

NORTHERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE NORTHERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 22 OCTOBER 2018 AT COUNCIL CHAMBER - WILTSHIRE COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM SN15 1ER IN RESPECT OF AN APPLICATION FOR A REVIEW OF A PREMISES LICENCE - ROYAL SPORTS BAR AND CUE CLUB, UNIT F, IVY ROAD INDUSTRIAL ESTATE, IVY ROAD, CHIPPENHAM

Present:

Cllr Allison Bucknell, Cllr Trevor Carbin, Cllr Ian Thorn and Cllr Stewart Palmen (Reserve Member)

Also Present:

Wiltshire Council Officers

Roy Bahadoor (Public Protection Officer – Licensing)
Frank Cain (Head of Legal Services)
Linda Holland (Licensing Manager)
Lisa Pullin (Democratic Services Officer)

Wiltshire Police

Martin O'Neill (Police Licensing Officer)

On behalf of Royal Sports Bar & Cue Club

Gordon Smart (Premises Licence holder)
Richard Griffiths (Solicitor for Mr Smart)
Robert Iggulden (Landlord for Premise)

Others in attendance

John White (Chair of Snooker League)
Julia Corbett (Press)

1 **Election of Chairman**

Nominations for a Chairman of the Licensing Sub Committee were sought and it was

Resolved:

To elect Councillor Ian Thorn as Chairman for this meeting only.

2 Apologies for Absence/Substitutions

No apologies were received.

3 Procedure for the Meeting

The Chairman explained the procedure to be followed at the hearing, as contained within the "Wiltshire Licensing Committee Procedural Rules for the Hearing of Licensing Act 2003 Applications" (Pages 5 – 11 of the Agenda refers).

4 Chairman's Announcements

The Chairman gave details of the exits to be used in the event of an emergency.

5 Declarations of Interest

There were no interests declared.

6 Exclusion of Press and Public

The Sub Committee considered whether the press and public should be excluded from all or part of the hearing due to the possibility of confidential/sensitive information being disclosed.

Resolved:

That the hearing should be held in public and that the press and public should not be excluded from the meeting.

7 Licensing Application

Application by Wiltshire Police for a Review of a Premises Licence in respect of Royal Sports Bar and Cue Club, Ivy Road Industrial Estate, Ivy Road, Chippenham

Roy Bahadoor (Public Protection Officer – Licensing) presented his report which outlined the licensing objectives and the options the Committee could take to meet these objectives. The history of the premises licence and the current licence was described alongside the grounds for its review. Mr Bahadoor advised that one relevant representation had been received from Wiltshire Council as Licensing Authority.

Key points raised by Martin O'Neill on behalf of Wiltshire Police, Review Applicant, were that:

- Wiltshire Police Authority has no confidence in the Premises Licence holder's ability to uphold the licensing objectives, specifically the prevention of crime and disorder. There was evidence of a high level of crime and disorder permitted at the premises by the Premises Licence holder and he had shown a disregard to comply with the conditions attached to the Premises Licence;
- 41 intelligence reports (graded "B" for strength/reliability of source) relating to the premises gave reason for the Police to apply for a Warrant under Section 23 of the Misuse of Drugs Act. The Warrant was executed on 15 August 2018 and Mr O'Neill, along with other Police Officers attended the premises, including PC Rossiter whose statement appeared as page 41 in the Agenda pack;
- Mr Smart (Premises Licence holder) was present during the raid and all customers were detained whilst a search of the premises was carried out. Three arrests were made as one person was found in possession of 2 snap bags of a substance suspected as cannabis, with evidence on a mobile phone suggesting that that this substance had been dealt by another person located inside of the club. The keys to a car located next to another person being detained were for a car outside the club where a fence panel had been damaged that lead into the car park of the primary school next door. This car smelt of cannabis and a bag of a suspected substance along with a small amount of white powder was found on the dash board. The owner of this vehicle was arrested. In the men's toilets, a residue was found in small plastic bags on the toilet floor which was suspected as an illegal substance;
- It was believed that the fence between the premises and the school car park had been damaged so to provide a quick escape from the premises when needed;
- Whilst speaking to Mr Smart during the execution of the warrant, he informed Mr O'Neill that he had held a Personal Licence since 2015, but he was unable to demonstrate any knowledge of the four licensing objectives, nor was able to tell Mr O'Neill what any of the conditions that are part of his premises licence;
- Mr Smart said that he did not attend the Pubwatch meetings due to a fallout with the Chippenham BID and was not able to send anyone else. Mr Smart was asked to supply CCTV recordings for evidential purposes but was unable to provide this upon request and his hard drive was seized. The external system was directly linked to Mr Smart's mobile phone and as he was not able to provide the recordings from this, the phone was also seized;

- Several text conversations found on Mr Smart's phone seemed to indicate that he was instructing his staff not to challenge patrons for age identification as per the conversation detailed on restricted page 37 of the Agenda;
- On 11 March 2018, a serious assault occurred at the premises and Mr O'Neill had arranged to meet with Mr Smart following this incident to obtain details/evidence. On restricted page 39 of the Agenda, Mr Smart appears to have a conversation with someone, stating that he would be meeting the Police at the premises and whilst that person was there they were not to go behind the bar and if asked by the Police if they worked there they should say that they didn't. When Police attended they saw a male at the premises who if not an employee was not authorised to sell alcohol. At that meeting in relation to the assault, Mr Smart was unhelpful and was not able to provide CCTV recordings to aid the investigation which subsequently meant that the case was not able to proceed; and
- It is the view of Wiltshire Police that Mr Smart has allowed the supply and use of controlled substances on his premises, there was no management structure in place. Mr Smart appears to have no authority or control and has allowed the premises to be used for criminal activity. Wiltshire Police ask the Sub Committee to revoke the Premises Licence.

Questions were asked of Mr O'Neill (Review Applicant) by the Sub Committee members about the 41 intelligence reports received. Mr O'Neill confirmed that if around 5 or 6 concerns graded at category "B" were raised as intelligence that would be enough for the Police to take this to a Magistrates Court to apply for a Warrant. In this case there were 41 reports graded at "B". Reports are graded with A being the highest. Grade A evidence would be CCTV which is the strongest. Consideration is given to all reports and Police Officers would look at the individuals submitting the concerns and grade accordingly. Those carrying out the gradings were satisfied with the reports and accordingly graded them at "B". These intelligence reports were received from 11 March to 14 August 2018 and were coming in on a regular basis.

It was noted that in the conditions it stated that children shall not be permitted in the bar area. Mr O'Neill was asked to clarify what he felt was the bar area in the premises. He referred to the current plan of the premises which indicated that the whole premises area was licenced so it was not clear which area was the "bar area". It may have referred to the area where the seating was but it was not clear in which area children should not be in.

Mr Smart asked Mr O'Neill if there had been children in the premises at the time of the execution of the warrant. Mr O'Neill confirmed that there were none at that time.

Mr Richard Griffiths (Solicitor acting on behalf of Mr Smart) asked about the intelligence reports. Mr O'Neill reported that he was unable to confirm how many were from anonymous sources and how they could be graded as a reliable "B" grading when it was not known who was reporting it as he was not involved in the grading process.

Mr Griffiths questioned why there were only selected extracts from Mr Smart's mobile phone text conversations and felt that it was a breach of natural justice that Mr Smart had not had the opportunity to respond to the extracts. Mr O'Neill confirmed that the messages were submitted as evidence used to highlight the issues of concern at the premises.

Mr Griffiths referred to specific parts in the text conversation in relation to alleged under age sales of alcohol stating that a "can" would have meant a soft drink as at that time the premises did not sell any alcohol in cans. Mr O'Neill felt that this was open to interpretation as to what that conversation alluded to.

In relation to the meeting with the Police when a male was present at the premises, Mr Smart reported that he had asked for him to help whilst he was in a meeting with the Police and didn't want him to be "cross examined" by the Police.

In relation to the layout of the premises, Mr Smart reported that he had called Mr O'Neill to ask to attend the premises to discuss this. Mr O'Neill reported that he had not received this message.

Mr Smart reported that he had contacted the Police to advise on which CCTV should be installed at the premises but they were not able to give details of this. Mr Smart went ahead and bought a system which connected to his mobile phone – and felt unsure as to why this was then a problem for the Police? Mr O'Neill explained that it was due to the fact that he was not able to download the recordings from it that was the issue as he was not complying with the conditions on his licence.

Mr Smart asked Mr O'Neill if he knew that the Club was set up as a venue for the unemployed people of Chippenham. Mr O'Neill reported that he had only known the premises as a snooker club.

Mr Smart reported that around 27 snooker matches a year are played at the club which promotes a healthy activity.

When questioned about the alleged drugs paraphernalia in the men's toilet Mr O'Neill confirmed that these were empty plastic clip seal bags with suspected substance residue inside of them. Mr O'Neill confirmed that these were still subject to forensic examination and were part of an ongoing investigation.

Mr O'Neill was asked - Of the three arrests made on 15 August at the premises – had those persons been charged with any offences? Mr O'Neill confirmed

that this was part of an ongoing investigation and no formal charges had been made yet. It would be a CPS decision as to whether charges would be brought and the suspected substances had not been identified yet.

Mr O'Neill was asked if any under 16's were present when the raid was carried out on 15 August around 7pm. Mr O'Neill confirmed that there were not any under 16's present at that time.

In relation to the allegations made about the damaged fence – Mr Griffiths confirmed that Mr Smart is not in control of this fence, but when he saw that it had been damaged he purchased a replacement from B & Q. Mr Smart refuted the allegation that he was aware of the damage to the fence to access the school car park as a short cut and allowed this to happen.

Key points raised by Mrs Linda Holland (Licensing Manager, Licensing Authority, Wiltshire Council) who had made a relevant representation were:

- The Licensing Authority made a representation in support of Wiltshire Police's Review due to their concerns around the management of the premises and the Mr Smart's understanding of the requirement to promote the licensing objectives;
- Mr Smart states in his statement that he has a condition on his licence that permits children on his premises after 9pm provided they are accompanied by an adult. I refer you to the copy of Mr Smart's licence on page 24 of the Agenda where you will see that the condition states children shall not be permitted in the bar area – it does not give reference to timings or having to be accompanied by an adult;
- In May 2015 on a visit to the premises we found that a gaming machine was in use without a Notification or Permit which the Gambling Commission had warned was an illegal machine. We also found that there was music at the premises without regulated entertainment being permitted on the Premises Licence. Also at this time we received transfer and variation of DPS applications;
- In July 2015, we received representations including concerns about access/egress to carpark via lane to Ivy Cottages due to broken fence panels. The fence panels were mended at this time and the representations were withdrawn following the licence holder's response. At this time the licence was granted to include music until 01:00 on Friday and Saturday night;
- In July 2018, we received a phone call from Mr Smart asking about changing to a Club Licence. The authority called back and left voicemail but then had no response:

- On 29 August, Mr Smart called us concerning the Police and actions to be undertaken. He asked about committee meetings and the next pub watch meeting (which he subsequently did not attend);
- Colleagues from the Council's Food Team have also tried to engage with the premises but they do not seem to be aware of their requirements in relation to food safety management;
- Once the Licensing Authority we were aware of the Police interest in the premises we agreed to keep a watching brief and not attend the premises. The Licensing Authority continues to be concerned about the lack of attendance at the local Pubwatch meetings and hearsay evidence regarding the times of opening and closing and the individuals frequenting the premises. None of this was brought to Mr Smart's attention due to the Police's ongoing activities;
- During all our engagement with Mr Smart throughout the period he has held the licence and prior he has undertaken activities without the required authorisations, but I do acknowledge he has resolved these once it is pointed out to him; however, this is not good management practice to rely on other authorities to assist with compliance – this is not proactive;
- We feel that the above demonstrates that whilst Mr Smart has obtained the necessary licences to operate the premises, areas of concern still prevail around his poor management decisions, failure to deal with issues taking place at his premises, directing staff to ignore the legal requirements of the Licensing Act 2003 (under age sales), lack of knowledge of his premises licence and no understanding of a licence holder's responsibility to promote the licensing objectives; and
- I would draw the Sub Committee's attention to section 11:27 / 11:28 of the revised section 182 guidance dated April 2018 which outlines the seriousness and the consideration the Sub Committee should give any review in connection with certain criminal activities.

Questions were asked of Mrs Holland (Licensing Authority) by the Sub Committee members

Q Is the level of interaction shown by Mr Smart normal?

A No, we feel that this base level of interaction for this premise is low.

Q What is your understanding of where the "bar area" is in the premises - where are under 16's allowed to be within the premises?

A I would say the snooker table area is Ok for under 16's to be in.

Q How effective and useful are the Pubwatch meetings?

A In recent times the Chippenham area Pubwatch has had its ups and downs, but it is our view that it has now been running effectively for over a year and is supported by the Chippenham BID.

Q Is there any evidence of proactive promotion of the Licensing Objectives?

A Officers will only tend to get involved with middle of the road and poorly run premises – and in this premise instance we are concerned.

Q What staff training has taken place?

A (Answered by Mr O'Neill) – There was no evidence of any staff training records available on the evening the raid was carried out (August 2018).

Q How crucial is Pubwatch attendance?

A The meetings are an opportunity for pubs to get together to share intelligence of persons who are causing trouble in the area and to make others aware of who they are. The meetings are also attended by the Police and the Local Authority. The meetings are arranged for the benefit of the Licence holders. All Local Authorities are very keen on Pubwatch attendance by premises and it is a condition on most licences. It would be another way to demonstrate proactive management.

Mr Griffiths (Solicitor acting on behalf of Mr Smart) asked if Mr Smart would be top of the list of “concerns about premises”. Mrs Holland responded that although there are a number of concerns about Mr Smart and his management of the premises, he was not at the top of the list.

Mr Griffiths asked if the authority was aware of Mr Smart’s problems with the local Pubwatch. Mr Bahadoor (Licensing Officer) said that he had been advised by Mr Smart that he found it difficult to attend meetings.

Mr Griffiths advised the Sub Committee that he had received an undertaking from Mr Smart that he would attend future Pubwatch meetings.

Mr Smart (Premises Licence holder was then asked to address the Sub Committee. He read out his statement dated 12 October 2018 (which had been circulated as an exempt Agenda Supplement (1). Mr Smart highlighted the following:

- He had sought help to assist him in his compliance;
- He had attended Pubwatch meetings previously;
- He does not tolerate drugs in the premises, and he had signage to that effect within the premises;
- His Landlord had installed CCTV in the outside area in order for him to control the area;

- He denied that he did not know the Licensing Objectives – he accepted that he didn't answer when questioned about them but there was a reason for that;
- He had complied with all parts of his licence except for the attendance at Pubwatch meetings;
- He liked to discuss things via email rather than by a gentleman's agreement as an email is proof of what is discussed/agreed – for example he had not received a response from his call to the Licensing Authority in relation to his query about the possibility of changing to a Club Premises licence;
- He explained that he views the premises as a place for the Chippenham community – 27 snooker teams played at the premises; and
- He has no criminal record and have not any involvement in drugs and he does not tolerate anyone else's drug use at the premises. If patrons are drinking too much he would remove them from the premises – he has a zero tolerance.

Questions were asked of Mr Smart (Premises Licence holder) by the Sub Committee members as follows:

Q There are 6 specific conditions on your licence – without checking are you able to tell us what they are?

A *Mr Smart was unable to answer this question.*

Q What does your licence condition say in relation to the sale/consumption of alcohol?

A It says that proof of age is to be requested for anyone appearing to be under age 21.

Q When did you last review/carry out a risk assessment of your CCTV?

A July 2018.

Q How many cameras are in operation?

A 13.

Q What do your licence conditions say about the maintenance of the CCTV system?

A That they should be further inspected – technology is not my forte. If someone told he what system to install I would have done it but no one would tell me what system I should use.

Q How often do you test the CCTV system?

A I test it often. The TV screens that I can see from the bar show that the cameras are all working.

Q We have heard that when the Police requested CCTV recordings that they were not available – why was this?

A The CCTV had just been installed at that time and I was waiting for information on how to fully operate the system – I did not know how to download it at that time.

Q Have you ever had cause to eject someone who was under the influence of drugs or excess alcohol?

A Yes there was a case of a patron who had clearly been drinking before arriving at the premises and in that case, they were ejected from the premises.

Q You appear to have asked people to “stand in” for you at the premises that are not staff?

A It was intended that the premises would be operated as a family business but my sister is ill and I have a couple of people who provide cover for me.

Q Can you list the four Licensing Objectives?

A *Mr Smart was able to identify these.*

Q How often are formal tournaments held at the premises?

A We host a snooker and a pool league over 5 days of the week and there are also competitions at the premises.

Q How many patrons are there usually in club at a time?

A There are usually 15-20 persons playing pool. On a snooker competition night, there would be a minimum of 24 people.

Q Have you ever asked anyone to leave following suspected drug use?

A No.

Q What would you do if you suspected drug use?

A I would report it to the Police.

Q What else would you do – shouldn't you file an incident report and follow it up with the Police?

A *No answer recorded.*

Q You say that the CCTV was installed some 3 weeks before the Police raid and you have said that it was working adequately, yet you were unable to provide the recordings that were requested by the Police. It was then that the hard drive was seized so that Police could attempt to retrieve the CCTV footage. Do you accept that it was your responsibility to ensure that the CCTV was working as it should be?

A Yes, I accept that.

Q At that time you were not able to supply the footage to the Police – was this subsequently provided to the Police?

A The Police had seized all of the equipment and had sole access to it.

Q You mention that you had issues with the members of the Pubwatch scheme – should you just have “sucked it up” and attended?

A No, it was better for me not to attend until the issues I had with the Chippenham BID were resolved. They had walked into my premises demanding payment for a publication of which my premises was not included.

Q You say that you spoke to the Police about the CCTV system and the bar layout – why did you speak to Police about this and not the Local Authority?

A The Police were coming in more than anyone else and generally the Police have more information about CCTV. I felt it was more appropriate to ask the Police for guidance about CCTV.

In response to Mr Smart’s submissions above, the Licensing Officer, Mr Bahadoor recalled that he had received a message from Mr Smart in July 2018 when he had asked about the possibility of changing to a Club Premises licence and had left a voicemail in response, but no conversation since that time had taken place.

Mr Smart referred to an incident in which he thought that two young girls had attended the premises (aged approximately 12-14) and had asked for the availability of drugs. He felt that these girls were deliberately “planted” and asked to come into the premises to try and catch him out.

Mrs Holland (Licensing Authority) asked Mr Smart the following questions:

Q In relation to the incident with the two girls – was this recorded on CCTV and did you report this to the Police?

A No this incident was after the raid and I did not report it.

Q Do you have an incident log/refusals book at the premises? Did you record the incident with the two girls?

A We don’t have a book. We did have one but it got mislaid when we did our refurbishments. No, I didn’t record the incident with the two girls.

Mrs Holland (Licensing Authority) made the following points in summation:

The Licensing Authority has no confidence in Mr Smart’s ability to promote the four Licensing objectives and he has shown a lack of positive engagement with the authority and the Police. We request that the Sub Committee take the necessary steps to ensure this premise is run in the appropriate manner.

If revocation of the licence is not deemed the appropriate action, I would suggest the Sub Committee consider the removal of the DPS and/or a period of suspension. A reduction of operating hours could be considered to permit the premises to re-align its self and a more robust management of the premises be put in place.

Mr Griffiths made the following points in summation on behalf of Mr Smart:

- Mr Smart feels that he has been treated unfairly – he has made an investment into his livelihood and is a valuable amenity to the community. If you have an issue with him you should raise it to him directly and not at a meeting like this;
- It was unfair of the Police to include the text messages as part of the Agenda papers and not give Mr Smart the chance to respond to the content in advance of the hearing – we say this is a breach of natural justice. Incidentally, we would say that the text messages show the reverse of how the Police portray them;
- We would say that Mr Smart is not the most articulate of gentlemen but that what is alleged about him is scandalous. To say that that he condones and allows the dealing of drugs at the premises is not right – there is no evidence of this;
- The Police say that they have received anonymous information/intelligence but we are at a loss to see how the validity of anonymous information can be verified and we would say that this simply casts doubt on any statements that are provided anonymously;
- What evidence do you have that Mr Smart allowed the hole in the fence to remain? We would say that Mr Smart sought his Landlord's permission to replace the fence and this was installed before the raid in August 2018. If this is used by others as a shortcut this is beyond Mr Smart's control and to suggest that he acquiesced to this is wrong;
- If the premises were to be closed you would deprive Mr Smart of his livelihood and the investment that he has made. The three arrests made at the time of the raid have not progressed to any charges being made;
- We would say that empty plastic bags in the men's toilets does not constitute evidence as drugs paraphernalia – this is weak evidence that has not been proven as drugs;
- We accept that earlier Mr Smart was unable to recall the specific conditions on his licence but that he is aware of the four Licensing Objectives and he has a clear understanding of them;

- If a gram of cannabis was found on a person this would be classed as personal possession and not dealing and would not be regarded as a serious crime and would be unlikely to result in a charge;
- There has been no evidence presented of dealing in the premises and how can Mr Smart be expected to control what someone has in the car that is not even on the premises?;
- We repeat the undertaking that Mr Smart or a representative would attend future Pubwatch meetings. We accept that he did have issues previously with the group and it wasn't that he just didn't want to go; and
- We accept that Mr Smart does not run a "tight ship" but there is no evidence to suggest that there is underage drinking or drugs use at the premises. It may be that Mr Smart has "failed the attitude test" but that does not mean that he should lose his licence. This has been a learning curve for him and he does respect Pubwatch and the job that it does. He does respect the Police and that's why he had asked for their help with the CCTV – he felt it was common sense to ask them.

Mr O'Neill (Wiltshire Police) did not wish to make any closing submissions but wished to clarify that the drugs seized were Class A substances and not cannabis.

The Sub Committee then adjourned at 12.20 and retired with the Lead Advisor and the Democratic Services Officer to make a decision on the licensing application.

The Hearing reconvened at 13.40.

Following the deliberations of the Sub Committee Members, it was

Resolved:

That the Premises Licence Holder, Mr Gordon Sean Smart be issued with an informal warning in respect of his failure to proactively manage the premises to ensure that the licensing objectives are being promoted.

To show that the Premises Licence holder is taking proactive steps to manage the premises to ensure the licensing objectives are being promoted the Sub Committee recommended that the following be carried out by 31 January 2019:

The Premises Licence holder is to:

- 1. Submit revised plans to the Local Authority (by way of the required application process) to clearly show the bar area of the premises (in which children are not permitted to be) and the correct entrance/exit.**
- 2. Produce Risk Assessments to show how the premises actively promote the licensing objectives.**
- 3. Display signage at the premises relating to the promotion of the licensing objectives, (in particular the prevention of crime and disorder, public safety and protection of children from harm) the wording and location of to be agreed with the Licensing Authority.**
- 4. Ensure that relevant Policies/Procedures are in place to affect the robust management of the premises (to include a drugs policy) to the satisfaction of the Local Authority.**
- 5. Produce and maintain details of relevant staff training which can be produced to relevant Officers upon request.**
- 6. Produce a clear process for the management of the CCTV system so that the conditions on part 2b of the licence are adhered to and can be produced to relevant Officers upon request.**
- 7. Produce and maintain an incident log for the premises which can be produced to relevant Officers upon request. All staff to be aware of and maintain the incident log.**
- 8. Produce and maintain a refusals log for the premises which can be produced to relevant Officers upon request. All staff to be aware of and maintain the refusals log.**
- 9. Ensure that the premises re-register as a member of the local Pubwatch Scheme and that a representative of the Management Team attends all meetings.**

Reasons:

- a) The Sub Committee was of the view that the evidence presented by Wiltshire Police and the Licensing Authority demonstrated the Premises Licence holder's inability to effectively manage the premises and actively promote the licensing objectives.
- b) Based on the evidence they considered that the revocation/suspension of the licence was not appropriate as whilst there was evidence of drug use on the premises there was a lack of evidence that the Premises Licence holder had allowed or permitted the premises to be used for dealing or supplying of illicit drugs. The evidence presented suggested poor management practices which were capable of being remedied if the Premises Licence holder engages with appropriate management techniques. Therefore, the

revocation/suspension of the licence and attendant financial consequences was not proportionate as a viable alternative was available to rectify the failings.

- c) The possible modification of conditions was considered. However, it was felt that the existing conditions were appropriate to meet the licensing objectives and the main issue was a failure by the Premises Licence holder to actively comply with those conditions and promote the licensing objectives.
- d) The Sub Committee also considered whether to remove the Designated Premises Supervisor but as the Management model used is that the Premises Licence holder and Designated Premises Supervisor are one and the same for the reasons set out in paragraph b) above this was not appropriate at this time.
- e) On balance, the Sub Committee determined that the Premises Licence holder should be given a time limited opportunity to prove his ability to adhere to the existing licensing conditions, and be given a list of recommendations that if implemented would satisfy the requirement to proactively manage the premises to meet and promote the licensing objectives. If the Licensing Authority were not satisfied that these recommended improvements had been met by 31 January 2019 then they should consider issuing an immediate further action for review.

In reaching its decision the Sub Committee took into account all of the written representations in addition to oral arguments presented at the hearing by all parties.

The Sub Committee also considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 52); the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

Right to Appeal

All parties have the right to appeal to the Magistrates Court within 21 days of receipt of this decision. The decision of the Licensing Sub Committee does not take effect until the end of the period for appealing against that decision. In the event of an appeal being lodged, the decision made by the Licensing Sub Committee does not take effect until any appeal is heard and finally determined.

(Duration of meeting: 10.00 am - 1.45 pm)

The Officer who has produced these minutes is Lisa Pullin. tel 01225 713015 or email committee@wiltshire.gov.uk, of Democratic Services

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