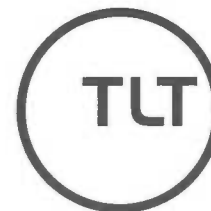


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Our ref 303L/PW03/95354/8
Your ref



Wiltshire Council (Chippenham)
Monkton Park
CHIPPENHAM
SN15 1ER
For the attention of: Licensing Team (North)

By email: Roy.Bahadoor@wiltshire.gov.uk

Direct tel	+44 (0)333 006 0692	Date	14 September 2016
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Dear Sirs

**Licensing Act 2003: Application to Vary
SN15 17 Station Hill Chippenham SN15 1EQ ('the premises')**

Further to the application to vary the conditions on the premises licence at the premises, please find enclosed the following documentation:

- 1 Summary of application and history of premises document
- 2 Proposed Operating Schedule (as amended by the application)
- 3 SN15/ Tantra management plan

Please can you ensure that copies are made available to the Licensing Sub-Committee prior to the hearing. I can confirm that a copy of this letter and enclosures will be sent to all parties that have made representations.

Kindly acknowledge receipt of this letter and enclosures.

Yours sincerely

**Piers Warne
Associate
for TLT LLP**

History of SN15 and summary of Application

History

The Old Palace Theatre has, since it was built, been used in a variety of guises, from theatre to cinema, to roller rink, snooker hall and nightclub.

SN15: Original application

The current operators applied for a new premises licence in 2014 (by way of a provisional statement and further licence application) that following a hearing was granted on 26 November 2014.

The licence was granted with conditions imposed that meant in reality the operation of the premises was restricted to being a nightclub only. For instance, the licence imposed a requirement that 10 door supervisors were required at all times the premises were to be open to the public.

Variation application 2015/16

A variation application was made at the end of 2015 seeking to amend the conditions on the licence relating to use of polycarbonates and provision of door supervisors. This was partially granted following a hearing on the 19 January 2016.

This application was granted to permit a more flexible approach to the provision of door supervision and permit a limited use of glass in certain areas and for certain drinks. These conditions can be seen on the current premises licence. However, the variation was granted with a view to the premises continuing to operate solely as a nightclub.

Proposed changes to style of operation

This application has been submitted in order to permit the premises to operate in a more flexible fashion. Subject to the granting of the application, the premises licence holders intend to use the premises as a 'hybrid' mixture of bar serving food and drink throughout the day, event space and nightclub.

Daytime Trade

It is proposed to open the premises during the day to customers for a food and drink bar offer. The food offer will be based on modern American and British style bar foods, including pulled pork, fish and chips, pies, ribs etc. In order to attract customers the operators consider that it is essential to have the following:

- Premium products and glassware to match
- Use of the outside space throughout trading
- The same competitive conditions as other bars in Chippenham in terms of provision of door supervisors and other conditions on the licence

Hybrid bar/ cocktail bar

The premises has, on the first floor, a bar area that trades as a VIP area for the nightclub. It is separate from the dance floor and therefore can trade as an independent space. The operators want to have the flexibility to trade this space for events and functions, as well as, if required, an overflow for the bar. In order to be able to use the space in this manner the operators require the following:

- Flexibility to use the space independently of use of the bar downstairs or the dance floor area

- Flexibility to risk assess the need for door staff based on the nature of any event or use of the space and the times at which they occur
- Use of the outside patio area for customers to take drinks and smoke (again risk assessed to ensure promotion of the licensing objectives)

Nightclub

The operators recognise that when the premises intends to trade as a nightclub, there is a need to ensure that there is adequate door supervision and management of customers. However, the conditions in the current format have proven to be inflexible in relation to both customer numbers at the premises and management of them. They have also proven to have a competitive disadvantage in comparison with other premises in Chippenham that are permitted to trade late at night. The proposed changes to the conditions balance these competing interests and have, at their core, the promotion of the licensing objectives.

Management documents

Appended to this document is a suite of management documents. These documents have been produced by the management of the premises to ensure the proper running of the premises and the promotion of the licensing objectives.

Of particular interest to this application are the following documents:

- Management Plan (pages 1-7)
- Front door/ Reception/ Security Policy (pages 8-10)
- Security Staffing Levels document (pages 11-13)
- SN15 Patio/ Garden Policy (pages 14 & 15)
- SN15 Dispersal Policy (pages 17 & 18)
- SN15 Polycarb Policy (pages 19 & 20)

The reason for a separate management plan and policies is to ensure changes to the policies can be made to ensure best practice or following discussions with the police, licensing or environmental protection officers, or following complaints can be quickly made. These changes can then be easily disseminated to relevant staff members and door security to ensure best practice is maintained.

Representations

Representations have been received from responsible authorities, 2 councillors and one other person. The main concerns appear to be with the operators demonstrating that the changes would not undermine the licensing objectives.

There is no history of ongoing complaints with the representations.

Representations have been made by local councillors and a local resident. In particular, their concerns relate to ensuring that the relative peace and quiet they currently enjoy is not disturbed.

The management documentation attached demonstrates the management's commitment to the promotion of the licensing objectives and in particular in relation to the proposed changes to the licence.

Proposed amendment to the door supervisor condition

The council licensing officer raised concerns about the wording of the proposed amended door supervisor condition, seeking clarity of meaning. Following dialogue, we have proposed an

alternate wording in order to deal with the points of clarification raised. The proposed wording can be found in the proposed amended operating schedule with this document. For clarity, however the amended wording is as follows:

Provision of door staff

The premises shall employ door staff in the following manner:

A. Door staff to be engaged whenever the premises (or any part thereof) trades (conducts licensable activities) beyond 12 Midnight.

Such engagement to be on the following basis:

- 2 door staff to be engaged from 22:00 hrs for the first 100 customers whenever the premises intending to trade after 12 Midnight; and thereafter
- An additional door person to be engaged for up to each additional 100 customers (or part of) thereafter.

B. Door staff to be engaged whenever the premises trades (conducts licensable activities or consumption of alcohol) the first floor of the premises (for times not covered by A. above)

Such engagement to be on the following basis:

- 2 door staff to be engaged whenever this part of the premises trades (conducts licensable activities/ is used for consumption of alcohol) from 22:00 hrs for the first 100 customers; and thereafter
- An additional door person to be engaged for each additional 100 customers (or part of) thereafter.

C. Door staff to be engaged whenever the premises trades (conducts licensable activities or consumption of alcohol) in the mezzanine (balcony overlooking the ground floor) (for times not covered by A. above)

Such engagement to be on the following basis:

- 1 door staff to be engaged whenever this part of the premises trades (conducts licensable activities/ is used for consumption of alcohol).

Other conditions to be amended (as set out in the variation application)

We have included the conditions to be amended as part of the application below for ease of reference

The Patio

The area will be appropriately managed by the premises licence holder or the DPS.

Polycarbonates

The requirement for polycarbonates will be determined by a risk assessment.

Conditions to be removed

We have sought the removal of the following conditions that relate to fire safety and therefore are more properly addressed in the Fire Safety Risk Assessment:

Log Book

A log book shall be provided in which to record details of all tests, ie 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 must record his/her details in the logbook.

Fire Procedure

The Premises licence holder 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.

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:

1. the relevant current guidelines/ legislation appertaining to the special effect shall be complied with.
2. Warning notices shall be displayed prominently at entrances and in the premises

Smoke machine 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 surround curtains or fabrics

The volume of smoke and/ or fog shall be limited so that it does not seriously affect their 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

Amended operating schedule, should the committee be minded to grant the application

Below is a complete copy of the operating schedule as it would look if the committee were minded to grant the application as sought, but with the re-worded version of the door supervisor condition as set out in the summary document above.

Prevention of Public Nuisance

Noise

Noise generated on the premises shall be kept as 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 23:00hrs to 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 and when leaving the premises

The Patio

The area will be appropriately managed by the premises licence holder or the DPS.

Litter disposal

No rubbish or recyclable material is to be disposed of from the premises between the hours of 02:00 and 07:00 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 on the premises as stated on the licence is not to be exceeded at any time.

The maximum number of persons that should be permitted to use the parts of the premises detailed below should not exceed the figures stated:

Parts of the premises:

- Ground floor (open plan) When used for dancing/ standing: 276
- Balcony (open plan) standing: 45
- 1st 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 people attending the premises and to avoid overcrowding of any area caused 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.

Management

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

Is the premises are hired out, the Premises Licence Holder shall draw attention of the hirer to all of the above items and make affective arrangements to ensure that they are all complied with.

Protection of Children from Harm

Challenge Policy/Children

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 18's shall be permitted on the premises after 21:00 hrs, except to pre-booked functions/ private parties.

There shall be no admittance to persons under 18, except to pre-planned 'student nights' or pre-booked private parties.

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

Prevention of crime and disorder

Provision of door staff

The premises shall employ door staff in the following manner:

A. Door staff to be engaged whenever the premises (or any part thereof) trades (conducts licensable activities) beyond 12 Midnight.

Such engagement to be on the following basis:

- 2 door staff to be engaged from 22:00 hrs for the first 100 customers whenever the premises intending to trade after 12 Midnight; and thereafter
- An additional door person to be engaged for up to each additional 100 customers (or part of) thereafter.

B. Door staff to be engaged whenever the premises trades (conducts licensable activities or consumption of alcohol) the first floor of the premises (for times not covered by A. above)

Such engagement to be on the following basis:

- 2 door staff to be engaged whenever this part of the premises trades (conducts licensable activities/ is used for consumption of alcohol) from 22:00 hrs for the first 100 customers; and thereafter
- An additional door person to be engaged for each additional 100 customers (or part of) thereafter.

C. Door staff to be engaged whenever the premises trades (conducts licensable activities or consumption of alcohol) in the mezzanine (balcony overlooking the ground floor) (for times not covered by A. above)

Such engagement to be on the following basis:

1 door staff to be engaged whenever this part of the premises trades (conducts licensable activities/ is used for consumption of alcohol).

Management plans/ 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 numbers 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 and maintained to cover all floors of the premises used under the terms of the licence and shall cover all entrances, exits and external areas immediately around entrances. Recordings shall be kept for 28 days and be made readily available to any authorised Officer of the Council or 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 will be taken by staff to ensure that persons entering the premises are not carrying any illegal drugs

Regular searches by staff of 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

An 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 time 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. Refresher training to include roles and responsibilities and the current licensing objectives.

Pubwatch

The DPS or nominated person shall attend local pub watch meetings

Sound levels

Any adjustments to the agreed music levels shall be made through a licensing variation and agreement with the Wiltshire 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 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

Security register

A security incident register ('The Register') will be kept and maintained, with door staff 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 has checked the register at the end of each trading day.

Polycarbonates

The requirement for polycarbonates will be determined by a risk assessment.