

AGENDA

Meeting: Northern Area Licensing Sub Committee
Place: Tippett Room, Springfield Community Campus, Beechfield Road,
Corsham, Wilts, SN13 9DN
Date: Wednesday 16 December 2015
Time: 11.30 am
Matter: Application for a Temporary Event Notice - SN15, Station Hill,
Chippenham

Please direct any enquiries on this Agenda to Roger Bishton, tel (01225) 713035 or email roger.bishton@wiltshire.gov.uk of Democratic Services, County Hall, Bythesea Road, Trowbridge, BA14 8JN.

Press enquiries to Communications on direct lines (01225)713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

Cllr Desna Allen
Cllr Simon Jacobs

Cllr George Jeans

Reserve Member

Cllr Trevor Carbin

RECORDING AND BROADCASTING NOTIFICATION

Wiltshire Council may record this meeting for live and/or subsequent broadcast on the Council's website at <http://www.wiltshire.public-i.tv>. At the start of the meeting, the Chairman will confirm if all or part of the meeting is being recorded. The images and sound recordings may also be used for training purposes within the Council.

By entering the meeting room you are consenting to being recorded and to the use of those images and recordings for broadcasting and/or training purposes.

The meeting may also be recorded by the press or members of the public.

Any person or organisation choosing to film, record or broadcast any meeting of the Council, its Cabinet or committees is responsible for any claims or other liability resulting from them so doing and by choosing to film, record or broadcast proceedings they accept that they are required to indemnify the Council, its members and officers in relation to any such claims or liabilities.

Details of the Council's Guidance on the Recording and Webcasting of Meetings is available on the Council's website along with this agenda and available on request.

If you have any queries please contact Democratic Services using the contact details above.

AGENDA

1 **Election of Chairman**

To elect a Chairman for the meeting of the Sub Committee.

2 **Apologies for Absence/Substitutions**

To receive any apologies for absence and to note any substitutions.

3 **Procedure for the Meeting** (*Pages 5 - 12*)

The Chairman will explain the attached procedure for the members of the public present.

4 **Chairman's Announcements**

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

5 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

6 **Licensing Application**

To consider and determine the Objection Notice received from Wiltshire Police for two Temporary Events Notices in respect of 17a Station Hill, Chippenham, Wiltshire, SN15 1EQ. The report of the Public Protection Officer (Licensing) is attached.

6a **Appendix 1 - Application for Two Temporary Events** (*Pages 13 - 16*)

6b **Appendix 2 - Representations from the Police** (*Pages 17 - 18*)

6c **Appendix 3 - Current Premises Licence** (*Pages 19 - 32*)

This page is intentionally left blank

LICENSING COMMITTEE

PROCEDURAL RULES FOR THE HEARING OF LICENSING ACT 2003 APPLICATIONS (Objection Notices to a Temporary Event Notice – TEN)

1 Purpose

- 1.1 These rules have been prepared to facilitate proper consideration for Part 5 of the Licensing Act 2003 for the temporary carrying on of licensable activities which are not authorised by a premises licence or a club premises certificate.
- 1.2 The rules set out a framework for how applications are to be heard and explain the role of the participants at the Hearing.

2 Definitions

- 2.1 The following definitions describe the participants at and the subject matter of a Hearing:

“**Application**” means an application for a Temporary Event Notice (TEN) .

“**Chairperson**” means the Member who is the Chairperson of the Committee for the particular Hearing.

“**Committee**” means the Council’s Licensing Committee and includes any Sub Committee of the Licensing Committee.

“**Committee Lawyer**” means the Council’s Lawyer (including an external Lawyer instructed by the Council’s Legal & Democratic Services Manager) who is present at a Hearing to advise the Chairperson and the Members.

“**Committee Manager**” means the Council’s Officer who is present at a Hearing to take minutes.

“**Committee Report**” means the Licensing Officer’s written report to the Committee concerning an Application, a copy of which has been previously made available to the Premises User or their Representative, the Police representatives and the Environmental Health representative.

“**EHA**” means the local authority exercising environmental health functions (in this case Wiltshire Council Environmental Health Department) who may intervene to object to a Temporary Event Notice

“**Hearing**” means a meeting of the Committee at which an Application is considered.

“Licensing Officer” means the Council’s Licensing Officer(s) who is/are present at a Hearing to present reports in respect of an Application and to give technical advice in respect of an Application to the Committee when requested.

“Licensing Authority” the Council in whose geographical area the subject matter of the Application relates to, and includes the Council’s Licensing Committee, any Sub Committee of the Licensing Committee and a Licensing Officer.

“Member” means a Member who is a Member of the Committee that is considering an Application.

“Police Representative” means a person who is present at a Hearing to make representations on behalf of the Police.

“Premises” means the premises subject to the Application.

“Premises User” means the person who has submitted the application for consideration by the Committee.

“Premises User’s Representative” means a person attending a Hearing to assist or represent a Premises User including a lawyer

3 Key Principles

- 3.1 The principles of ‘natural justice’, and Article 6 ‘Right to a Fair Trial’, which is one of the Convention Rights in the Human Rights Act 1998, require that there is a fair Hearing of Applications.
- 3.2 Natural justice is an umbrella term for the legal standards of basic fairness. This will include that:
 - 3.2.1 the Premises User has an opportunity to make representations before a decision is made;
 - 3.2.2 those making representations have an opportunity to voice their representations before a decision is made;
 - 3.2.3 the Premises User has an adequate opportunity to consider and respond to any submissions made by Police representatives/EHA representatives;
 - 3.2.4 the Committee does not exclude a Premises User from a Hearing in order to consider submissions from Police representatives/EHA representatives .
- 3.3 It is also fundamental that there is an orderly presentation of submissions at a Hearing so that the relevant issues are properly understood, evidence

is tested and that oral statements made at the Hearing are accurately recorded.

- 3.4 Ultimately the Chairperson determines the application of these rules, having regard to any submissions being made by those present and in particular the Committee Lawyer.

4 The Hearing

- 4.1 The Hearing shall take place in public.

4.1.1 The Committee may exclude the public from all or part of the Hearing where it considers it to be in the public interest to do so and, in accordance with the Local Government (Access to Information) Act 1985, as amended. Public includes a party and any person assisting or representing a party.

4.1.2 The Committee may require any person attending the Hearing who, in its opinion, is behaving in a disruptive manner, to leave the Hearing and may:

- A refuse to permit them to return;
- B permit them to return only on such conditions as the Committee may specify;
- C in the event that a person is required to leave a Hearing that person may, before the end of the Hearing, submit to the Committee in writing any information which they would have given orally.

4.2 Prior to the Hearing commencing, the Chairperson shall advise the parties of the procedure it proposes to follow at the Hearing.

4.3 Where a party has previously requested permission for a person(s), other than their representative, to appear at the Hearing then the Committee shall consider whether to permit that request.

4.4 The Committee will allow the parties an equal maximum period of time in which to exercise their rights.

4.5 This equal maximum time may have been notified in advance of the Hearing;

4.6 Where there are a number of people who have attended the Hearing to make the same representation then the Committee would normally require that a spokesperson be appointed by them to make the representations on behalf of all of those who have made Relevant Representations.

5 Presentation of Submissions

- 5.1 The Chairperson will introduce the Application.

- 5.2 In the event that the Licensing Authority has given notice to a party requiring clarification on a point(s) then that party shall respond to the points raised by the Licensing Authority.
- 5.3 Submissions shall be made in the following order unless the Chairperson directs otherwise:
- 5.3.1 The Licensing Officer will orally present the Committee Report and will in particular advise the Committee as to:
- A the options available to it;
 - B the considerations that are relevant in reaching its decision.
- 5.3.2 The Police representatives will orally present its submission which may include:
- A presenting their case in accordance with the papers, which will have been circulated with Agenda papers;
 - B confirming key information and answer pertinent questions; and
 - C calling witnesses in support of the Application (see paragraph 4.3).
- 5.3.3 The Environmental Health representatives will orally present its submission which may include:
- A presenting their case in accordance with the papers, which will have been circulated with the Agenda papers; and
 - B confirming key information and answer pertinent questions.
- 5.3.4 The Premises User and/or their representative will orally present their representations which shall include;
- A The response to the representations made by the Police representatives and the Environmental Health representatives ; and
 - B Whether they would be happy to accept any modifications to the application as suggested by the Police or Environmental Health representatives.

6 Questioning of Submissions

- 6.1 The Chairperson will regulate the order in which questions are asked by Members.
- 6.2 The Chairperson and Members, voiced through the Chairperson, may question any party following the completion of their submission.
- 6.3 The Chairperson will normally permit the Premises User or the Police or Environmental Health representatives to ask questions through them of the other parties.

- 6.4 The Chairperson may direct that questions which are not relevant to the Application or one of the four Licensing Objectives are not formally put or answered.

7 Documentation

- 7.1 No party shall present new documentation to the Committee at the Hearing other than with the consent of all of the other parties. This does not preclude the Licensing Officer from correcting errors, providing updated information or an extract from a local map showing Premises in the context of the surrounding premises. If any party is granted permission to present supplementary papers at the Hearing they shall provide at least 5 copies at the start of their submission.

8 Intervention

The Chairperson shall permit the following interventions at any point in the Hearing:

- 8.1 The Committee Lawyer to advise the Committee on issues of law, procedure and relevant considerations on decision making. If necessary, the Chairperson may require the Committee, the Committee Lawyer and the Committee Manager to leave the Hearing so that advice can be given.
- 8.2 The Committee Manager to advise the Committee on procedure generally, or to request that statements made are repeated for reasons of clarity and so that they can be properly recorded.
- 8.3 The Licensing Officer to seek to clarify statements that have been made in light of information held on their file.

9 Failure of Parties to Attend Hearing

- 9.1 If a party has informed the Licensing Authority that it does not intend to attend or be represented at a Hearing, the Hearing may proceed in its absence.
- 9.2 If a party has not indicated that it does not intend to attend or be represented at a Hearing and fails to attend or be represented at the Hearing then the Licensing Authority may:
- 9.2.1 where it considers it be necessary in the public interest, adjourn the Hearing to a specified date; or
- 9.2.2 hold the Hearing in the party's absence.
- 9.3 Where the Licensing Authority holds a Hearing in the absence of a party, it shall consider at the Hearing the application, representations or notice made by that party.

10 Closing Submissions

10.1 The Chairperson shall allow first, the Police/Environmental Health representatives to make a closing oral submission(s) and secondly invite the Premises User or their representative to make an oral closing submission in support of the Application.

11 Decision

11.1 The Committee, the Committee Lawyer and the Committee Manager, shall retire so that the decision may be considered in private, and to consider any legal issues raised by the Members.

11.2 If the Sub Committee resolves to issue a Counter Notice to the Temporary Events Notice (i.e. if the application for a TENs is refused) this will be issued to the Premises User following the hearing.

Hearing Procedure Summary for Temporary Event Notices (TENs)

This is a summary of the procedures to be followed at hearings of the Licensing Sub Committee in respect of Objection Notices to Temporary Event Notices.

1. The Democratic Services Officer will request nominations for a Chairman for the Hearing.
2. The Chairperson will welcome all those present and introduce the Application.
3. The Chairperson invites the Councillors/Officers/Police representatives/Environmental Health representatives/Premises User to introduce themselves.
4. The Chairperson outlines the Hearing Procedure.
5. The Licensing Officer presents the Committee Report.
6. The Police representatives will be invited to fully outline their objection to the TENs addressing the licensing objectives. Witnesses may be called.
7. Questions to the Police representatives by the Sub Committee Members/Environmental Health representative/Premises User to be directed through the Chairperson.
8. The Environmental Health representative will be invited to fully outline their objection to the TENs addressing the licensing objectives.
9. Questions to the Environmental Health representative by the Sub Committee Members/Police representatives/Premises User to be directed through the Chairperson.
10. The Premises User will fully outline their response and address the licensing objectives. Witnesses may be called.
11. Questions to the Premises User by the Sub Committee Members/Police representatives/Environmental Health representative to be directed through the Chairperson.
12. Closing statement from the Police representatives who should briefly summarise their key points.
13. Closing statement from the Environmental Health representative who should briefly summarise their key points.
14. Closing statement from the Premises User who should briefly summarise their key points.
15. Sub Committee retires with the Committee Lawyer and Committee Manager to consider its decision.
16. Sub Committee returns and the Lawyer gives a summary of any legal advice that may have been given to the Sub Committee, and invites the parties present to make any comments on that advice.
17. The outcome of the Sub Committee's consideration will be given by the Chairperson.

18. If the Sub Committee resolves to issue a Counter Notice to the Temporary Events Notice (i.e. if the application for a Temporary Event Notice is refused) this will be issued to the Premises User following the hearing.
19. The Premises User or the Chief Officer of Police may appeal against the Sub Committee's decision to the Magistrate's Court. Any appeal must be lodged within 21 days beginning with the day on which the appellant was notified of the decision. No appeal may be brought later than five working days before the day of the proposed temporary event.

WILTSHIRE COUNCIL

NORTHERN AREA LICENSING SUB COMMITTEE

16th December 2015

Police Objection Notice; Received in respect of two Temporary Events Notices for 17a Station Hill, Chippenham, Wiltshire, SN15 1EQ

1. Purpose of Report

- 1.1 To determine the Objection Notice received from Wiltshire Police for a Temporary Events Notice (TEN) in respect of 17a Station Hill, Chippenham, Wiltshire, SN15 1EQ

2. Background Information

- 2.1 Two Temporary Events Notices were served on the Licensing Authority and Wiltshire Police on Tuesday 8th December 2015 in respect of 17a Station Hill, Chippenham, Wiltshire, SN15 1EQ. One of which is regarded as a Late Temporary Event Notice covering the period of 16th – 21st December 2015.
- 2.2 If the Police or the Environmental Health Authority believe that allowing the premises to be used in accordance with the TEN`s will undermine the licensing objectives, they must give the premises user and the licensing authority an objection notice. The objection notice must be given within three working days of their receipt of the TEN`s.
- 2.3 An objection notice was received by the Licensing Authority from Wiltshire Police on Wednesday 9th December 2015 for both the Late Temporary Event Notice and Standard Temporary Event Notice.
- 2.4 Where an objection notice is received in respect of a Late TEN, the Licensing Authority must serve a counter notice, which is effectively a refusal of the TEN. Wiltshire Council (as the Licensing Authority) must however hold a hearing to consider the objection notice for the Standard Temporary Event Notice covering the period of 24th - 26th December 2015.
- 2.5 In accordance with Section 105 of the 2003 Act the Licensing Authority must, having regard to the objections, give a counter notice on the basis of the objection, if it considers it appropriate to do so for the promotion of a licensing objective. Alternatively, it may impose on the Temporary Event Notice one or more of conditions that are on the existing premises licence for the same premises.

3. Consultation and Representations

- 3.1 Two Temporary Event Notices were served on the Licensing Authority by Mr Robin James Puddephatt. One TEN covers the period of Wednesday 16th December to Monday 21st December 2015, and therefore is regarded as a Late Temporary Event Notice under Section 100A(1)(b) of the Licensing Act 2003.

After receiving the objection notice from Wiltshire Police, a Counter Notice was given by the Licensing Authority under Section 104(2) in respect of a Late Temporary Event Notice.

The Standard TEN covers the period of Thursday 24th to Saturday 26th December. A copy of this TEN is attached as **Appendix 1**.

- 3.2 The objection notice received by the Licensing Authority from Wiltshire Police concerns the prevention of crime and disorder licensing objective. The objection notice is attached as **Appendix 2**.
- 3.3 The premises currently holds a Premises License under the Licensing Act 2003 since 1st December 2014. The Licensing Sub-Committee determined the Premises Licence application at a Hearing on 26th November 2014, following receipt of representations, and subsequent to a Hearing for a Provisional Statement on 12th April 2013. A copy of the current Premises Licence is attached as **Appendix 3**.

4. Legal Implications

- 4.1 Under Section 105 of the 2003 Act the licensing authority must hold a hearing to consider any objections from the police or the Environmental Health Authority. As mentioned above, the Authority must serve a counter notice, if they consider it appropriate to do so to promote a licensing objective. The effect of the counter notice is, effectively to cancel the TEN. Alternatively where, as here, there is an existing premises licence in effect, the Authority may instead impose one or more of the conditions from that premises licence on the TEN, if it is considered appropriate to do so for the promotion of the licensing objectives and where the imposition of those conditions would not be inconsistent with the licensable activities proposed by the TEN.

5. Officer Recommendations

- 5.1 Officers are not permitted to make a recommendation – the decision is to be reached by the members of the Licensing Sub Committee.

6. Right of Appeal

- 6.1 It should be noted that the Applicant and those Authorities who have served an objection notice may appeal the decision made by the Licensing Sub

Committee to the Magistrates Court. The appeal must be lodged with the Magistrates Court within 21 days of the notification of the decision.

- 6.2 No appeal may be brought later than five working days before the day on which the event period specified in the temporary event notice begins

Report Author: Roy Bahadoor
Public Protection Officer - Licensing

Date of report: - 11th December 2015

Background Papers Used in the Preparation of this Report

- **The Licensing Act 2003**
- **The Licensing Act (Hearings) Regulations 2005**
- **Guidance issued under Section 182 of the Licensing Act 2003**
- **Wiltshire Council Licensing Policy**

Appendices

- 1 Temporary Event Notice**
- 2 Wiltshire Police Objection Notice**
- 3 SN15 Premises Licence**

This page is intentionally left blank



Mr. Roy Bahadoor
Public Protection Officer (Licensing)
Wiltshire Council
Monkton Park
Chippenham
Wiltshire

Mrs. S Thurman-Newell
Licensing Officer
Trowbridge Police Station
Polebarn Road
Trowbridge
Wiltshire BA14 7EP
Telephone: 101
[REDACTED]
Direct Dial: 01380 861742

Date 10 December 2015

Your ref

Our ref

Reply contact name is Susan Thurman-Newell

Dear Mr Bahadoor,

Ref: SN15, 17a, Station Hill, Chippenham SN15 1EQ.

Wiltshire Police have received two Temporary Event Notices (TEN's) from Robin James Puddephatt, in relation to the above premise.

The Late TEN covers the time period Wednesday 16th December 2015 through to Monday 21st December 2015, and the second TEN covers the period Thursday 24th December 2015 through to Friday 25th December 2015

Wiltshire Police have concerns in relation to both notifications as follows:

1. The premise has previously 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 are a new management team who have had no opportunity to provide any demonstrable compliance with the Licencing Objectives.
2. SN15 are seeking and have 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 are to remove all the Premise Licence Conditions.

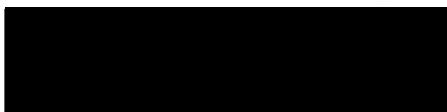
3. The TEN's as submitted do not refer to any current licensable activities, but refers to those amendments submitted in a recent Variation application, by the current management team, and which is currently undergoing a period of consultation and has not yet been enacted.
4. The premise has been the subject of close scrutiny from both police and council licensing enforcement officers, and on the date of the TEN's notifications, 8th 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 48hrs to remedy that non-compliance, prior to opening on 10th December 2015. Thus, giving 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 gives cause for concern in relation to the previous history of crime and disorder.

Based on these concerns Wiltshire Police contend that at this time the submission of two TEN's notifications, one of them being a Late TEN, for the run up to the Christmas period, gives rise to fears that the crime prevention objective will be undermined. Please treat this letter as an Objection Notice to both TEN notifications.

Yours sincerely



Mrs S. Thurman-Newell
Licensing Officer
Wiltshire Police

Direct dial: 01380 861742



cc Mr R J Puddephatt

Licensing Act 2003
Premises Licence Summary

LN/000009448

ISSUING LOCAL AUTHORITY



PART 1 – PREMISES LICENCE SUMMARY & LICENCE HOLDER DETAILS

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

SN15, 17a Station Hill, Chippenham, Wiltshire, SN15 1EQ

NAME, (REGISTERED) ADDRESS AND CONTACT DETAILS OF HOLDER OF PREMISES LICENCE

SN15 Leisure Limited
3 Northumberland Buildings, Bath, BA1 2JB

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER

08064918

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Mr Robin Puddephatt

ISSUING AUTHORITY AND PERSONAL LICENCE NUMBER HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Bath & N East Somerset LN/9448

WHERE THE LICENCE IS TIME LIMITED - THE DATES AND TIMES

Not Applicable

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

ON Sales

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

Where applicable the provisions of Section 145 of the Licensing Act 2003 apply

PART 2 – LICENSABLE ACTIVITIES & TIMINGS

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE						
Licensable activities	Location	Day	Time From	Time To	Time From	Time To
Exhibit Film Live Music Recorded Music Perform Dance Similar to any Music or Dance	Indoors only	Sunday	11:00	02:00		
		Monday	11:00	02:00		
		Tuesday	11:00	02:00		
		Wednesday	11:00	02:00		
		Thursday	11:00	03:00		
		Friday	11:00	03:00		
		Saturday	11:00	03:00		
Non Standard Timings & Seasonal Variations	On New Year's Eve, from the end of permitted hours until the commencement of permitted hours on New Year's Day. An additional hour commencing at the end of permitted hours on the day when British Summertime commences.					
Alcohol Sales	ON Sales	Sunday	11:00	01:30		
		Monday	11:00	01:30		
		Tuesday	11:00	01:30		
		Wednesday	11:00	01:30		
		Thursday	11:00	02:30		
		Friday	11:00	02:30		
		Saturday	11:00	02:30		
Non Standard Timings & Seasonal Variations	On New Year's Eve, from the end of permitted hours until the commencement of permitted hours on New Year's Day. An additional hour commencing at the end of permitted hours, on the day when British Summertime commences.					
Hrs premises open to public		Sunday	11:00	02:00		
		Monday	11:00	02:00		
		Tuesday	11:00	02:00		
		Wednesday	11:00	02:00		
		Thursday	11:00	03:00		
		Friday	11:00	03:00		
		Saturday	11:00	03:00		
Non Standard Timings & Seasonal Variations	On New Years Eve, from the end of permitted hours until the commencement of permitted hours on New Years Day. An additional hour commencing at the end of permitted hours, on the day when British Summertime commences.					

Licence Commencement Date

1st December 2014

Licensing Officer

Current Licence Date

9th December 2015

Licensing Officer

ANNEX 1 - MANDATORY CONDITIONS

Door Supervision

1. 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

2. 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

3. 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
- c. 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 (Amended October 2014)

4. (1) the responsible person must 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—
 - (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 in a manner which carries a significant risk of undermining a licensing objective;.
- (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 in a manner which carries a significant risk of undermining a licensing objective;.
- (d) 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;.
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability)

Free Tap Water (Amended October 2014)

- 5. The responsible person must ensure that free potable tap water is provided on request to customers where it is reasonably available. (*This means that responsible persons at all premises must ensure customers are provided with potable (drinking) water for free if they ask for it.*)

Age Verification Policy (Amended October 2014)

- 6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) 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 either—
 - (a) a holographic mark, or.
 - (b) an ultraviolet feature.

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. these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and.

- c. where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Permitted Price

8. (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- (2) For the purposes of the condition set out in paragraph 1—
- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) “permitted price” is the price found by applying the formula—

where—

- (i) P is the permitted price,
 $P = D + (D \times V)$
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—
- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
- (3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (4) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

ANNEX 2A – CONVERTED CONDITIONS

N/A

ANNEX 2B – OPERATING SCHEDULE

PREVENTION OF PUBLIC NUISANCE

- None

PUBLIC SAFETY

- None

PROTECTION OF CHILDREN FROM HARM

- None

PREVENTION OF CRIME AND DISORDER

- None

ANNEX 3 – CONDITIONS ATTACHED AFTER HEARING (26th November 2014)

PREVENTION OF PUBLIC NUISANCE

- 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 breakout from the premises.
- 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.
- 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 at all times and is only to be used after 23:00 for the purposes of smoking (no drinks are to be taken outside after this time). The smoking area shall be restricted to the upper patio area. This area 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.

PUBLIC SAFETY

- 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 persons in the premises. The Licensee 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.

Occupancy/Exit Capability

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

<u>Parts of the Premises</u>			Max Numbers
Ground Floor	Open plan	when used for dancing/standing	276
Balcony	Open plan	standing audience	45
1 st floor dance/bar areas	Open plan	when used for dancing/standing	291
Total floor space capacity – number of persons			612
Total available exit capacity for normal risk rating and 2.5 minute simultaneous evacuation time			600 persons
Maximum numbers permitted:			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.

- 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.
- 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.

- 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.

- 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.

- Smoke Machines and Fog Generators

- a) 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.
- b) 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.
- c) 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 all are complied with.

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.

- 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.
- There shall be no admittance to persons under 18 (except planned 'student nights' or private parties).
- Clear procedures are to be in place for the operation of private parties and under 18 events.

PREVENTION OF CRIME AND DISORDER

- 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, procedures, policies (including dispersal policy) to enable the Premises Licence holder to comply with the four licensing objectives. The Licence shall be run in accordance with the Management Plan (current plan submitted with Provisional Statement April 2013). Such plan to be available for inspection upon request by the Police and Licensing Authority and to be accessible to staff.

- CCTV

- a) 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. Recordings shall be kept for 28 days and be made readily available to any authorised Officer of the Council or Police Officer.
- b) The CCTV system shall be maintained in full functioning order and used at all times when the premises are open.
- c) The CCTV is to be reviewed and if necessary upgraded to standards required by Wiltshire Police Crime Reduction Officer.

- 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.
 - b) All security staff to wear clothing that clearly identifies them at all times (including outerwear).
 - c) Door supervisors to sign in and out with their names/badge numbers at the start and end of each shift.
 - d) At least two door supervisors will be placed at the main entrance during trading hours.
 - e) 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. This also includes clearing the street of any litter left behind by patrons.
- 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.
 - 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.
 - An accurate and up to date incident and refusal logs are to be maintained at all times. Incident logs should include ejections and be signed by relevant security staff.

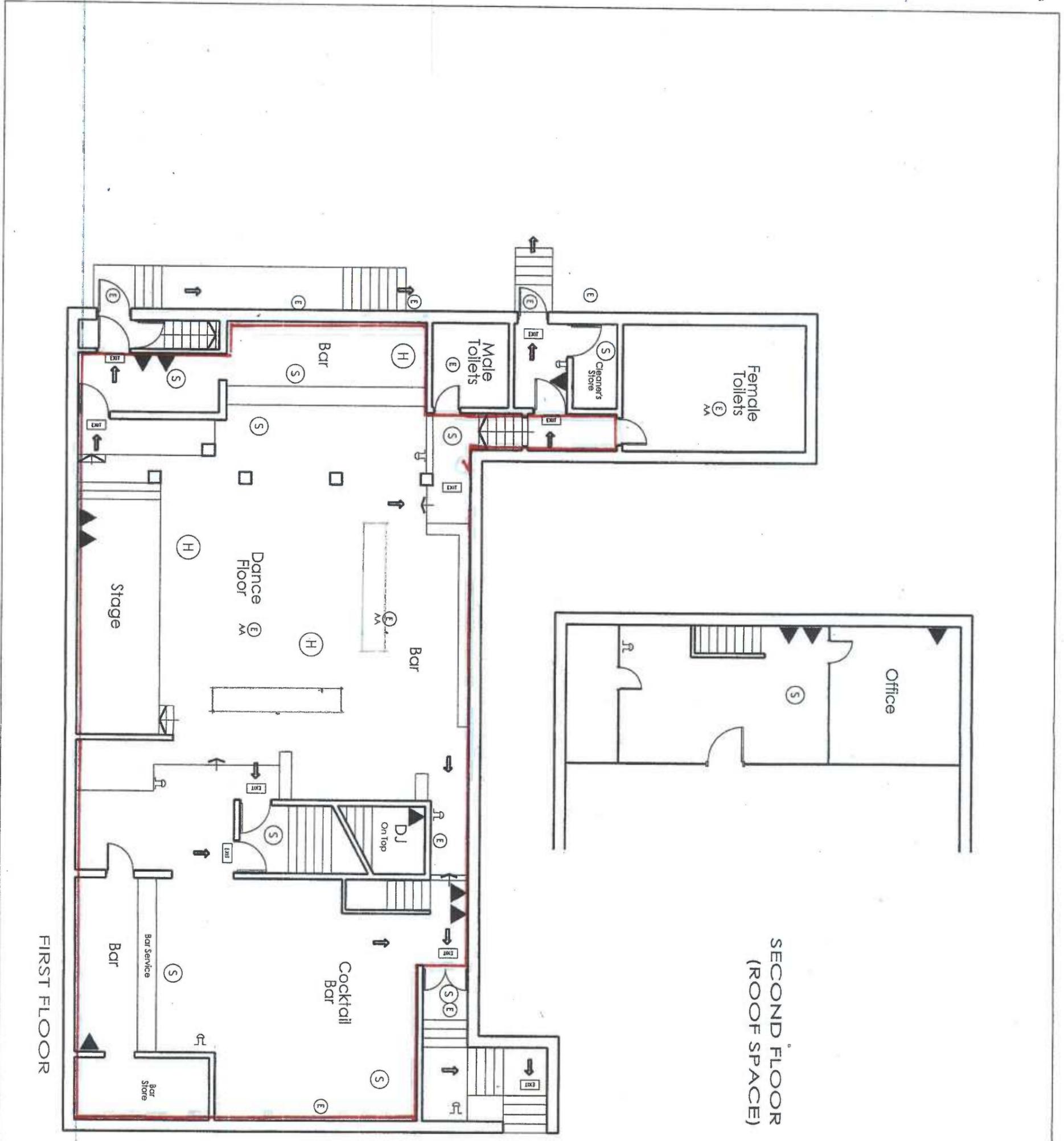
- Only polycarbonate glasses are to be in use at all times throughout the venue, the venue is to operate a bottle decanting policy; no glass bottles are to be present in the public areas.
- All bar staff to undertake an alcohol awareness course by a recognised training provider and records of all staff training to be kept on file.
- All staff (to include Management) to undertake induction/fresher training to include roles and responsibilities and the current Licensing Objectives.
- DPS or nominated person shall attend local pub watch meetings.
- Sound levels

An additional sound commissioning exercise will be undertaken once the decorative and substantive works are completed at the premises. The commissioning exercise will be undertaken to set music sound levels for the noise limiter installed at the premises and will be adjusted at this time to the satisfaction of Wiltshire Council Public Protection Officers to ensure the promotion of the prevention of public nuisance objective.

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

ANNEX 4 – PLANS

Attached separately, dated 9th December 2015



Key

- ⚡ Fire Alarm Bell
- 🚪 Emergency Escape Sign
- ↗️ Evacuation Route
- ▲ Fire Extinguisher
- Ⓢ Smoke Detector
- Ⓛ Emergency Light
- Ⓜ Emergency Light
- Ⓜ Heat Detector

SECOND FLOOR (ROOF SPACE)

FIRST FLOOR

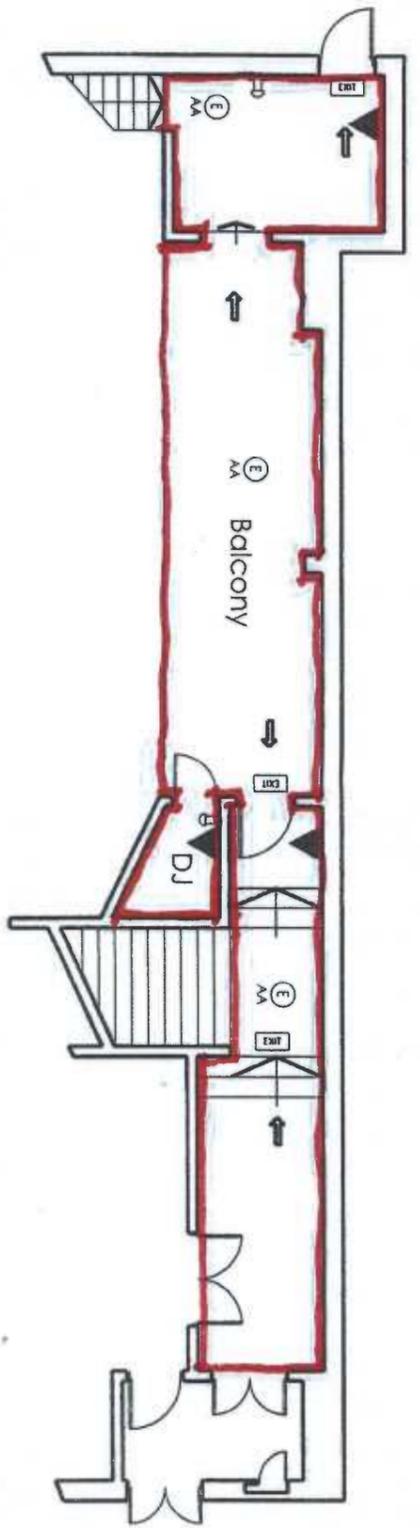


Henrietta Mews Bath BA2 6LR
 Tel 01225 460427 Fax 01225 482022
 mail@bba-architects.co.uk
 www.bba-architects.co.uk

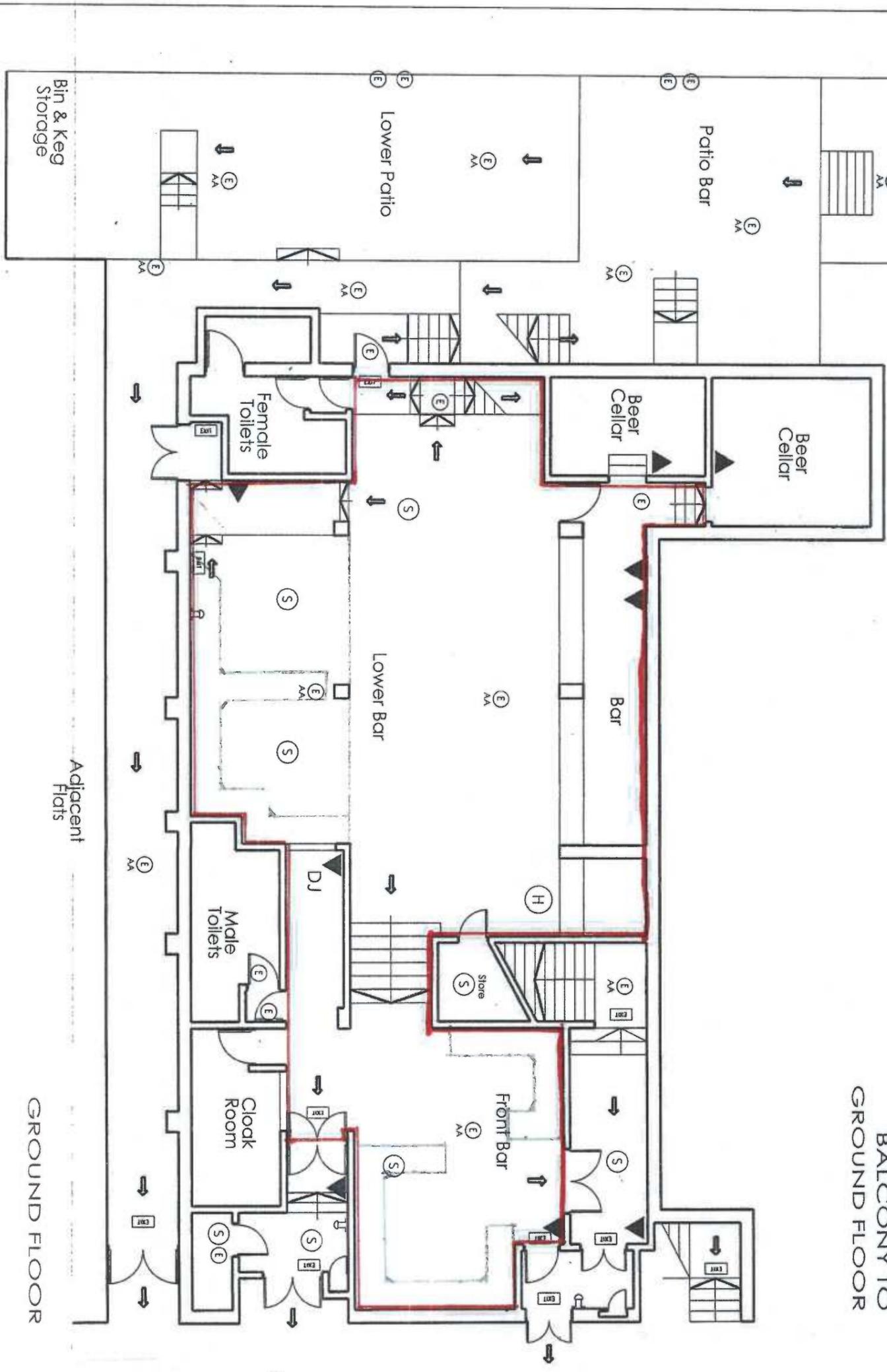


17 STATION HILL
 CHIPPENHAM
 FIRE PRECAUTIONS PLAN
 1:100@A3

3968/02



BALCONY TO
GROUND FLOOR



GROUND FLOOR

- Key
- Ⓐ Fire Alarm Bell
 - Ⓜ Emergency Escape Sign
 - ↓ Evacuation Route
 - ▲ Fire Extinguisher
 - Ⓢ Smoke Detector
 - Ⓛ Emergency Light
 - Ⓜ Emergency Light
 - Ⓜ Heat Detector

BBA
ARCHITECTS
& PLANNERS

Henrietta Mews Bath BA2 6LR
Tel 01225 460427 Fax 01225 482022
mail@bba-architects.co.uk
www.bba-architects.co.uk



17 STATION HILL
CHIPPENHAM
FIRE PRECAUTIONS PLAN
1:100@A3

3968/01

This page is intentionally left blank