

NORTHERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE NORTHERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 21 SEPTEMBER 2016 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER IN RESPECT OF AN APPLICATION FOR A VARIATION OF A PREMISES LICENCE - SN15 LEISURE LTD, SN15, 17A STATION HILL, CHIPPENHAM

Present:

Cllr Desna Allen, Cllr Peter Evans and Cllr Simon Jacobs

Also Present:

Wiltshire Council

Roy Bahadoor (Public Protection Officer – Licensing)
Cllr Sue Evans (Reserve Member)
Richard Francis (Environmental Control and Protection Officer)
Linda Holland (Licensing Manager – Public Protection)
Lisa Pullin (Democratic Services Officer)
Paul Taylor (Senior Solicitor)

Applicants

Philip Kolvin QC
Piers Warne (TLT Solicitors)
Adam Hatch (Designated Premises Supervisor)
Paul Shayegan (SN15 Director)

Wiltshire Police

Sian Kalyinka (Acting Licensing Manager)
Martin O'Neill (Licensing Officer)

Those who made a Relevant Representation

Cllr Chris Caswill (Wiltshire Council)
Cllr Nick Murry (Chippenham Town Council)

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.

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 1 – ?? 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 **Licensing Application**

Application by SN15 Leisure Limited for a Variation of a Premises Licence in respect of SN15, 17a Station Hill, Chippenham

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

- This was an application to amend the existing Premises Licence conditions, including those relating to SIA security staff, use of polycarbonate/glassware and the use of the outside area;
- The Premises Licence was granted on 26 November 2014 and was varied at a hearing on 19 January 2016; and
- During the consultation process, six relevant representations were received – 1 from a resident, 1 from the Town Councillor for the area, 1 from the County Councillor. Three representations were received from Responsible Authorities – Wiltshire Council - Licensing Authority, Wiltshire Council - Environment Control and Protection and from Wiltshire Police.

In accordance with the procedure detailed in the agenda, the Applicants, the Responsible Authorities and those who had made a relevant representation were given the opportunity to address the Sub Committee.

Key points raised by Philip Kolvin, QC, on behalf of the Applicants, were:

- Prior to the meeting this morning they had met with the Responsible Authorities who had made a relevant representation in an attempt to clarify, simplify and agree the amendments to the licence conditions that they were seeking. Handwritten proposed amended conditions were circulated to all parties at the hearing for consideration;
- Since these Premises began trading again in 2015 there have been no complaints to Environmental Health, no incident call outs at the premises requiring the Police. The Applicants have had an extremely good record since they were open. Minor breaches of the licence had occurred , but in general it was a well-managed establishment;
- A new Manager – Adam Hatch who was now the Designated Premises Supervisor and he had a decent track record in the industry and of managing late night venues;
- Since the premises reopened they have only been trading on Friday and Saturday nights. Tantra is a bar/lounge on the ground floor which opens at 7pm, plays background music and probably receives 30-50 patrons on a good evening. Very occasionally there may have been up to 100 patrons on the premises. Upstairs is a nightclub which has seating and a dancefloor and a VIP area/cocktail bar. At most there had only been 200 in the venue at any one time.
- The business was currently losing £3,000 a week because of the low attendance and the need to provide a large number of door staff as soon as the doors open. Research has been carried out and there is no

demand for a nightclub in Chippenham 7 nights a week and there is currently not enough business in the town to go around, so things have to change or it would be extremely unsustainable and the premises would have to cease trading;

- The Applicants are proposing to run the downstairs Tantra lounge bar until 00.00, similar to the way the Rivo Lounge operates. For this the Applicants feel that they don't need swarms of security staff. It is their intention in Spring next year to apply for planning permission to open the premises during the day to become a restaurant/bar, The Applicants wish to be able to use their outside areas to make it more inviting for their day visitors;
- They would propose to open the nightclub on Saturday nights only and perhaps hire out the premises on Friday evenings for private functions;

Following our discussions with the Wiltshire Council Officers and Police representatives we have proposed the following conditions for the Sub Committee's consideration:

SIA Security Staff

On any night when the premises trades beyond midnight or when the nightclub is trading door staff shall be used from 22:00 as follows:

- ❖ 2 total from 22:00
- ❖ 3 total from 23:00
- ❖ 1 further for every 100 patrons or part after 300

Polycarbonates

On any night the nightclub is operating all drinks must be served in polycarbonates after 23:00 except for wine, sparkling wine, cocktails and spirits in the VIP area.

Patio

- ❖ No drinks on the patio after 23:00.
- ❖ The patio area may only be used for smoking after 23:00.
- ❖ Premises management shall actively manage the patio to ensure compliance with the above
- ❖ A scheme for acoustic insulation shall be agreed with the Environmental Health Officer.

Following discussions with Richard Francis from Wiltshire Council Environmental Control and Protection he confirmed that he would not be agreeable to the above conditions relating to the patio as he stood and so then the Applicants offered to include the following amendments/added conditions:

- ❖ A scheme for acoustic insulation shall be proposed by a competent person on behalf of the Premises Licence holder and agreed by the Environmental Health Officer.
- ❖ In addition to the SIA numbers referred to above, one SIA Supervisor shall supervise the patio after 23:00 on any night the nightclub is operating.

Mr Kolvin reported that the Applicants had had a discussion about limiting numbers on the patio, but the Applicants felt that if the above conditions were in place there should be no problems on the patio area.

The Sub Committee and those who had made relevant representations were then given the opportunity to ask questions of the Applicant:

Q Who carries out your Risk Assessments to decide on the level of SIA staffing you will require?

A Earlier in the week we consider what our needs will be for that weekend. We consider what type of clientele we are hoping to attract, and consider if we are hosting a special event in which we are hoping to attract more customers. In that case we would put in a staff request for a larger number of SIA staff. For example on 1 October we have a celebrity coming to an event, we gauge the interest on Facebook and as we expect more than 300 patrons we have put in an order for 8 SIA staff that night.

Q What would happen if a coach load of patrons arrived any particular evening?

A Eight SIA staff is the maximum number of door staff we need to have in any event at present.

Q In relation to the protection of Children from Harm on page 19 of the Agenda you appear to contradict yourself by stating that: "No under 18's shall be permitted on the premises after 21:00, except to pre-booked functions/private parties" And "There shall be no admittance to persons under 18, except to pre-planned 'student nights' or pre-booked private parties".

A It should be "No under 18's shall be present on the premises after 21:00, except to pre-booked functions/private parties".

Q In relation to the availability of your door staff – how soon can they be called upon?

A If we are expecting to be busier than usual we sub-contract the service to the local area if this is needed. If we get more than the expected level of

patrons we can call them (staff live locally) and ask them to come in to work. We would probably have had some local staff on standby in this eventuality. If our capacity levels were at their maximum with the numbers of staff we had on duty we would be checking numbers on our clicker system and no more patrons could enter unless some left or until the additional security staff arrived.

Q What would happen if you were at your maximum capacity for the building?

A We would count our patrons in and out and we would not exceed our capacity limits.

Q You have shown us revised conditions – but what conditions are you actually seeking them to replace?

A Our amendments given today replace the relevant conditions detailed on pages 8,9,10 and 11 in Agenda Supplement 1.

Q The whole building is described as a nightclub – is this correct?

A The ground floor is a lounge/bar and upstairs is the nightclub with a dancefloor and VIP area.

Q My point is relevant that at any time any part of the premises could be used as a nightclub.

A If any such changes were to be carried out by the Applicant and they used the whole premises as a nightclub and there were problems then a request to review the licence could be made at any time. This would mean a radical change but what is actually happening and what the Applicants are proposing for the future.

Q In March 2016 you refer to “minor breaches” that occurred at the premises – Management plan out of date, the serving of spirits in bottles, faulty CCTV that would not download, ejections of patrons not being reported, seized drugs not being reported and SIA staff not properly signed in. I would say that this is quite a bunch of breaches that are occurring within 2 months of you trading – what confidence can you give me that these breaches have all been put right?

A I, the Designated Premises Supervisor joined SN15 in August and met with the Licensing Officer to go through all of the problems that had been experienced previously. I bring with me experience and the work that I have carried out in the short time that I have been employed should show that I will address the issues and ensure full compliance.

Q In relation to SIA Security staff – what time do you propose that they finish? In the previous conditions it stated that they would remain in place for 30 minutes after the premises had closed?

A This condition should have been carried forward as it is the intention that “2 Door Supervisors to remain on duty outside the venue, for not less than 30 minutes after the last customer has left the venue, to provide a visible presence and deter anti-social behaviour and/or criminal behaviour. This also includes clearing the street of any litter left behind by patrons”.

Key points raised by Linda Holland, Licensing Manager on behalf of Wiltshire Council – the Licensing Authority were:

- The Authority was disappointed to once again make a representation against an application made by SN15 so soon have the variation applied for in December 2015;
- We feel that a relaxation or change to the conditions as requested will not promote the Licensing Objectives;
- In January 2016 we were told by the Applicants that they fully understood their obligations and the conditions attached to their premises licence:
- The Licensing Team carried out a visit to the premises in March 2016 and breaches were identified and a formal warning letter was issued to the Applicants. I would not call them minor breaches and we were disappointed:
- In June 2016, Mr Shayegan enquired again about the use of glass (Spirits) in the VIP area, and the existing conditions were again explained to Mr Shayegan;
- We were not notified of the change of DPS and had to contact the Applicants in this regard to ensure that the premises was in a position to comply with their licence. The premises operated for two weekends in breach of the mandatory condition;
- On another Licensing Team visit in August 2016 we found poor record keeping in relation to door stewards and incident logs. We also noted that a fence had been erected closing off the top patio area and we were told this was because of a bees nest. When we met with the new DPS the Licensing Team had to tell him about the detail of the licence as it seemed that the Management Team at SN15 are unable to fulfil this role;
- The Licensing Authority had now had sight of the proposed management plan and history summary of the application received on 14th September 2016. We were unaware of the proposal to open the premises during the

day offering a food provision as there was no indication of this within the variation application submitted;

- If the revised conditions as requested by the Applicants were approved, a huge reliance would be made on staff to ensure that the correct policies and procedures are adhered to. The licence requires that the management plan is made available for inspection on request and to be accessible to staff, the new security company had no awareness of the drugs policy operated by the premises;

The parties were then given the opportunity to ask questions of Linda Holland:

Q Given what you have heard today in respect of the clarified conditions – are you confident that these are now clear and can be fully carried out by the Applicants?

A Yes the conditions are clearer, but I do have concerns about the Applicants ability to carry them out.

Key points raised by Richard Francis, on behalf of Wiltshire Council, Environmental Control and Protection Team were:

- Prior to the hearing I have had the opportunity to meet with the Applicants and had agreed some additional conditions to alleviate the potential for public nuisance;
- Previously I have worked extensively to protect the neighbours from noise breakout from the premises and this had worked well and there had been no noise complaints;
- I welcome the addition of the condition that a SIA Security staff will be present on the patio after 23:00 on any night that the nightclub is operating;
- I would wish for there to be a restriction on the numbers of those using the patio at any time after 23:00 and I would recommend up to 40 patrons; and
- I also welcome the offer for a scheme of acoustic insulation to help the potential for noise nuisance during the day. I would like for the condition to be amended to ensure it is recommended by a competent person, not just a general builder.

On behalf of the Applicant, Philip Kolvin confirmed that they would be happy to amend the conditions to confirm that there would be no more than 40 patrons using the patio at any one time after 23:00 and that the scheme for acoustic insulation would be proposed by a competent person on behalf of the premises licence holder and agreed with the Environmental Control and Protection Team.

There were no questions for Richard Francis.

Key points raised by Sian Kalynka, Licensing Officer on behalf of Wiltshire Police were:

- SN15 had a low customer base. From their visits when the premises were open they had noted low numbers of customers, ranging from 8 to 185 (when a VIP was due to attend but did not on that occasion);
- When the Police requested CCTV footage in March 2016 to refer to an incident that had occurred outside of the premises (not to do with the premises) they were unable to download the recording for them and therefore not complying with their conditions;
- Requests were made for the Management plans to be provided on a number of occasions and these were not provided until 14 September 2016. During the summer there was a period when the premises was operating without a Designated Premises Supervisor (DPS);
- As the new DPS has only been in post for a short time there has been little chance for him to prove himself. When the Police visited on 9 September 2016 the DPS was not present and no one on the premises was able to download the CCTV to a memory stick upon request. There were no staff records available to view (these were said to be with the DPS). We feel that the management team continue to show an inability to effectively manage the premises and communicate with their own DPS;
- If the Sub Committee were to grant the application they would wish for the condition in relation to CCTV to be amended to read as follows:

“A CCTV system with recording or monitoring capability shall be installed to cover all floors of premises used under the terms of the Licence and shall also cover all entrances, exits and external areas immediately around entrances. Recordings shall be kept for 28 days and at all times when the premises are open for business a member of staff shall be present, who is capable of operating the CCTV system and downloading images at the request of any authorised Officer of the Council or a Police Officer”.
- It was confirmed that capacity for the whole building was 600 patrons with a maximum of 276 on the ground floor and 291 on the first floor. If used the balcony could have a maximum of 45.

The following questions were asked of Sian Kalynka:

- Q Of the revised conditions offered today by the Applicants, what do you support?

A We are happy that there are to be SIA staff on the patio. I think that the number of SIA staff increasing when 1 person over 100 is admitted is open to abuse. We are happy that polycarbonates are to be used after 23:00 in the nightclub in line with other venues in the area. We would say that this is a vertical drinking venue as there is not currently a lot of seating available. We were unaware of the intention for the premises to become a food venue and would wish for there to be a clear transition of day time and evening activities as a cutlery knife could become a weapon. An example of another business that operates as a food venue and a nightclub ensure that all cutlery is removed 30 minutes before the venue commences as a nightclub. We are concerned about the Applicant's currently ability to manage the premises, but the position has somewhat been clarified at this hearing.

The following question was then asked of the Applicants:

Q Are you able to prevent access by patrons to other areas in the building that were not in use?

A Yes we are.

The Licensing Officer commented that what had been offered by way of SIA door staff at the hearing today was less than what was offered in the Variation Application.

Philip Kolvin on behalf of the Applicants reported that if it was 23:00 and the nightclub was operating there would be 3 SIA staff and 1 in the smoking area on the patio. The Applicants felt that this was adequate SIA staff coverage for those numbers.

Key points raised by Cllr Chris Caswill who had made a relevant representation and was also speaking on behalf of Mr Robert Burford (who was representing the residents) were:

- We would be more than happy for SN15 to become a food premises in the future and we have sympathy with their current trading issues;
- We need to be aware that the premises does have the potential to be a nightclub with 600 patrons every night of the week and the current intentions for the business could change at any time;
- We are not clear at which stage the decision would be made to trade beyond 00:00 to ensure that the correct number of SIA staff are present;
- We are concerned with the formal warning letter that was issued in March 2016. When the application was received it was inadequate and we feel that the Licence should be reviewed;

- We would say that there should be two separate licences for the business – one for the downstairs lounge bar and one for the 1st floor nightclub. The Applicants are not surrendering the right to stop regulated entertainment on the ground floor and so this could be implemented at any time;
- We agree that 8 SIA staff for 75 patrons is unreasonable and that 3 SIA staff for up to 276 patrons is reasonable. We support Mr Francis suggesting that there be a limit of 40 patrons on the patio after 23:00;
- There appears now to be no SIA staff at the front door of the nightclub

The DPS reported that there would be SIA staff for the nightclub as they do ID and bag searches. 1 member of SIA staff would be on the door from 22:00.

- We feel that you should come back and make an application for two distinct businesses.

The Licensing Officer wished to clarify with the Applicants that two SIA staff would remain on duty outside of the premises for not less than 30 minutes after the premises has closed. This was currently included as a condition of the licence but was not included in the variation application. The Applicants confirmed that this was the intention to include this.

Linda Holland, Licensing Manager on behalf of Wiltshire Council made the following points in summation:

- Paper records/systems are not currently well operated by the management of the premises and this is a weakness and a cause for concern. The premises should be operated robustly without errors and the management staff should carefully consider their management practices and procedures; and
- It is the view of the Licensing Authority that the variation application should not be granted, with the proposed amendments without careful consideration of the matters raised by the authority.

Richard Francis, Environmental Control and Protection made the following point in summation:

- If all of the revised conditions proposed today are accepted by the Sub Committee then I am happy.

Sian Kalynka, on behalf of Wiltshire Police made the following point in summation:

- The Police have concerns about the ability of the management of the premises and their prevention of the crime and disorder objective.

Cllr Chris Caswill on behalf of the residents made the following points in summation:

- We endorse the concerns of the Local Authority and Wiltshire Police;
- We invite the Applicants to produce further proposals to split the business to show that the nightclub will only operate at weekends as currently their intentions are not clear.

Philip Kolvin QC on behalf of the Applicants made the following points in summation:

- We have submitted revised conditions, agreed by the Licensing Authority, Wiltshire Police and Environmental Control and Protection and are happy to adopt a revised CCTV condition as requested by the Police. Fire Safety conditions are unenforceable and that is why that condition is not included anymore;
- The Premises have appointed a good experienced DPS and there was no objection to his appointment;
- There was now a much better Management Plan in place than previously and there were now a set of much clearer conditions to enable compliance;
- There had been no complaints about noise, nuisance or fighting at the premises;
- The ground floor would not be trading as a nightclub, it was carpeted and there was no dance floor;
- If the premises were full there would be 8 SIA staff in attendance. At present if there were only 75 patrons in on a Saturday evening there had to be 8 SIA staff and the business was losing £3,000 a week. There would be 3 SIA staff as a minimum from 23:00 and this would increase by 1 every further 100 patrons;
- At present the business was unsustainable and if no changes were made then then it would be forced to close. We ask the Sub Committee to accept the revised conditions as agreed between the parties and we anticipate coming back for a variation to include the food element in 2017.

The Licensing Officer wished to clarify glasses would only be used in the VIP area on the first floor. This was confirmed by the Applicants.

The Sub Committee then adjourned at 15:25 and retired with the Solicitor and the Democratic Services Officer to make a decision on the licensing application.

The Hearing reconvened at 16:05.

The Sub Committee considered all of the oral 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

Decision:

The Northern Area Licensing Sub Committee has resolved to vary the Premises Licence in respect of SN15, 17a Station Hill, Chippenham as follows:

Variation to Conditions:

The Conditions in Annex 3 of the current premises licence are to be replaced by the following conditions:-

Prevention of Public Nuisance

Noise

Noise generated on the premises shall be kept at such a level at the boundary of any occupied property that it shall not be a nuisance to the occupier of that property

The premises licence holder or the DPS shall carry out observations from time to time in the vicinity of the nearby properties, between 2300 and closing time to establish whether there is a noise breakout from the premises.

The premises licence holder or the DPS shall take all necessary steps to prevent persons in the neighbourhood being unreasonably disturbed by noise made by persons waiting to enter, or leaving, the premises.

The Patio Areas

After 2300 hours on any day, the use of the external amenity area at the rear of the premises comprising the 3 patio areas is to be restricted to a maximum of 40 persons and is only to be used for the purposes of smoking

The licence holder and DPS shall actively manage the patio area to ensure compliance with the above restrictions

One door supervisor shall supervise the patio areas after 2300 hours on any night that the nightclub is operating. This is in addition to the requirements for door supervisors set out below

A scheme for acoustic insulation of the patio areas shall be prepared by a competent person on behalf of the Premises Licence Holder and agreed with the Environmental Health and Protection Team.

Litter Disposal

No rubbish or recyclable material is to be disposed of from the premises between the hours of 0200 and 0700 hours.

Public Safety

Overcrowding/capacity

Overcrowding in such a manner as to endanger the safety of the public shall not be permitted in any part of the premises. The maximum number of persons permitted to use the parts of the premises as detailed below should not exceed the figures stated:-

- **Ground floor (open plan) when used for dancing/standing – 276**
- **Balcony (open plan) standing – 45**
- **First floor dance/bar areas – 291**

Total floor space capacity – 612

Total available exit capacity for normal risk rating and 2.5 minute simultaneous evacuation time – 600 persons

Maximum number permitted at any one time: 600 persons

Arrangements will need to be made to control the number of persons attending the premises and to avoid overcrowding by people migrating from one area to another

Lighting

In all parts of the building to which the public are admitted a means of illumination shall be provided capable of illuminating those parts clearly.

It is the personal responsibility of the premises licence holder to ensure that all conditions are complied with. The premises licence holder shall ensure that at all times when the licence applies there is a person nominated by him/her who will have control of the premises and will ensure that all licence conditions are adhered to.

If the premises are hired out, the premises licence holder shall draw the attention of the hirer to all of the above requirements and make effective arrangements to ensure they are all complied with.

Protection of Children from Harm

Challenge Policy

The premises licence holder shall conduct the premises in an orderly manner and shall not allow performances of an obscene or indecent nature.

A Challenge 25 policy will be implemented. A recognised proof of age, which includes a photograph, is to be required for anyone who appears to be under the age of 25 and who wishes to purchase or consume alcohol.

No under 18s shall be permitted on the premises after 2100 hours except to pre-booked functions/private parties.

Clear procedures are to be in place for the operation of private parties and under 18 events

Prevention of Crime and Disorder

SIA Security Staff

On any night when the premises trades beyond midnight or when the nightclub is trading, SIA registered door supervisors shall be provided from 2200 as follows:

- 2 in total from 2200
- 3 in total from 2300
- 1 further door supervisor to be engaged for each additional 100 customers, or part thereof, beyond 300 persons

These requirements to be in addition to the provision of a SIA registered door supervisor to manage the patio area, after 2300, when the nightclub is operating, as set out above.

When operating as a nightclub, two SIA registered door supervisors to remain on duty outside the venue, for not less than 30 minutes after the last customer has left the venue, to provide a visible presence and deter anti-social behaviour.

Polycarbonates

On any night the nightclub is operating, all drinks must be served in polycarbonate vessels after 2300, except for wine, sparkling wine, cocktails and spirits in the VIP area on the first floor.

Management Plan/ control of customer numbers

The premises licence holder or DPS shall draw up and implement a detailed management plan ('the Plan') which must include details of the chain of command and responsibilities, risk assessments, procedures, policies (including dispersal policy) to enable the premises licence holder or DPS to comply with the four licensing objectives. The premises shall be operated in accordance with the Plan. The Plan is to be made available for inspection upon request by the Police and Licensing Authority and shall be made available to staff.

The premises licence holder the DPS or any person authorised on their behalf shall record and control at the time the number of persons in the premises. The premises licence holder, the DPS or any person authorised on their behalf shall keep records for 12 months. A suitable means of counting persons shall be provided. This may be mechanical, electrical or other accurate method.

CCTV

A CCTV system with recording or monitoring capability shall be installed to cover all floors of premises used under the terms of the Licence and shall also cover all entrances, exits and external areas immediately around entrances. Recordings shall be kept for 28 days and at all times when the premises are open for business a member of staff shall be present, who is capable of operating the CCTV system and downloading images at the request of any authorised Officer of the Council or a Police Officer.

The CCTV system shall be maintained in full functioning order and used at all times the premises are open to the public.

The CCTV system is to be periodically reviewed and updated to standards required by Wiltshire Police Crime Reduction Officer.

Drugs/Excessive Drinking

All reasonable steps shall be taken by staff to ensure that persons entering the premises are not carrying any illegal drugs.

Regular searches by staff in all areas open to the public will be undertaken during trading hours to ensure that drugs or excessive drinking is not taking place on the premises.

Any person found in possession of illegal drugs, is excessively drunk or violent will be asked to leave the premises immediately.

DPS/Personal Licence holder

The DPS or other identified responsible person who holds a personal licence is to be present at the premises during all key trading times

Refusals Log

An accurate and up-to-date incident and refusal log ('the Log') is to be maintained at all times the premises are open to the public. The Log is to include ejections from the premises. All entries will identify the name of the person making the entry.

Training

All bar staff will undertake an alcohol awareness course by a recognised training provider and records of all staff training will be kept on file.

All staff (to include management) to undertake induction and refresher training, to include roles and responsibilities and the current licensing objectives.

Pubwatch

The DPS or nominated person shall attend local pubwatch meetings.

Sound Levels

Any adjustments to the agreed music levels shall be made through a licensing variation and in agreement with the Wiltshire Council Public Protection Officers.

Risk Assessments and Policies

The premises licence holder shall ensure that clear risk assessments and management procedures and practices as required by these conditions are prepared, maintained and made available to the satisfaction of Wiltshire Police and Wiltshire Council licensing authority.

Incident register when door staff on duty

A security incident register ('the Register') will be kept and maintained, with door supervisors signing on and off duty, including their full 16 digit SIA licence number. Any incidents or entry refusals are to be recorded in the Register, with the name of the person making the entry. The duty manager is to sign off to say that he/she has checked the register at the end of each trading day.

Training

The DPS is to undertake, or have undertaken, training as approved by Wiltshire Police.

Reasons

The Applicants stated that their business model for the premises had changed since the licence had been originally granted and since the previous variations. It was their intention now to operate the ground floor of the premises as a bar and only to operate the upstairs nightclub facilities on a more limited basis. As such, they considered that the existing licence conditions were too onerous and excessive. They wished to make three main changes to the existing licence conditions, in order to better reflect their proposed business activities. These involved a reduction in the requirement for door supervisors, a relaxation of the requirements to serve drinks only in polycarbonates and the ability to make greater use of the patio areas to the rear of the premises. In addition there were further minor changes to the existing conditions to bring them into line with current legislation, by remove those conditions that duplicated requirements under other statutory legislation.

The Sub Committee were presented with revised wording for the conditions dealing with the provision of door supervisors, the use of the patio area and the use of polycarbonates, following discussions that had taken place between the Applicant and the Responsible Authorities immediately prior to the start of the hearing.

Having heard representations on those revised wordings from all parties, the Sub Committee accepted that these were, in general, appropriate to address the concerns that had been raised, particularly in relation to the prevention of public nuisance and the prevention of crime and disorder. However, the Sub Committee accepted the views of the Council's Public Protection Team that, given the proximity of the patio areas to neighbouring residences, it would be appropriate to retain the limit of 40 people in those areas after 2300. They also accepted the police's view that it was appropriate to tighten up the CCTV condition, in respect of the retention and retrieval of recordings from the CCTV system.

The Sub Committee felt that the revised proposals for the number of door supervisors were sufficient for the intended use of the premises and that they were less confusing than the originally proposed variation.

Right of Appeal:

All parties have the right to appeal to the Magistrates Court within 21 days of receipt of this decision. Any person has the right to request a Review of the Licence, in accordance with the provisions of section 51 of the Licensing Act 2003.

(Duration of meeting: 1.00 - 4.10 pm)

The Officer who has produced these minutes is Lisa Pullin, Tel 01225 713015 or email lisa.pullin@wiltshire.gov.uk, of Democratic Services, direct line , e-mail

Press enquiries to Communications, direct line (01225) 713114/713115