

## NORTHERN AREA LICENSING SUB COMMITTEE

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**DRAFT MINUTES OF THE NORTHERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 16 DECEMBER 2015 AT TIPPETT ROOM, SPRINGFIELD COMMUNITY CAMPUS, BEECHFIELD ROAD, CORSHAM, WILTS, SN13 9DN IN RESPECT OF AN APPLICATION FOR A TEMPORARY EVENT NOTICE - SN15, STATION HILL, CHIPPENHAM**

**Present:**

Cllr Desna Allen, Cllr Simon Jacobs and Cllr George Jeans

**Also Present:**

Cllr Trevor Carbin

Wiltshire Council

Asifa Ashraf (Solicitor)  
Lisa Pullin (Democratic Services Officer)  
Roger Bishton (Senior Democratic Services Officer)  
Roy Bahadoor (Public Protection Officer)

Responsible Officer

Susan Thurman-Newell (Licensing Officer, Wiltshire Police)  
Beverley Pritchard (Acting Licensing Manager, Wiltshire Police)

Applicants

Robin Puddephat (Designated Premises Supervisor, SN15 Leisure Ltd)  
Paul Shayegan (on behalf of Applicant)  
Matthew Phipps (Messrs TLT Solicitors)

Members of the Public who made a Relevant Representation

None

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1 **Election of Chairman**

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

**Resolved:**

**To elect Councillor Desna Allen as Chairman for this meeting only.**

**2 Apologies for Absence/Substitutions**

There were no apologies for absence.

**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"

**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 Licensing Application**

**Application by SN15 Leisure Limited for two Temporary Event Notices (TEN's) at 17a, Station Road, Chippenham, SN15 1EQ.**

The Licensing Officer introduced the purpose and scope of the application, the premises to which it related and the key issues for consideration.

In accordance with the procedure detailed in the agenda, the Applicant, the Responsible Authorities and those who had made a Relevant Representation were given the opportunity to address the Sub-Committee.

Key points raised by the Responsible Authority (Susan Thurman-Newell of Licensing Office, Wiltshire Police) were:

- The premises had been the subject of numerous incidents of crime and disorder, both within the premise and in the vicinity, culminating in the current Premise Licence Conditions. The applicants were a new management team who had had no opportunity to provide any demonstrable compliance with the Licensing Objectives.
- SN15 were seeking and had submitted a Variation of their Premises Licence, primarily to seek the reduction and on occasion removal of the Door Supervisor Condition, together with the amendment of the

Polycarbonate Condition, moving to a risk assessment basis. However, the effect of the two TEN's submitted was to remove all the Premise Licence Conditions.

- The TEN's as submitted did not refer to any current licensable activities, but referred to those amendments submitted in a recent Variation application by the current management team, and which was currently undergoing a period of consultation and had not yet been enacted.
- The premise had been the subject of close scrutiny from both police and council licensing enforcement officers, but on the date of the TEN's notifications, 8 December 2015, an inspection of the CCTV provision at SN15, which the Wiltshire Police Crime Reduction Officer had previously been advised had been installed in line with her requirements, identified non-compliance. There currently being only 48 hours to remedy that non-compliance prior to opening on 10 December 2015 gave cause for concern that during the 12 days of trading under the current premise Licence there was non-compliance with the Condition, namely:

CCTV; (c) The CCTV is to be reviewed and if necessary upgraded to standards required by Wiltshire Police Crime Reduction Officer.

The very recent change in management therefore gave rise to concern in relation to the previous history of crime and disorder.

Key points raised by Matthew Phipps of TLT Solicitors on behalf of the Applicant were:

- A Premises Licence was granted in December 2014 and the premises opened for the first time in August 2015 for six weeks on Friday and Saturday nights. Different individuals were involved in managing the premises at that time.
- SN15 Leisure Ltd was still the Licence Holder and Mr Paul Shayegan was still a director. SN15 Leisure Ltd had varied the Designated Premises Supervisor to be Mr Robin Puddephatt.
- SN15 Leisure Ltd was seeking a relaxation of two conditions in the Premises Licence for the period Thursday 24 and Friday 25 December 2015, concerning the number of SIA registered door supervisors required and the use of polycarbonate glasses.
- Much of the concerns expressed by the Police referred to the period 2008 to 2010 when the premises was run as a night club with a capacity for 600. The night club was run badly resulting in the premises licence being revoked in 2011 and the closure of the premises. Chippenham could not sustain such an establishment in 2015.

- SN15 Leisure Ltd wished to raise the standards and attract a different clientele with the opening of a cocktail bar within the premises where the use of polycarbonate glasses would not be obligatory.
- The applicant requested some flexibility in the number of door staff deemed necessary but did consider that two would be required outside the entrance to the premises when the cocktail bar was operational.
- The applicant acknowledged the deficiencies in the CCTV cameras and confirmed that since the meeting on site with the Crime Prevention Officer, Wiltshire Police on 8 December 2015, all the requirements made at that meeting had been implemented and the whole CCTV system was fully operational.

The parties were given the opportunity to ask questions of the Applicant and the Responsible Authority and Wiltshire Council Officers. A debate ensued in which the Sub-Committee discussed the requirements put forward by Wiltshire Police.

The Sub-Committee members sought clarification on some points before retiring to consider the application and were accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officer.

The Sub-Committee then retired to consider the application at 1.00pm.

The Hearing reconvened at 1.30pm.

The Sub-Committee considered all of the submissions made to it and the written representations together with the Licensing Act 2003, Statutory Guidance and Regulations and the Licensing Policy of the Council.

**Resolved:**

**The Northern Area Licensing Sub-Committee considered the Objection Notice submitted by Wiltshire Police and decided not to issue a Counter Notice in respect of the Temporary Events Notice and therefore to allow the Temporary Events Notice as follows:**

**The supply by retail of alcohol and the provision of regulated entertainment from 11.00 to 02.30 each day on Thursday 24 December and Friday 25 December.**

**The Sub-Committee decided to impose all of the conditions on the existing Premises Licence with the exception of:-**

### **(Condition 19a) - Door Supervisors**

- a) Minimum of 10 SIA registered door supervisors on every trading session after 21:00. Outside of these areas the number of SIA Door Supervisors to be determined by a Risk Assessment subject to d) below.**

### **Condition 26 –**

**Only polycarbonate glasses are to be in use at all times throughout the venue, the venue is to operate a bottle decanting policy; no glass bottles are to be present in the public areas.**

### **Reasons:**

**The Sub-Committee considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 105); the guidance issued under Section 182 of the Act, in particular part 7, paragraph 7.23, and the licensing policy of Wiltshire Council.**

**The Sub-Committee reached its decision after consideration of the oral representations made on behalf of the Applicant and Wiltshire Police. The Sub-Committee did note the offer made on behalf of the Applicant to have a reduced door supervision provision during the period of the temporary event notice to meet operational needs, but not at the level prescribed in the conditions of the current premises licence.**

**The Sub-Committee felt that during the periods of trading so far in 2015 there was no evidence to support the Police's contention that the current management of the premises had given cause for concern. The Sub Committee wished to give the Applicants the opportunity to demonstrate their ability to maintain the licensing objectives and provide a well run establishment.**

**The Sub-Committee therefore considered that there was no need to give a counter notice, but that it would be appropriate to impose all of the current conditions that were in effect for these premises, apart from those set out above, for the promotion of the licensing objectives. The conditions imposed would not be inconsistent with the licensable activities proposed to be carried out under this temporary events notice.**

### **Right of Appeal**

**The Chief Officer of Police may appeal against a decision not to issue a Counter Notice. Any appeal must be lodged within 21 days beginning with the day of notification of the decision. No appeal may be brought**

**later than five working days before the day of the proposed temporary events.**

(Duration of meeting: 11.30 am - 1.45 pm)

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