time economy area with two night clubs within 100 metres of the premises in question.
- This area had the highest recorded crime figures for Friday and Saturday nights due to alcohol consumption.
- There was a duty on any applicant to ensure all necessary requirements were met to reduce any potential demand on the police and ambulance services and on Great Western Hospital.
- The Temporary Event Notice was in effect permitting a pop-up disco in an unsuitable location.
- The applicant had an event in the town centre area approved in November 2016 but had broken ten of the eighteen conditions set out in the approved application.
- The current application had eighteen of the same proposed conditions as an event held in November and was not suitable because it did not address the concerns arising from the previously event with the policies attached to the application not being tailored to the proposed event.
- The applicant had been cautioned following conditions not being met at previous events, offences included under aged sales.
- Although the applicant applied for a personal licence this did not appear to increase his understanding of the requirements of the Licensing Act.
- In response to questions PC Diffin advised the hearing that a successful prosecution would have led to the revocation of the applicant's personal licence and the police preferred to work with individuals to improve standards.

The applicant made representations supporting the grant of a Temporary Event Notice. These representations can be broadly summarised as:

- That he had worked closely with the Police and Licensing Authority on previous applications, including the November event the Police had referred to in their submission.
- Wiltshire police had been invited to attend the proposed event prior to public being admitted to see the measures proposed in operation.
- That he operated a check-list for completion prior to the event.
- The problem with the number of door staff at the November event had been with the company hired to supply them. A third doorman had arrived after the Police visit.
- Staff training included challenge 25 and ID verification and a training manual was available.
- Checks on the experience of door staff were undertaken.
- Staff were given his contact details and were informed of their individual and collective responsibilities.
- Contrary to Police evidence CCTV was available and operational at 37/38 Fleet Street.
- That the Temporary Event Notice was for a charity disco with a closing time of 03:00 hours and last entry time of 01:00 hours.

The applicant responded to questions from Panel Members in respect of the following issues:

- The paperwork submitted by the applicant in respect of his application for a Temporary Event Notice.
- His fifteen years of working within the night-time economy and his promotion of events since 2012 (his first event with a Temporary Event Notice being at Quaser in 2013).
- Training provided to bar staff which included a test that all bar staff needed to undertake.
- That he would not work at the bar as he preferred to circulate the premises to ensure everything was in order.
- That door staff undertook age checks where appropriate, logged their start and finishing time, logged any incidents and operated a refusals book.
- That he would alter his application to include extra door staff if requested by the Panel.
- Police concerns that the charity being promoted as part of the event had not been contacted by the applicant.

Having carefully considered all representations of the objection and evidence from Wiltshire Constabulary and submissions on behalf of the applicant the Panel has decided to issue a counter notice against the temporary event notice as it was not satisfied that Licensing Objectives in respect of the Prevention of Crime and Disorder and the Protection of Children from Harm would be upheld if the temporary event notice was to proceed.

Reasons

1. The Panel heard evidence from the Police that the premises to be used for the event under the temporary event notice was considered to be in a high risk area. Police evidence pointed to the fact that the high volume of incidents in the area

continued into the early hours even after the premises at 37-38 Fleet Street would cease trading.

2. The Panel noted the applicant's record of running previous events but took into account breaches of licensing conditions offered by the applicant at an event held in November 2016 and given the applicant's relative experience in promoting high risk events.

3. The Panel received written documentation from the applicant regarding his policies and practices but the Panel were not convinced that they would be effectively implemented.

4. The tabled policy documentation was not considered to be tailored to the event in question.

5. The Panel considered the option of adding conditions from the existing premises to the application but was not convinced that given the issues raised by the Police and information provided by the applicant that this would promote the Licensing Objectives, and in particular, the Prevention of Crime and Disorder and Protection of Children from Harm Licensing Objective.

The Chair remind both parties that they had the right of appeal to the Magistrates Court against this decision and that any such appeal should be made within 21 days of the receipt of this determination and no later than five days before the scheduled event.