

## DECISION NOTICE

### Northern Area Licensing Sub Committee

Decision made on 12 April 2013

### In respect of an application for a Provisional Statement made by SN15 Limited for premises at 17A Station Hill, Chippenham

**Decision:**

The Northern Area Licensing Sub-Committee have considered an application by SN15 Ltd for a provisional statement for premises at 17A Station Hill, Chippenham in relation to the following proposed licensable activities:

	Timings	Days
<u>Provision of regulated entertainment</u>		
Films	11:00 to 03:00	Daily
Live music	11:00 to 03:00	Daily
Recorded music	11:00 to 03:00	Daily
Performance of dance	11:00 to 03:00	Daily
Anything of a similar description	11:00 to 03:00	Daily
Sale by retail of alcohol on sales only	11:00 to 02:30	Daily
Hours Premises Open to the Public	11:00 to 03:00	Daily

The Sub-committee having taken note of the management proposals by SN15 Limited has issued the following provisional statement:

The applicants are required to produce a proper schedule of works to bring the property into a satisfactory condition, which is fit for purpose, implementing all of the recommendations in the acoustic report by Ian Sharland Limited dated 10<sup>th</sup> November

2012 and the Fire Precautions Survey Report by Roger Tombs dated 7<sup>th</sup> November 2012 to the satisfaction of the Licensing Authority. On completion of the works and the installation of any PA system a commissioning exercise is to be undertaken to establish sound levels to the satisfaction of the licensing authority.

If the premises were altered in the way proposed in the schedule of works as described above and if a premises licence were sought for those premises in the terms set out in this attached application, then the Authority would consider it appropriate for the promotion of licensing objectives to modify the application and attach further conditions as follows:

The closing time of the premises on Sunday to Wednesday nights to be 02.00 hours the following morning with the terminal hours of licensable activities to be adjusted accordingly in particular supply of alcohol to cease at 01.30 hours on those days.

The external amenity area, as described in the acoustic report, is only to be used for smoking after 23.00 hours and is to be restricted to a maximum of 40 persons. The smoking area shall be restricted to the upper patio area. This area is to be appropriately managed by the applicant to ensure compliance

No rubbish or recyclable material is to be disposed of from the premises between the hours of 02.00 and 07.00

The Authority would also impose conditions consistent with those set out in the management plan and the operating schedule, as submitted with the application, and those previously applied to the premises licence for 17A Station Hill, held by Constantine Leisure Limited as at the time of its revocation in October 2011, as attached.

**Reasons:**

The Sub-Committee consider the proposed modifications and conditions would meet the licensing objectives in particular the prevention of public nuisance and the prevention of crime and disorder.

**Evidence:**

In reaching its decision the Sub Committee has considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 31); the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

The Sub Committee have also considered the written evidence presented in the agenda, together with the oral evidence given at the hearing on behalf of the applicant, the responsible authorities and other persons who had made representations.

The applicant had explained that it was his intention to create an atmosphere in the club where patrons would have respect for the premises. They would not have any cheap drinks promotions and would seek to educate patrons that unsociable behaviour was

not acceptable. They were aware of the issues that had led to the previous premises licence being revoked and would work hard with the relevant authorities to ensure that similar problems did not recur.

The representatives of the licensing and public protection authorities explained that their main concerns were that the works set out in the acoustic and fire prevention reports were implemented in full, to reduce the impact of noise from the premises and that, in particular, the use of the outside area be restricted.

The police's representative referred to the problems that had existed when the premises had previously operated as a nightclub and drew attention to the reduction in the number of recorded incidents in the area, since the previous nightclub had closed. They noted that the type of operation being proposed was similar to that which had led to problems of nuisance and crime and disorder in the past.

Cllr Caswill and the other persons who gave evidence, also referred to the problems that they and their neighbours had experienced in the past from the premises and stated that they did not consider this to be an appropriate location for a nightclub.

Having taken into account all of the representations, the Sub-committee felt that there were not sufficient grounds to state that a premises licence application would be refused. They were concerned at the inadequacies in the schedule of works, but considered that, if a proper schedule of works were implemented, then the concerns about noise from the premises would be addressed. They also felt that it would be appropriate to impose similar conditions to those that had been previously applied to the premises, to address the other concerns that had been raised, in particular those about nuisance caused by persons leaving the premises.

### **Right to Appeal**

All parties have the right to appeal to the Magistrates Court against the terms of this statement. Any such appeal must be made within 21 days of receipt of this statement .

**Conditions previously applied to licensed premises at 17A Station Hill, Chippenham, Wiltshire**

**ANNEX 1 - MANDATORY CONDITIONS**

**Door Supervision**

Individuals who are present to guard against a, b or c must be licensed by the Security Industry Authority:

- a. Unauthorised access or occupation (eg through door supervision)
- b. Outbreaks of disorder
- c. Damage

**Supply of Alcohol**

Where this Licence authorises the supply of alcohol:

No supply of alcohol may be made under this licence:

- a. At a time when there is no Designated Premises Supervisor in respect of it
- b. At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended\*

Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a Personal Licence.

**Exhibition of Films**

Where this Licence authorises the exhibition of films:

The admission of children under the age of 18 to film exhibitions permitted under the terms of this licence shall be restricted in accordance with any recommendations made:

- a. By the British Board of Film Classification (BBFC,) where the film has been classified by that Board
- b. By the Licensing Authority where no classification certificate has been granted by the BBFC or, where the Licensing Authority has notified the licence holder that section 20 (3) (b) (74 (3) (b) for clubs) of the Licensing Act 2003 applies to the film.

**Irresponsible Promotions**

- 3. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, public safety, public nuisance, or harm to children:
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
  - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on:
    - (i) the outcome of a race, competition or other event or process, or
    - (ii) the likelihood of anything occurring or not occurring;
  - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

#### **Dispensing Alcohol Directly into the Mouth**

4. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

#### **Free Tap Water**

5. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

#### **Age Verification Policy**

6. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.  
(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

#### **Drink Volume Measures**

7. The responsible person shall ensure that:
  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml; and
  - (b) customers are made aware of the availability of these measures

#### **ANNEX 2A - CONVERTED CONDITIONS**

- Where the number of children attending the entertainment exceeds 100 the licensee shall ensure that the provisions of Section 12 of the Children and Young Persons Act 1933 are complied with.

#### **PREVENTION OF PUBLIC NUISANCE**

- Avoiding Noise Nuisance to Neighbours
  - (a) ***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 Designated Premises Supervisor shall carry out observations from time to time in the vicinity of the nearby properties, between 23.00 hrs to closing time, to establish whether there is a noise break out from the premises.***
  - (b) The Licensee shall take all necessary steps to prevent persons in the neighbourhood being unreasonably disturbed by noise made by persons waiting to enter and when leaving the premises.

#### **PUBLIC SAFETY**

- Supplies of Free Drinking Water

When dancing takes place after 2300 hours in any premises, the Licensee shall ensure that there is an adequately signed free potable water supply within at least one area of the premises, excluding the kitchen, and that free drinking vessels are available when necessary.

- Maximum Numbers

- (a) ***Overcrowding in such a manner as to endanger the safety of the public (even, if in the circumstances, this is less than the maximum permitted number) shall not be permitted in any part of the premises. The maximum number of persons permitted on the premises as stated in the licence is not to be exceeded at any time.***
- (b) The Licensee or authorised representative shall record and control at the time, the numbers of the persons on the premises. The Licensee shall keep these records for 12 months. A suitable means of counting persons shall be provided, which must be acceptable to the licensing authority.

- Safety Provisions

- (a) **Number of Exits**

***The premises shall be provided with an adequate number of exits to the satisfaction of the Licensing Authority so placed and maintained as to afford the public ready and ample means of safe egress.***

(b) **Exit Signs**

*All such doors or openings approved by the Licensing Authority shall be clearly indicated.*

(c) **Doorways**

All doors leading from exits into passageways or to the outside of the premises shall be kept clear of obstruction at all times. When required by the Licensing Authority, doors shall be kept fastened in the open position by means of a padlock or other device. All chains and padlocks used to secure doors must be removed and hung on a "Chain Board" provided before the public are allowed on the premises.

(d) **Fire Precautions**

*The fire fighting equipment and the means of escape in case of fire as detailed in Annex 4 shall be provided and maintained at all times.*

(e) **Doors to Allow Escape**

*All doors used for the purposes of exit must, if fastened during the time the public are in the building, be secured during such time only by panic bolts and latches complying with BS 5725 Part 1, or such fastenings as approved by the Licensing Authority. Doors fitted with panic bolts shall have an appropriate PUSH BAR TO OPEN SIGN. Doors shall open in the direction of escape, except where approved by the Fire Officer.*

(f) **Treads, Steps and Gangways**

*The edges including nosing of treads or steps and gangways on stairways shall be made conspicuous by means of a light coloured or reflective material. Where metal or other fixed nosing are fitted to steps or treads, these shall be maintained in good condition and free from any protrusions.*

(g) **Floor Coverings**

*Matting and other floor coverings shall be secured in such a manner as to prevent them creasing and be maintained in a safe condition. Mats shall be inset as to be flush with the floor, or provided with splayed fillets and secured in position.*

(h) **Provision for Disabled Persons**

*The premises shall be provided with suitable access facilities and means of escape for disabled persons wherever practically possible at the discretion of the Licensing Authority. This discretion does not absolve the Licensee from complying with the provisions of the Disabled Disabilities Act 1985.*

(i) **Fire Safety Signs**

*The premises shall be provided with such safety signs complying with current legislation, as required by the Fire Authority.*

(j) **Control of Waste**

No rubbish or waste paper shall be stored or allowed to accumulate in any part of the building or in the immediate vicinity, unless a suitable container is provided and positioned so as not to cause a safety hazard.

• **Safety/Emergency Lighting**

- (a) *All premises regularly open to the public shall be fitted with safety lighting to a minimum of one hour duration: In the event of failure of the main lighting system the public should be instructed to leave the premises **immediately** if the safety lighting is only of one hour duration. If the safety lighting is of a type which operates for a longer period then the entertainment may continue until there is one hour remaining of the safety lighting at which point the entertainment shall be stopped and the public instructed to leave.*
- (b) *The premises shall be fitted with illuminated exit signs which shall be either of the maintained or non-maintained type.*
- (c) *The safety/emergency lighting shall be properly maintained in effective working order. Maintained or sustained lighting is to be illuminated whenever the premises are in use.*
- (d) The licensee shall have in place a suitable system for dealing with contingencies or emergencies.

• **Log Book**

A log book shall be provided in which to record details of all tests, i.e. fire-fighting equipment, safety/emergency lighting, fire drills, etc and other details as required by the Licensing Authority and kept available for inspection at all times. The logbook shall **not** be in loose-leaf and shall have numbered pages. The person carrying out the test must record his/her details in the logbook.

• **Fire Alarms**

The fire alarm (where provided) shall be properly maintained in effective working order. Weekly tests, using different call points for each test, shall be carried out. The results of such tests shall be recorded in the logbook. The person carrying out the test shall record his/her details in the logbook.

- **Attendants/Stewards/Performances**

(a) *At all times when a function is in progress, there shall be an adequate number of attendants on duty to assist persons entering or leaving premises. The number of attendants shall be: -*

(i) *Not less than 1 for every 250 or part of 250 persons present in the premises, or one steward per exit whichever is the highest number.*

*If the number of persons present on any floor or tier does not exceed 100, there shall be at least 1 attendant on duty on that floor or tier.*

(ii) *Where the number of persons present on any floor or tier exceeds 100, there shall be at least 2 attendants on that floor or tier.*

(b) **Fire Procedure**

*The licensee shall ensure that the person in charge, official attendants and himself are aware of the method of operating the fire extinguishers and the action to be taken in the event of a fire including evacuation of the premises, the method of calling the Fire Brigade and the location of the nearest available telephone.*

(d) **Special Lighting Effects**

*If special effects such as lasers, pyrotechnics, smoke machines, foam machines, strobe lighting effects and fog generators are being used at the premises, then*

(i) *The relevant current guidelines/legislation appertaining to the special effect shall be complied with.*

(ii) *Warning notices shall be displayed prominently at entrances and in the premises.*

(iii) *The volume of smoke and/or fog shall be limited so that it does not seriously affect the means of escape or obscure escape route signs.*

(e) **Smoke Machines and Fog Generators**

Smoke machines and fog generators shall be sited and controlled so that they do not obstruct exit routes or cause a hazard to surrounding curtains or fabrics.

The volume of smoke and/or fog shall be limited so that it does not seriously affect the means of escape or obscure escape route signs.

Warning notices shall be displayed stating that fog or smoke is used as part of the effects on the premises.

- **Management**

(a) *It is the personal responsibility of the Licensee to ensure that all conditions are complied with. The Licensee 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.*

(b) *If the premises are hired out, the Licensee shall draw to the attention of the hirer, all of the above items and make effective arrangements to ensure that that are complied with.*

- *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.*

- *Adequate exits shall be provided from the both the stage and dressing room.*

**PROTECTION OF CHILDREN FROM HARM**

- **Obscene or Indecent Performances**

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

**PREVENTION OF CRIME AND DISORDER**

- Where this Premises Licence permits the supply of alcohol between 23.00 hours to 06.00 hours all one pint/half pint glasses in the premises shall be made of toughened material.

- A CCTV system with recording or monitoring capability shall be installed to cover all floors of the premises used under the terms of the Licence and shall also cover all entrances, exits and external areas immediately around entrances. Tapes shall be kept for 28 days and be made readily available to any authorised Officer of the Council or Police Officer on duty.

- The CCTV system shall be maintained in full functioning order and used at all times when the premises are open.
- The Licensee or authorised representative shall record and control at the time the numbers of persons in the premises. The Licensees shall keep these records for 12 months. A suitable means of counting persons shall be provided. This may be mechanical, electrical or other approved method.

**MAXIMUM NUMBER OF PERSONS PERMITTED IS:**

Ground Floor	- 335 persons
Mezzanine Balcony	- 65 persons
First Floor	- 350 persons

**ANNEX 2B - OPERATING SCHEDULE**

**PREVENTION PUBLIC NUISANCE**

None.

**PUBLIC SAFETY**

None.

**PROTECTION OF CHILDREN FROM HARM**

- A recognised proof of age, which includes a photograph, is to be required for anyone who appears to be under the age of 18 and who wishes to purchase or consume alcohol.
- There shall be no admittance to persons under 18 except planned 'student nights' or private parties.

**PREVENTION OF CRIME AND DISORDER**

- At least one steward will be placed at the main entrance during trading hours and will remain there until the premises have ceased trading and the last guest has left the premises.
- All reasonable steps will be taken by staff to ensure that persons entering the premises are not carrying any illegal drug.
- Regular searches by staff of all areas of the premises will be undertaken during trading hours to ensure that drug use 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.

All conditions should be fully implemented

- All security staff to wear clothing that clearly identifies them at all times (including outerwear).
- Door supervisors are 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 and/or criminal behaviour.
- The Designated Premises Supervisor or another identified responsible person who holds a valid Personal Licence is to be present at the venue during all key trading times.
- The Designated Premises Supervisor is to undertake or to have undertaken training as approved by Wiltshire Police.
- The Premises Licence holder is to develop, maintain and implement a detailed Management Plan which must include the chain of command and responsibilities, risk assessments, policies, procedures to enable the Premises Licence holder to comply with the four licensing objectives. Such plan to be available for inspection upon request by the Police and Licensing Authority and to be accessible to staff.
- All bar staff to be trained in the responsible sale of alcohol by a recognised training provider.
- All staff (to include Management) to undertake induction/fresher training to include roles and responsibilities and the current Licensing Objectives.
- Clear procedures are to be in place for the operation of private parties and under 18 events.
- An accurate and up to date incident log is to be maintained at all times.
- 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.
- The CCTV is to be reviewed and if necessary upgraded to standards required by Wiltshire Police Crime Reduction Officer.

- A record is to be kept of noise monitoring activity to include date, time and location.

**ANNEX 4 - PLANS**

See Attached.