

# AGENDA

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**Meeting:** Northern Area Licensing Sub Committee  
**Place:** Council Chamber - Council Offices, Monkton Park, Chippenham,  
SN15 1ER  
**Date:** Tuesday 19 January 2016  
**Time:** 10.30 am  
**Matter:** Application for a Variation of a Premises Licence - SN15, 17a,  
Station Hill, Chippenham

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Please direct any enquiries on this Agenda to Lisa Pullin, tel 01225 713015, or email [lisa.pullin@wiltshire.gov.uk](mailto:lisa.pullin@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](http://www.wiltshire.gov.uk)

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## Membership:

Cllr Desna Allen  
Cllr Allison Bucknell

Cllr Dennis Drewett

## Reserve Member

Cllr Glenis Ansell

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# 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** (*Pages 13 - 16*)

To consider and determine an Application for a Variation of a Premises Licence by SN15 Leisure Limited in respect of SN15, 17a Station Hill, Chippenham. The report of the Public Protection Officer (Licensing) is attached.

6a **Appendix 1 - Application for a Variation of a Premises Licence**  
(*Pages 17 - 36*)

6b **Appendix 2 - Relevant Representations** (*Pages 37 - 48*)

6c **Appendix 3 - Proposed Conditions from Wiltshire Police** (*Pages 49 - 52*)

6d **Appendix 4 - Existing Premises Licence** (*Pages 53 - 66*)

6e **Appendix 5 - Decision Notice and Minutes for Premises Licence**  
(*Pages 67 - 112*)

6f **Appendix 6 - Decision Notice for TEN - 16.12.15** (*Pages 113 - 114*)

- 6g **Appendix 7 - Confirmation email from TLT LLP** (*Pages 115 - 116*)
- 6h **Appendix 8 - Risk Assessment for glass** (*Pages 117 - 118*)

## LICENSING COMMITTEE

### PROCEDURAL RULES FOR THE HEARING OF LICENSING ACT 2003 APPLICATIONS

#### 1 Purpose

- 1.1 These rules have been prepared to facilitate proper consideration of licence applications, made under the Licensing Act 2003, by the Licensing Committee and its Sub Committees.
- 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:

**“Applicant”** means the person who has submitted an Application for consideration by the Committee.

**“Applicant’s Premises”** means premises subject to the Application.

**“Applicant’s Representative”** means a person attending a Hearing to assist or represent an Applicant including a lawyer.

**“Application”** means an application for the Grant/Variation/Transfer/Review and any other decision to be made by the Committee/Sub-Committee in respect of a Licence.

**“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 Applicant or their Representative, a Responsible

Authority or their Representative or any person who has made a Relevant Representation or their Representative.

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

**“Licence”** means a Licence which the Committee has the power or duty inter alia to grant, transfer, suspend or revoke.

**“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.

**“Person making a Relevant Representation”** means a person who is present at a Hearing to make representations in respect of an Application and includes any person who is present to assist or make representations on behalf of that person including a Lawyer.

**“Responsible Authority”** means a person who is present at a Hearing to make representations in respect of an Application in their capacity as Responsible Authority and includes any person who is present to assist or make representations on behalf of the Responsible Authority 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 Applicant 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 Applicant has an adequate opportunity to consider and respond to any submissions made by a Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation;

- 3.2.4 the Committee does not exclude an Applicant from a Hearing in order to consider submissions from a Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation.
- 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 Applicant (or the Applicant's Representative) 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 A Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation will orally present their representations in turn which shall include:
    - A the grounds of the representation to the Application; and
    - B any condition(s) that the Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation would be happy to have the Application granted subject to which would cause the representation to be withdrawn.

## **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 Applicant, a Responsible Authority/Authorities or any person/s who have made a Relevant Representation 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 the Applicant's Premises in the context of the surrounding premises and any person/s who have made a Relevant Representation . If any party is granted permission to present supplementary papers at the Hearing they shall provide at least 10 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 Responsible Authority/Authorities and any person/s who have made a Relevant Representation to make a closing oral submission(s) and secondly invite the Applicant or the Applicant's Representative an opportunity 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 The decision, and reasons for the decision, of the Committee shall be communicated orally by the Chairperson to the parties after the Committee has deliberated in private on the Application.
- 11.3 Written reasons shall be provided soon after the deliberations of the Application and in any event within the statutory time limits.

## Hearing Procedure Summary

1. The Democratic Services Officer will request nominations for a Chairman for the Hearing.
2. The Chairperson welcomes all those present and introduces the Application.
3. The Chairperson introduces the Applicant, Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation.
4. The Chairperson outlines the Hearing Procedure.
5. The Licensing Officer presents the Committee Report.
6. The Applicant addresses the Sub Committee.
7. Questions to the Applicant by Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation.
8. Questions to the Applicant by Members of the Sub Committee.
9. Comments by Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation.
10. Questions by Applicant.
11. Questions to Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation by Members of the Sub Committee.
12. Summing up by Parties who have made representations.
13. Summing up by Applicant.
14. Sub Committee retires with the Committee Lawyer and Committee Manager to consider its decision.
15. Sub Committee returns and the Lawyer gives a summary of any legal advice that may have been given to the Committee.
16. The Chairperson either gives the decision with reasons, or advises that it will be released in writing with reasons within the statutory time limits.

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## WILTSHIRE COUNCIL

### NORTHERN AREA LICENSING SUB COMMITTEE

19 January 2016

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#### Application for a Variation of a Premises Licence; SN15, 17a Station Hill, Chippenham, SN15 1EQ

#### 1. Purpose of Report

- 1.1 To determine an application for a variation of a Premises Licence in respect of SN15, 17a Station Hill, Chippenham, SN15 1EQ, made by SN15 Leisure Ltd.

#### 2. Background Information

- 2.1 An application for a variation of a Premises Licence in respect of SN15 has been made by SN15 Leisure Ltd for which five relevant representations have been received.
- 2.2 Wiltshire Council (as the Licensing Authority) must hold a hearing to consider the application having regard to the representations. In accordance with Section 35(3) of The Licensing Act 2003 the Licensing Sub Committee is required to take such of the steps listed in 2.4 below as it considers necessary for the promotion of the licensing objectives. In considering the application and the relevant representations, the Sub Committee must also have regard to relevant Government guidance and the Council's Licensing Policy.
- 2.3 The licensing objectives are:
- i) The Prevention of Crime and Disorder;
  - ii) Public Safety;
  - iii) The Prevention of Public Nuisance; and
  - iv) The Protection of Children from Harm.
- 2.4 Such steps are:
- i) To grant the licence as applied for.
  - ii) To modify the conditions of the licence.
  - iii) To reject the whole or part of the application.
- 2.5 On 2 December 2015 an application for a variation to the premises licence was received and accepted as a valid application.
- 2.6 The variation applied for is summarised as follows:
- Amendment of conditions under the Prevention of Crime & Disorder Licensing Objective, relating to Door Supervisors and polycarbonate glasses.

A copy of the application from SN15 Leisure Ltd is attached as **Appendix 1**.

### **3. Consultation and Representations**

3.1 The application process requires the application to be advertised, by the Applicant, in a local news publication within 10 working days, starting on the day after the authority receives it and for a public notice to be posted on the premises. In addition the Licensing Authority advertises the application on its website, for a period of 28 consecutive days, starting the day after the authority receives the application.

3.2 During the consultation period 5 relevant representations against the application have been received.

#### **3.3 Representations Received**

- Chippenham Town Council, The Town Hall, High St, Chippenham, SN15 1ER.
- Cllr Christopher Caswill, 19 The Street, Cherhill, Calne, Wiltshire, SN11 8XP.
- Cllr Dr Nick Murry, 11 Turnberry Close, Chippenham, Wiltshire, SN15 3XQ.
- Susan Thurman-Newell, Wiltshire Police Licensing, Polebarn Road, Trowbridge, Wiltshire, BA14 7EP.
- Mrs Linda Holland, Licensing, Wiltshire Council, County Hall, Bythesea Road, Trowbridge, Wiltshire, BA14 8JN.

3.4 A summary of the representations made is detailed in the table below:

<b>Representation</b>	<b>Licensing Objective</b>
Safety of the public.	Public Safety
Ambiguity of wording in application.	Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance
Limited opportunity for applicant to demonstrate management and compliance under existing Premises Licence.	Public Safety, Prevention of Crime and Disorder

3.5 The relevant representations are attached as **Appendix 2**.

3.6 Wiltshire Police Licensing proposed and forwarded revised conditions to the applicant on 22 December 2015 for consideration, subsequent to and noted in the representation from Wiltshire Police. A copy of the proposed conditions is attached as **Appendix 3**.

- 3.7 The premises currently holds a Premises Licence under the Licensing Act 2003 since 1 December 2014. A copy of the current Premises Licence is attached as **Appendix 4**. The Licensing Sub Committee determined the Premises Licence application at a Hearing on 26 November 2014, following receipt of representations, and subsequent to a Hearing for a Provisional Statement on 12 April 2013. Copies of the Decision Notice and Minutes from the Provisional Statement Hearing and the Premises Licence application Hearing are attached as **Appendix 5**.
- 3.8 Since the Premises Licence was granted, the premises opened for the first time in August 2015 for 6 weeks on Friday and Saturday nights. Different individuals were involved in managing the premises at that time. SN15 Leisure Ltd are still the Licence Holder, and Mr Paul Shayegan is still a director. SN15 Leisure Ltd have varied the Designated Premises Supervisor to be Mr Robin Puddephatt. The premises reopened on December 10 2015.
- 3.9 The current DPS, Mr Robin Puddephatt, submitted 8 Temporary Event Notices (TENs). TENs supersede the requirement for conditions from the Premises Licence, unless imposed by a Licensing Sub Committee at a hearing, following receipt of an objection notice from the police or Environmental Health. A Counter Notice was served for the Late TEN covering 16 – 22 December 2015, following receipt of an objection notice from Wiltshire Police. The TEN for 24 – 25 December 2015, was heard by the Licensing Sub Committee following receipt of Wiltshire Police's objection notice on 16 December 2015. A copy of the Decision Notice from the hearing is attached as **Appendix 6**. Following the hearing, Matthew Phipps of TLT LLP, representing the applicants, stated the terms in which the premises would be operating under the further TENs, a copy of the confirmation is attached as **Appendix 7**. The Late TEN for 30 December 2015 was not accepted due to an insufficient period between notices. The Risk Assessment for glass/polycarbonate use, produced by the premises for use with current Temporary Event Notices, is attached as **Appendix 8**.

#### **4. Legal Implications**

- 4.1 This hearing is governed by the Licensing Act 2003 (Hearings) Regulations. These provide that hearings should be held in public unless the Licensing Authority considers that the public interest in excluding the public outweighs the public interest in the hearing taking place in public.
- 4.2 The Applicant and all Responsible Authorities and other persons who have made representations have been informed of the date, time and location of the hearing and their right to attend and be represented.
- 4.3 At the hearing all those Responsible Authorities and other persons who have made representations are entitled to address the Sub Committee and to ask questions of another party, with the consent of the Sub Committee.

## **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 Premises Licence Holder, the Responsible Authority(ies) and other persons who have made representations 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 In the event of an appeal being lodged, the decision made by the Licensing Sub Committee remains valid until any appeal is heard and any decision made by the Magistrates Court.
- 6.3 A Responsible Authority or any person may apply to the Licensing Authority for a Review of a Premises Licence. Whether or not a Review Hearing takes place is in the discretion of the Licensing Authority, but, if requested by someone other than a Responsible Authority will not normally be granted within the first 12 months except for the most compelling circumstances.

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Report Author: Roy Bahadoor, Public Protection Officer - Licensing

Date of report: 7 January 2016

### **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 Application Form**
- 2 Representations**
- 3 Proposed conditions from Wiltshire Police**
- 4 Premises Licence**
- 5 Decision Notice and Minutes for Premises Licence**
- 6 Decision Notice for TEN**
- 7 Confirmation email from TLT LLP**
- 8 Risk Assessment for glass**



## Application to vary a premises licence under the Licensing Act 2003

### PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We SN15 Leisure Limited

*(Insert name(s) of applicant)*

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

#### Premises licence number

Not yet issued

#### Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description

SN15

17a Station Hill

Post town

Chippenham

Postcode

SN15 1EQ

Telephone number at premises (if any)

n/a

Non-domestic rateable value of premises

£35,500

#### Part 2 – Applicant details

Daytime contact telephone number

n/a

E-mail address (optional)

n/a

Current postal address if different from premises address

3 Northumberland Buildings

Post town

Bath

Postcode

BA1 2JB

### Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?  Yes  No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

**Please describe briefly the nature of the proposed variation** (Please see guidance note 1) This is an application to amend the following conditions listed under the Prevention of Crime and Disorder Licensing Objective so that it now reads as follows:-

#### **Door Supervisors**

When the premises providing regulated entertainment a minimum number of SIA registered door staff will be provided after 9pm for each section of the premises that is open as follows:-

1. Ground floor - 2
2. First floor mezzanine - 2 (only 1 when the mezzanine works in conjunction with the Ground Floor)
3. First floor club room - 2
4. Outside terrace - whole terrace 2 - half terrace 1

When the premises operates as a whole premises then 10 door staff will be required. Where each section opens at different times the required number listed above, of door staff for that specific area, will be on duty at least 30 minutes before the section opens to the public.

Door staff are to be provided as stipulated above until 30 minutes after the final customer has left that part of the premises or until 30 minutes after closing, that part of the premises operates throughout the trading period.

On a Friday and Saturday night, when the premises is open for licensable activities beyond 12 midnight, if the premises opens the ground floor only as a bar (with or without regulated entertainment) two door supervisors will be on duty from 9pm until 30 minutes after the premises closes to the public.

All security staff to wear clothing that clearly identifies them at all times.

Door supervisors to sign in and sign out.

When the premises trades as a nightclub across all parts of the business, at least two door supervisors will be placed at the main entrance after 9pm when the premises provides regulated entertainment.

On any night when the premises provides regulated entertainment, door supervisors to remain on duty outside the venue for not less than 30 minutes after the last customer has left the venue to provide a visible presence and antisocial behaviour. This will also include cleaning the street of any litter left behind by patrons.

To also remove the condition "Only polycarbonates 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" and replace with "Polycarbonates to be used in the venue on a risk assessed basis. When polycarbonates are used, the venue will operate a bottle decanting policy and no glass bottles are to be present in the public areas".

In the effect that any of the new proposed conditions within this application conflict with any existing conditions, the new conditions are to be preferred.

All other conditions permitted hours licensable activities remain unchanged by this application.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

n/a

#### Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

##### Provision of regulated entertainment

**Please tick all that apply**

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

**Provision of late night refreshment** (if ticking yes, fill in box I)

**Sale by retail of alcohol** (if ticking yes, fill in box J)

**In all cases complete boxes K, L and M**

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 3)</u>		
Mon					
Tue			<u>State any seasonal variations for the exhibition of films (please read guidance note 4)</u>		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Tue			
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 3)</u>  <u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)  <u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					



F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			<b>State any seasonal variations for the performance of dance</b> (please read guidance note 4)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat					
Sun					

H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Wed					
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 4)		
Fri					
Sat			<b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sun					

I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b><u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Tue					
Wed			<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 4)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sat					
Sun					

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 7)	On the premises	<input type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)					
Mon								
Tue								
Wed								
Thur						<b>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Fri								
Sat								
Sun								

K

<p><b>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children</b> (please read guidance note 8).</p>
---

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b><u>State any seasonal variations</u></b> (please read guidance note 4)
Day	Start	Finish	
Mon			<b><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u></b> (please read guidance note 5)
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

This is an application to amend the following conditions listed under the Prevention of Crime and Disorder Licensing Objective so that it now reads as follows:-

**Door Supervisors**

When the premises providing regulated entertainment a minimum number of SIA registered door staff will be provided after 9pm for each section of the premises that is open as follows:-

1. Ground floor - 2
2. First floor mezzanine - 2 (only 1 when the mezzanine works in conjunction with the Ground Floor)
3. First floor club room - 2
4. Outside terrace - whole terrace 2 - half terrace 1

When the premises operates as a whole premises then 10 door staff will be required. Where each section opens at different times the required number listed above, of door staff for that specific area, will be on duty at least 30 minutes before the section opens to the public.

Door staff are to be provided as stipulated above until 30 minutes after the final customer has left that part of the premises or until 30 minutes after closing, that part of the premises operates throughout the trading period.

On a Friday and Saturday night, when the premises is open for licensable activities beyond 12 midnight, if the premises opens the ground floor only as a bar (with or without regulated entertainment) two door supervisors will be on duty from 9pm until 30 minutes after the premises

closes to the public.

All security staff to wear clothing that clearly identifies them at all times.

Door supervisors to sign in and sign out.

When the premises trades as a nightclub across all parts of the business, at least two door supervisors will be placed at the main entrance after 9pm when the premises provides regulated entertainment.

On any night when the premises provides regulated entertainment, door supervisors to remain on duty outside the venue for not less than 30 minutes after the last customer has left the venue to provide a visible presence and antisocial behaviour. This will also include cleaning the street of any litter left behind by patrons.

To also remove the condition "Only polycarbonates 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" and replace with "Polycarbonates to be used in the venue on a risk assessed basis. When polycarbonates are used, the venue will operate a bottle decanting policy and no glass bottles are to be present in the public areas".

In the effect that any of the new proposed conditions within this application conflict with any existing conditions, the new conditions are to be preferred.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence. The applicant will forward the original premises licence to the local authority following the submission of this application.

**M**

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)**

As per current licence save for amendments as set out in this application.

**b) The prevention of crime and disorder**

**Door Supervisors**

When the premises providing regulated entertainment a minimum number of SIA registered door staff will be provided after 9pm for each section of the premises that is open as follows:-

1. Ground floor - 2
2. First floor mezzanine - 2 (only 1 when the mezzanine works in conjunction with the Ground Floor)
3. First floor club room - 2
4. Outside terrace - whole terrace 2 - half terrace 1

When the premises operates as a whole premises then 10 door staff will be required. Where each section opens at different times the required number listed above, of door staff for that specific area, will be on duty at least 30 minutes before the section opens to the public.

Door staff are to be provided as stipulated above until 30 minutes after the final customer has left that part of the premises or until 30 minutes after closing, that part of the premises operates throughout the trading period.

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All security staff to wear clothing that clearly identifies them at all times.

Door supervisors to sign in and sign out.

When the premises trades as a nightclub across all parts of the business, at least two door supervisors will be placed at the main entrance after 9pm when the premises provides regulated entertainment.

On any night when the premises provides regulated entertainment, door supervisors to remain on duty outside the venue for not less than 30 minutes after the last customer has left the venue to provide a visible presence and antisocial behaviour. This will also include cleaning the street of any litter left behind by patrons.

Polycarbonates to be used in the venue on a risk assessed basis. When polycarbonates are used, the venue will operate a bottle decanting policy and no glass bottles are to be present in the public areas.

**c) Public safety**



**d) The prevention of public nuisance**


**e) The protection of children from harm**


Checklist:

**Please tick to indicate agreement**

- I have made or enclosed payment of the fee. (paid online)
- I have sent copies of this application and the plan to responsible authorities and others where applicable. (submitted online)
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.**

**Part 5 – Signatures** (please read guidance note 10)

**Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent** (please read guidance note 11). **If signing on behalf of the applicant, please state in what capacity.**

Signature	[REDACTED]
Date	02.12.2015
Capacity	SOLICITORS FOR THE APPLICANT

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please

read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

<b>Contact name (where not previously given) and address for correspondence associated with this application</b> (please read guidance note 13) Paul Uren TLT LLP One Redcliff Street			
<b>Post town</b>	<b>Bristol</b>	<b>Post code</b>	<b>BS1 6TP</b>
<b>Telephone number (if any)</b>	<b>+44(0)3330 060213</b>		
<b>If you would prefer us to correspond with you by e-mail, your e-mail address (optional)</b> paul.uren@TLTsolicitors.com			

**Notes for Guidance**

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.**

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.

8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

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# Agenda Item 6b

**From:** Ann Chard  
**Sent:** 18 December 2015 09:41  
**To:** Grant, Lisa  
**Subject:** FW: Licensing Application received 2nd December 2015 - SN15, Station Hill, Chippenham

Dear Lisa

Thank you for consulting Chippenham Town Council on the above. This matter was considered at the Town Council's Planning, Environment & Transport Committee meeting held on 10 December 2015.

It was resolved that the Town Council does not support this application for public safety reasons. The Town Council considers it inappropriate to apply for a variation of the condition of License at SN15, Station Hill with regard to conditions surrounding SIA Door Staff and the use of polycarbonates. The Town Council would wish to see a prolonged period of operation so that any future decision can be based upon sound evidence and history of trading and local knowledge.

Kind regards

*Ann*

Ann Chard  
Administrative Services Officer - Planning  
Chippenham Town Council

*The Town Hall, High Street  
Chippenham  
Wiltshire SN15 3ER*

| ☎:01249 446699 | ☎:01249 467703 | Fax:01249 443145 [REDACTED] |  
[www.chippenham.gov.uk](http://www.chippenham.gov.uk)

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**From:** CHRIS CASWILL  
**Sent:** 22 December 2015 17:10  
**To:** Bahadoor, Roy  
**Subject:** SN15 Licence variation application

---

Dear Roy Bahadoor

I am writing to you to make a representation in respect of the application for variation of the licence for the SN15 premises at 17a Station Hill. I write as the Wiltshire Councillor for the area in which this building is located.

I hope this e-mail will suffice instead of completing the form. For the most part, my concerns relate equally to each of the three the Licensing objectives - Prevention of crime and disorder; Public safety; the Prevention of public nuisance. I believe that as it stands the application is unclear and poorly worded, such that a grant of a license variation on the basis of the application would be contrary to the objectives listed above. My specific concerns (and objections) are as follows:

1. I understand that the basis of this proposal is an intention to operate the ground floor of the premises from time to time only as a cocktail bar. However that intention is not at all clear in the application, which only refers to the provision of "regulated entertainment" on different levels of the building. I believe that as it stands the application, if approved, would allow the ground floor to be run as a nightclub with only two 'registered door staff' . I object to this as it would surely fail to deliver all three Licensing objectives.
2. As I read it, when only the ground floor is open, the application would also allow the premises to be open with no 'door supervisors' on days other than Fridays and Saturdays. I object to this for the same reasons as above.
3. In the current Licence there are five Door Supervisor conditions a)- e). Presumably it is only those which would be affected by the proposed revised text. It should be made clear that the subsequent 10 bullet point conditions remain in place, with the possible exception of any variation in respect of polycarbonate glasses.
4. The wording proposed for the use of polycarbonate glasses ('on a risk assessed basis') is sufficiently vague to allow any combination of glass and polycarbonate in any part of the building. This is unacceptable in terms of risks of Crime and Disorder and risks to Public Safety. I have checked a number of websites and a wide range of seemingly attractive polycarbonate cocktail glasses is readily available. That being so, I believe the present condition should remain in place.
5. As set out, the proposed changes would also make it considerably more difficult for external verification of compliance, and I object to them those grounds as well.
6. If the intention is to provide for opening the ground floor only as a cocktail bar, then I believe the application needs to be withdrawn and resubmitted with clear, tight and enforceable arrangements for the door staff on those

occasions, set out in such a way that they cannot be circumvented for the use of the ground floor as a nightclub, or to employ a significantly reduced number of door staff for the convenience of the club ownership.

Best regards.

Chris Caswill

*Independent Wiltshire Councillor, Chippenham Monkton ward*





**From:** Nick Murry  
**Sent:** 30 December 2015 16:58  
**To:** Bahadoor, Roy  
**Subject:** Representation in connection with the application for a variation of the licence for the SN15 premises

Dear Mr Bahadoor

I wish to make a representation in connection with the application for a variation of the licence for the SN15 premises, located at 17a Station Hill, in lieu of doing so via the Representation Form.

I object to the application, as it currently stands, which is in my view ambiguously worded and contravenes the following Licencing Objectives:

- a.) Prevention of crime and disorder;
- b.) Public safety; and
- c.) the Prevention of public nuisance.

Put simply, if the intention is to use the ground floor only as a cocktail bar (to which I have no objection *per se*), then the application needs resubmitted with sufficiently clear and enforceable arrangements for the number of door staff required on those occasions. As it stands the proposed arrangements allow for use of the ground floor as a nightclub, and the employment of significantly fewer door staff, which would, in my opinion, financially benefit for the owner at the expense of increased risk to the public. Given the history of these premises, it is in my view essential to make sure that any change in the licence does not permit reductions in staffing when the premises is operating as a nightclub.

Specifically, I object to the application for the following reasons:

- 1) As it stands, the application, which refers to the provision of 'regulated entertainment' on different levels of the building, would allow the ground floor to be run as a nightclub with only two registered door staff. Furthermore, when only the ground floor is open, the application would allow the premises to be open with no door supervisors on days other than Fridays and Saturdays. This would fail to deliver all three of the above cited licensing objectives;
- 2) Under the current Licence there are five Door Supervisor conditions and it is not clear that it is only those which would be affected by the proposed revised text;
- 3) The wording for the proposed use of polycarbonate glasses would allow a combination of glass and polycarbonate in any part of the building, which is unacceptable in terms the risk is poses to Public Safety;
- 4) The proposed changes would also make it more difficult for external verification of compliance, which also increases the risks surrounding Public Safety and Crime and Disorder.

Please do get in touch if you would like further explanation of my objections and concerns.

Thank you.

Yours sincerely,

Nick Murry

Dr Nick Murry  
Chippenham Town Councillor (Monkton Ward)





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

Date 30<sup>th</sup> December 2015      Your ref

Our ref SN15 Variation/Obj

Reply contact name is **Susan Thurman-Newell**

Dear Mr. Bahadoor,

**Re: Application for Variation to a Premises Licence – SN15 17a, Station Hill, Chippenham SN15 1EQ.**

We are in receipt of an application for a Variation to the Premises Licence to be granted under the provisions of the Licensing Act 2003.

Wiltshire Police, as a responsible authority, have considered the application, the operating schedule and the previous licensing history of the premises.

In addition Police have met with the applicant, Mr R.J. Puddephatt the Designated Premises Supervisor and Mr P. Shayegan of SN15 Leisure Ltd.

The licensing history of the premises is extensive and Police concerns are documented through the various hearings, culminating in a Review in 2011.

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, being granted in 2014.

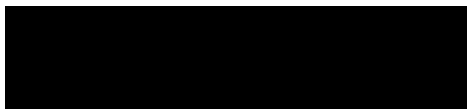
Furthermore the applicants are a new management team, who have had very limited opportunity to provide any demonstrable compliance with the Licencing Objectives. This being the case Wiltshire Police find that there are still concerns regarding the ability of the management to fully promote the licensing objectives, in particular the prevention of crime and disorder.

Additionally, at this point in time, police have concerns that public safety may be compromised by the Variation of the Premises Licence , currently being sought by SN15, primarily seeking 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.

Police object to the variation of the grant of the premises licence on the grounds that the application proposed would undermine the licensing objectives - the prevention of crime and disorder and public safety.

During the consultation period, for this application, Wiltshire Police have proposed revised set of Conditions, which the applicants are currently considering. I attach a copy of the proposed Conditions, which were submitted to Matthew Phipps, Head of Licensing England and Wales, for TLT LLP, on 22<sup>nd</sup> December 2015. The new conditions are intended to allow SN15 to demonstrate adherence to the Licensing Objectives and to also allow the new management team to demonstrate effective management practices.

Yours sincerely



Mrs S. Thurman-Newell  
Licensing Officer  
**Wiltshire Police**



cc – Mr. R.J. Puddephatt

## **SN15, 17 Station Hill, Chippenham SN15 1EQ**

### **Current Door Supervisor Conditions**

- 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.

### **Police Proposed Variation of Door Supervisor Condition**

- a) Entrance\* = Two door supervisors will be on duty at the main entrance from 21:00hrs
- b) Ground Floor/Cocktail Bar = 1 Mobile Door Supervisor
- c) First Floor Mezzanine (Cocktail Bar) = 2 Door Supervisors / 1 when in conjunction with Ground Floor
- d) First Floor Club Room/Night club = 2 Door Supervisors
- e) Upper Patio/Smoking Area & Patio & Lower Patio areas = 1 Door Supervisor, when only one sector open/2 Door Supervisors, when whole terrace open or Club Room/Night club operating from 21:00hrs
- f) Entrance & Terrace/Smoking area Door Supervisors from 21:00hrs in all other areas Door Supervisors to commence duties 30 minutes prior to the section opening.
- g) When Premises operating as a whole premise 10 Door Supervisors will be required – commencement times as previously stated.
- h) Should the Cocktail/Mezzanine Bar's be used for dancing or in a Night Club capacity, 10 Door Supervisors will be required – commencement times as previously stated.

Entrance Security\* = dress code to be agreed in consultation with Wiltshire Police, SIA Licence to be on the operative at all times.

All other areas = Door Supervisors to be in traditional Security dress with SIA licences on display.

Security Incident Register to be maintained, with Security Operatives signing on & off duty with full 16 digit SIA licence number.

All refusals & incidents to be recorded in the security incident book & to be signed off by the Duty Manager at the end of each day's trading.

The above Condition to apply whenever trading, whether or not Regulated Entertainment taking place.

### **Current Polycarbonate Condition**

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.

### **Police Proposed Variation of Polycarbonate Condition**

Beer in polycarbonates at all times

Glass in Cocktail Bar

Wine & Champagne 'glass' bottles, only to be allowed in the Ground Floor Cocktail Bar, & 1<sup>st</sup> Floor mezzanine. Door Supervisors to ensure that no Glasses and Bottles are allowed outside of these areas.

When the premises operating as a whole premise polycarbonates to be on a risk assessment basis.

When Polycarbonates are used, the Venue will operate a bottle decanting policy.

The above Condition to apply whenever trading, whether or not Regulated Entertainment taking place.

**All other current conditions to remain unchanged.**

### **Additional Requirements;**

Review & upgrade the Management Plan, to include Risk Assessments – *within 1 calendar month.*

Written risk assessments.

30<sup>th</sup> December 2015

Mr R Bahadoor  
Public Protection Services  
Licensing Team  
Wiltshire Council  
Monkton Park  
Chippenham  
Wiltshire  
SN15 1ER

Public Protection Services  
Licensing Team  
Wiltshire Council  
County Hall  
Bythesea Road  
Trowbridge  
BA14 8JN

Our ref: LN/00009448

Dear Mr Bahadoor

**Re: Licensing Act 2003 – Variation Application**  
**Premises: SN15 17A Station Hill Chippenham SN15 1EQ**

The Licensing Authority is in receipt of the application to vary the premises licence LN/9448.

Having considered the application, as the officer delegated to respond on behalf of the Licensing Authority, I consider the proposed variation as written is likely to undermine the licensing objectives: Public Safety, The prevention of Crime and Disorder and the Prevention of Public Nuisance.

The conditions on the current licence were imposed following a Licensing hearing where the sub-committee considered all the evidence presented and the offer made by the applicants representative Mr Paul Shayegan.

The proposed variations to amended the conditions relating to door stewards by reducing the number of stewards and the use of polycarbonate provision on a risk assessment basis is confusing/ vague and does not in my opinion seek to promote the licensing objectives in a venue operating in the late night economy.

The current management team have only been operating the venue for a few weeks following a failed attempt to open the venue in the summer as a night club by a different management team. Whilst the Licensing Authority recognises there has been no incidents linked to the premise in is very limited openings since August 2015, the proposed reduction of door stewards without a substantial period of stability for the premises, sight of a revised management plan taking into account all the changes and proposed amendments to the conditions and sight of the proposed risk assessments for the use of polycarbonate glasses means the Licensing Authority is unable to consider the current variation without stating its concern.

The Licensing Authority understands that the new management team wish to operate the premises in two ways, as a cocktail bar down stairs and a night club upstairs, the current wording of the conditions offers insufficient clarity as to how the premises will be managed to stop

transference of people from one floor to the next and management of glass, and noise from patrons congregating outside the venue The proposed two door stewards on a cocktail night for a premises that could hold 276 patrons on the Ground floor and 45 patrons on Balcony when operated in conjunction with a further door steward allocated to the balcony does not give cover to manage any incidents and the main door.

Licensing Authority as a responsible authority, wish formally to object to the variation, as the current wording of the conditions would make it difficult to ensure compliance/ enforcement and the proposed reduction of door stewards gives rise for concern, however I am aware that Wiltshire Police and the applicant are in discussion, I have seen the proposed re-wording from Wiltshire Police and would support such conditions being imposed.

If you have any queries regarding the content of this letter please contact me.

Yours Sincerely

[REDACTED]  
Linda Holland  
**Public Protection Team Leader – Licensing**

[REDACTED]  
Email: [publicprotectionnorth@wiltshire.gov.uk](mailto:publicprotectionnorth@wiltshire.gov.uk)



**From:** Thurman-Newell, Susan [REDACTED]  
**Sent:** 22 December 2015 12:19  
**To:** matthew.phipps [REDACTED]  
**Cc:** Bahadoor, Roy; Holland, Linda  
**Subject:** SN15, Chippenham - Variation

Hello Matthew,

Further to our telephone conversation and your online Variation application, dated 2<sup>nd</sup> December 2015, please find attached Wiltshire Police Licensing's proposed wording for the Door Supervisor and the Polycarbonate Conditions on the Premises Licence of SN15., Chippenham.

The two conditions to be amended under your Variation application are the Door Supervisor & Polycarbonate Conditions, and you have indicated that all other Conditions, permitted hours and licensable activities will remain unchanged by this application. However, I must clarify that Wiltshire Police do seek that the conditions will apply during all periods of trading, whether or not Regulated Entertainment is taking place.

These comprehensive new conditions are intended to allow SN15 to demonstrate adherence to the Licensing Objectives and to also allow the new management team to demonstrate effective management practices.

There is an additional requirement from a police perspective that the SN15 management team will be required to review and upgrade the Management Plan, to include Risk Assessments – within 1 calendar month. Written risk assessments will be required

Regards

Susan

**Mrs. S. Thurman-Newell**

**Licensing Officer**

**Wiltshire Police, Trowbridge Police Station, Polebarn Road, BA14 7EP**

 Dial 101 [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

 **Web:** [www.wiltshire.police.uk](http://www.wiltshire.police.uk)



**SN15, 17 Station Hill, Chippenham SN15 1EQ**

**Current Door Supervisor Conditions**

- 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.

**Police Proposed Variation of Door Supervisor Condition**

- a) Entrance\* = Two door supervisors will be on duty at the main entrance from 21:00hrs
- b) Ground Floor/Cocktail Bar = 1 Mobile Door Supervisor
- c) First Floor Mezzanine (Cocktail Bar) = 2 Door Supervisors / 1 when in conjunction with Ground Floor
- d) First Floor Club Room/Night club = 2 Door Supervisors
- e) Upper Patio/Smoking Area & Patio & Lower Patio areas = 1 Door Supervisor, when only one sector open/2 Door Supervisors, when whole terrace open or Club Room/Night club operating from 21:00hrs
- f) Entrance & Terrace/Smoking area Door Supervisors from 21:00hrs in all other areas Door Supervisors to commence duties 30 minutes prior to the section opening.
- g) When Premises operating as a whole premise 10 Door Supervisors will be required – commencement times as previously stated.
- h) Should the Cocktail/Mezzanine Bar's be used for dancing or in a Night Club capacity, 10 Door Supervisors will be required – commencement times as previously stated.

Entrance Security\* = dress code to be agreed in consultation with Wiltshire Police, SIA Licence to be on the operative at all times.

All other areas = Door Supervisors to be in traditional Security dress with SIA licences on display.

Security Incident Register to be maintained, with Security Operatives signing on & off duty with full 16 digit SIA licence number.

All refusals & incidents to be recorded in the security incident book & to be signed off by the Duty Manager at the end of each day's trading.

The above Condition to apply whenever trading, whether or not Regulated Entertainment taking place.

### **Current Polycarbonate Condition**

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.

### **Police Proposed Variation of Polycarbonate Condition**

Beer in polycarbonates at all times

Glass in Cocktail Bar

Wine & Champagne 'glass' bottles, only to be allowed in the Ground Floor Cocktail Bar, & 1<sup>st</sup> Floor mezzanine. Door Supervisors to ensure that no Glasses and Bottles are allowed outside of these areas.

When the premises operating as a whole premise polycarbonates to be on a risk assessment basis.

When Polycarbonates are used, the Venue will operate a bottle decanting policy.

The above Condition to apply whenever trading, whether or not Regulated Entertainment taking place.

**All other current conditions to remain unchanged.**

### **Additional Requirements;**

Review & upgrade the Management Plan, to include Risk Assessments – *within 1 calendar month.*

Written risk assessments.

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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, ORDANCE 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

[REDACTED]  
Licensing Officer

**Current Licence Date**

9th December 2015

[REDACTED]  
Licensing Officer

COPY

**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 (26<sup>th</sup> 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 <sup>st</sup> 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
<b>Maximum numbers permitted:</b>			<b>600 persons</b>

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.

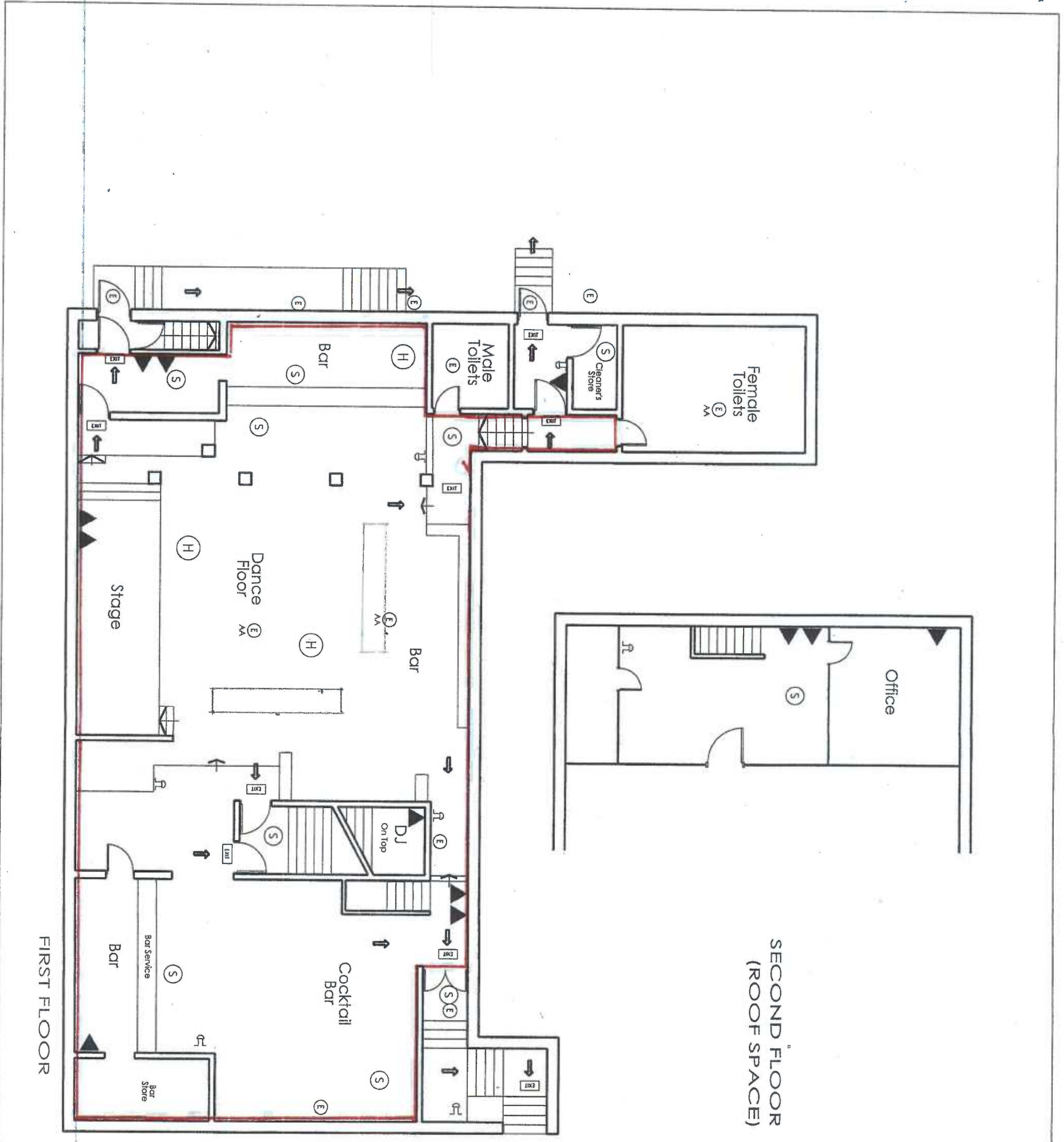
- Only polycarbonate glasses are to be in use at all times throughout the venue, the venue is to operate a bottle decanting policy; no glass bottles are to be present in the public areas.
- All bar staff to undertake an alcohol awareness course by a recognised training provider and records of all staff 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 9<sup>th</sup> 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**



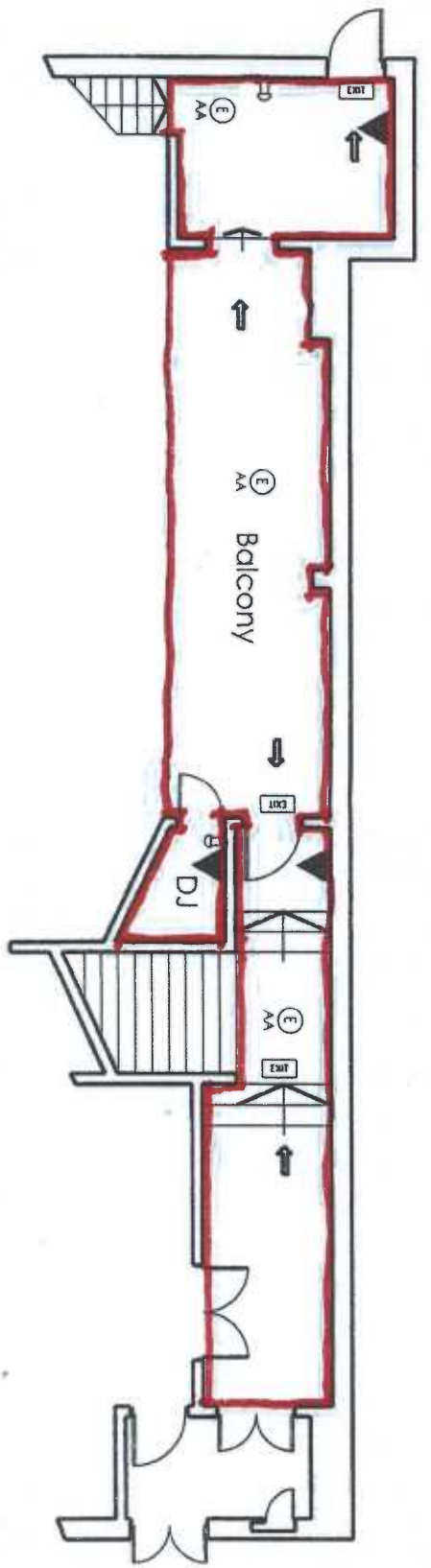
Henrietta Mews Bath BA2 6LR  
 Tel 01225 460427 Fax 01225 482022  
 mail@bba-architects.co.uk  
 www.bba-architects.co.uk



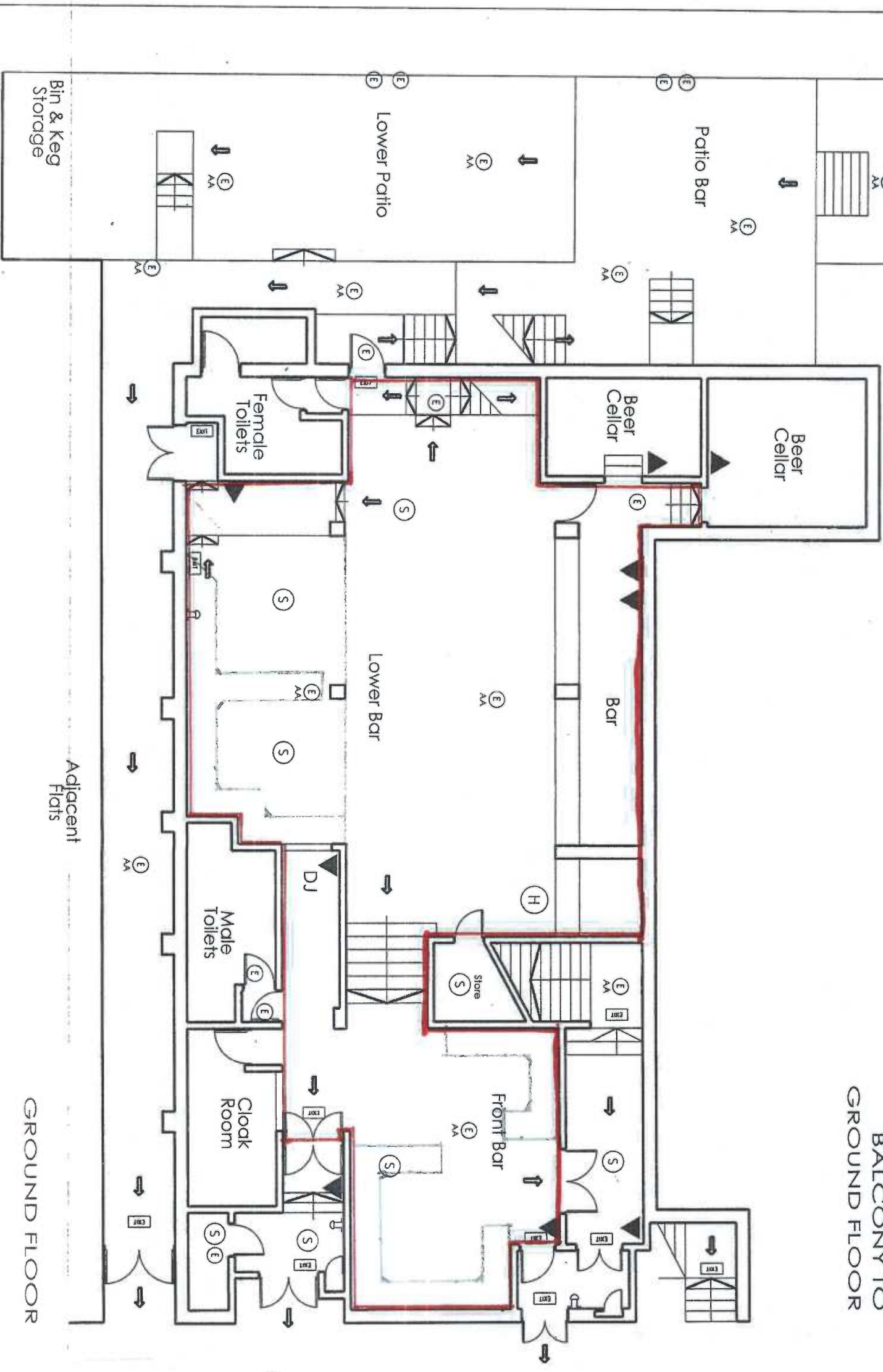
17 STATION HILL  
 CHIPPENHAM  
 FIRE PRECAUTIONS PLAN  
 1:100@A3

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**  
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17 STATION HILL  
CHIPPENHAM  
FIRE PRECAUTIONS PLAN  
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3968/01

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## 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:

	<b>Timings</b>	<b>Days</b>
<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.

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## NORTHERN AREA LICENSING SUB COMMITTEE

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### DRAFT MINUTES OF THE NORTHERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 12 APRIL 2013 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER IN RESPECT OF AN PROVISIONAL STATEMENT - SN15, STATION, HILL, CHIPPENHAM

#### **Present:**

Cllr Desna Allen, Cllr Ernie Clark and Cllr Jonathon Seed

#### **Also Present:**

##### **SN15 Ltd**

Mr P Shayegan  
Mr C Meikel  
Mrs B Daniels

##### **Responsible Authority**

Linda Holland – Senior Licensing Officer  
Paul Taylor – Senior Legal Officer  
Richard Francis – Senior Environmental Health Officer  
Kate Golledge – Public Protection Manager

##### **Persons who made Representation**

Cllr Chris Caswill  
Mr R Burford  
Ms M Croucher  
Mr I Keasey

##### **Wiltshire Police**

Ms J Gallimore  
Roger Bull  
John Brixey

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#### 1 **Election of Chairman**

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

#### **Resolved:**

**To elect Councillor Jonathon Seed as Chairman for this meeting only.**

## 2 **Procedure for the Meeting**

The Chairman explained the procedure to be followed at the hearing, as contained within the "Wiltshire Licensing Committee Procedural Rules for the Hearing of Licensing Act 2003 Applications" (Pages 1 – 8 of the Agenda refers).

## 3 **Chairman's Announcements**

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

## 4 **Declarations of Interest**

There were no interests declared.

## 5 **Licensing Application**

### **Application by SN15 Ltd for a Provisional Statement for SN15 17a Station Hill Chippenham**

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

In accordance with the procedure detailed in the agenda, the Applicant, the Responsible Authorities and persons who had made relevant representations were given the opportunity to address the Sub Committee.

Key points raised by Mr Shayegan, the applicant, were:

- He had been in the business for 30 years and owned clubs in Bath.
- He had always been interested in opening a business in Chippenham.
- He recognised that the club had had problems in the past but believed that was due to bad management.
- He wanted a club where people would be treated with respect, could dress up and have a good time without getting drunk and fighting.
- They would work with the customers to build up a good relationship with them.
- Drugs would not be tolerated.
- Security would be comprehensive.
- There had been a noise report which had been agreed to. Regarding noise on the street – people would be asked to leave at 02.30 and security would ensure that people left the premises quietly and safely. Security would patrol until 03.30. There would also be CCTV to check the street.
- A taxi firm would be available to ensure that taxis were available all the time.
- Litter etc would be cleaned up the next day.

Mr Shayegan then introduced Mr Craig Meikle who would be the Designated Premises Holder.

Mr Meikle explained that he had been the manager of Club 11 for three and a half years and had been Chair of Pubwatch. He was aware of the issues at the previous nightclub in the premises. The proposed club would be a respectable venue and be a safe environment.

Mr Shayegan introduced Mrs Barbara Daniels who would provide security to the proposed nightclub. Mrs Daniels explained that she has been operating in Chippenham for nine years and supplied security to other premises in the town. The security men would ensure that people who were intoxicated would be placed in taxis. There would be CCTV and door to door radios.

The Sub Committee then asked questions of the applicant:

- How any behavioural issues would be addressed by security?

*We will have more than one doorman and others can be called if necessary. We also have CCTV.*

- How many security staff will be on duty at any time.

*There be will 10 SIA staff both men and women.*

- What connection was there between the old management and SN15 Ltd.

*Nothing other than they are the landlord.*

Questions from the Responsible Authority (Mrs Kate Golledge of Wiltshire Council) were:

- We would question Area Global Management's acoustic qualifications.

*We have told them I have a standard to meet. They have met with Ian Sharland and an agreement has been reached and they will comply with the noise report.*

- What is the chill out area to be used for and will you have a cut-off point.

*It will be like a Moroccan area with hubbly bubbly. It is just for people to sit and enjoy drinking quietly. We propose to use sound abating materials. We will close it at 2am.*

- Our policy states that residents shall not be prevented from sleeping from 11pm to 6am. There are residences within 10m of the club – how do you propose to control the noise in the yard?

After a short recess it was agreed that that use of the outside area would cease at 11pm for drinking and then only be in use for up to 40 smokers at any one time until closing time.

Questions raised by the Police were:

- What are the leasehold arrangements?

*The lease is for one year. The intention is to buy the freehold.*

- What are the estimated costs for refurbishment?

*I estimate about £25000*

- So no quotes just a guess?

*Correct.*

Questions raised by Persons who made Relevant Representations were:

- The sound consultant's reports states that you advised him that there had been no complaints about noise in the past.

*I had no information from the previous owners, I did not know there had been issues with noise.*

- On page 77 of the acoustic report that closing time is given as 2am not 3am will that affect the recommendations?

*That is a mistake.*

- *Can we have your assurance that the acoustic report covers a 3am close?*

*Yes*

- Feel that the drugs policy is inadequate – can we have assurances that more detail and fuller measures will be taken?

*We can make random searches and if we are suspicious we will call the Police. We have zero tolerance of drugs.*

- We need to be reassured that noise suppression is adequate and noise barriers will not be disengaged.

*The sound measures will address these issues.*



Key points raised by Ms Gallimore of Wiltshire Police were:

- The Police position was that the application broadly met all the Police requirements.
- Police would work closely with the applicant.
- Police were satisfied with Mr Meikle and also with Mrs Daniels.
- Would question the applicant's financial commitment to this venture.

The Police then drew attention to the agenda supplement which detailed incidents in Chippenham when the old Karma Club was open and after it had closed. Police had been able to assess what was normal without the club being open.

Questions raised by the Sub Committee were:

- Could your statistics be influenced by other premises?

*The data is location specific. We can't attribute it to just one location but there is a correlation between the statistics and the constant presence of the nightclub.*

- Crime rates have dropped in all of Chippenham anyway?

*Yes however the drop was so dramatic it could only be attributed to one incident, that is the closure of Karma.*

Key points raised by Persons who made Relevant Representations were:

- This is not the right place for a nightclub.
- The sound consultant has made some assumptions.
- Previous owners have the potential to be associated with the premises.
- There is not a clear schedule of works.
- Resident's lives were blighted when Karma was open.
- Concerned about the level of damage that has been done to properties in the past

There was a recess for lunch at 1.05pm.

The Hearing reconvened at 1.40pm.

The parties were then given the opportunity to sum up.

The Sub Committee then retired to consider the application and were accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officer.

Following the deliberations of the Sub Committee Members, the Solicitor for the Council made a statement of material legal advice given in closed session.

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

**Resolved:**

That 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:

	<b>Timings</b>	<b>Days</b>
<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 .

The Officer who has produced these minutes is Pam Denton of Democratic Services

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

## DECISION NOTICE

### Northern Area Licensing Sub Committee

#### Decision made on 26 November 2014 in respect of an application for a Premises Licence made by SN15 Leisure Limited for the premises at SN15 17a Station Hill, Chippenham

**Decision:**

The Northern Area Licensing Sub Committee have decided to grant the application by SN15 Leisure Ltd for a Premises Licence at 17a Station Hill, Chippenham in relation to the licensable activities and hours as set out below:

	Timings	Days
<u>Provision of regulated entertainment</u>		
Films (Indoors)	11:00 to 02:00 11:00 to 03:00	Sunday – Wednesday Thursday – Saturday
Live music (indoors)	11:00 to 02:00 11:00 to 03:00	Sunday – Wednesday Thursday – Saturday
Recorded music (indoors)	11:00 to 02:00 11:00 to 03:00	Sunday – Wednesday Thursday – Saturday
Performance of dance (indoors)	11:00 to 02:00 11:00 to 03:00	Sunday – Wednesday Thursday – Saturday
Anything of a similar description (indoors)	11:00 to 02:00 11:00 to 03:00	Sunday – Wednesday Thursday – Saturday
Sale by retail of alcohol (on sales)	11:00 to 01:30 11:00 to 02:30	Sunday – Wednesday Thursday – Saturday
Hours Premises Open to the Public	11:00 to 02:00 11:00 to 03:00	Sunday – Wednesday Thursday – Saturday
Non standard timings (for all Licensable Activities listed above)	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.	

Subject to the attached conditions set out in Appendix 1 of this Decision Notice.

### Reasons

The application for this premises licence has been made pursuant to a provisional statement issued on 12 April 2013. In that Statement, the Licensing Authority had indicated that, if a subsequent application were made for a premises licence in the same terms as sought in the provisional statement application, it would consider it appropriate to grant that licence, subject to the completion of the necessary works to the premises and subject to conditions as detailed in the provisional statement.

The provisional statement had been issued following a hearing held to consider representations made by the police, the Council's Public Protection Team, the licensing authority, the local member, local residents and local business owners. That hearing had also heard from the applicant regarding the proposed management arrangements for the premises. When deciding, at the provisional statement stage, that it would support the future grant of a premises licence, the Licensing Authority had, therefore, taken account of the representations made by the applicant at that time regarding the intended management of the premises.

The Sub Committee considered that many of the concerns regarding this application, particularly those of the local residents and business owners, had been considered at the provisional statement stage and were addressed by the conditions set out in the provisional statement, which are now imposed on the premises licence.

The Sub Committee considered that the principal issues in this current hearing were whether the required works had been satisfactorily carried out and whether changes in the management arrangements for the premises justified any changes to the position taken by the Licensing Authority at the provisional statement stage.

### Works to the Premises

The Sub Committee heard representations from Cllr. Caswill that no proper schedule of works had been produced by the Applicant, as had been required by the Provisional Statement. Furthermore, there had been no confirmation that all of the recommendations set out in the reports of Ian Sharland dated 10 November 2012 and Roger Tombs of 7 November 2012 had been carried out. The Sub Committee accepted that this may be the case, but considered that the main issue here was whether the structure of the premises, following the works that had been done, was appropriate to meet the licensing objectives. Having considered the comments of Richard Francis, Senior Environmental Health Officer, the Sub Committee were satisfied that the additional acoustic condition set out above would give the Environmental Protection Team and the Licensing Authority the necessary ability to control the level of music and noise emissions from the premises.

## Changes in Management

The Applicant submitted that representations made by the police regarding the suitability of Mr. Lever, the proposed DPS, were not relevant representations, as the provisions of Section 18(9) of the Licensing Act had not been complied with. The Police argued, however, that their concerns about Mr. Lever related to his involvement in the management of the premises generally, not specifically to his appointment as DPS. The Sub Committee accepted that the requirements of section 18(9) had not been met and that they could not consider any representations, or make any decision, specifically regarding Mr. Lever's position as DPS.

However, as explained during the hearing, the Sub Committee considered that, irrespective of whether or not he was the named DPS, it seemed clear that Mr. Lever would be involved in the management of the premises, given his role in the Applicant company. They therefore felt that it was relevant to hear and consider representations about Mr. Lever's suitability on that basis.

The police had summarised their concerns regarding the proposed involvement of Mr. Lever in the management of these premises. They had referred to a number of incidents that had occurred at previous licensed premises in Swindon where Mr. Lever had worked.

The police had also set out their concerns regarding Mr. Shayegan, in particular regarding alleged inconsistent statements made by him both in relation to the role that he would play in the management of these premises and also in connection with his previous involvement with premises in Bath known as the Blue Rooms.

In response, Mr. Kolvin, for the Applicants, had reiterated that both Mr. Lever and Mr. Shayegan had considerable experience in the licensed trade and that they were both aware of their obligations to manage the premises properly and to comply with any licence conditions, including the detailed management plan.

The Sub Committee have given careful consideration to the concerns that were raised by the police regarding the change in management arrangements and personnel. However, they do not consider that these changes were sufficient to justify a refusal of the application. The management of the premises is regulated by the conditions imposed on the licence and the management plan. Any failure to comply with those conditions can lead to a review of the premises licence.

In reaching its decision the Sub Committee have considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4, 18, and 32); the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

## **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.

## **Appendix 1 – Licence Conditions**

### **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 <sup>st</sup> 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
<b>Maximum numbers permitted:</b>		<b>600 persons</b>

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 that 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.

## NORTHERN AREA LICENSING SUB COMMITTEE

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**DRAFT MINUTES OF THE NORTHERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 26 NOVEMBER 2014 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER IN RESPECT OF AN APPLICATION FOR A PREMISES LICENCE BY SN15 LEISURE LTD FOR SN15, 17A STATION HILL, CHIPPENHAM**

**Present:**

Cllr Desna Allen, Cllr Trevor Carbin and Cllr Sue Evans

**Also Present:**

Wiltshire Council

Roy Bahadoor (Public Protection Officer)  
Richard Francis (Senior Environmental Health Officer – Responsible Authority)  
Lisa Pullin (Democratic Services Officer)  
Paul Taylor (Senior Solicitor)

Applicants

Tom French (SN15 Leisure Ltd)  
Phillip Kolvin (Queen’s Counsel for the Applicants)  
James Lever (SN15 Leisure Ltd and Proposed Designated Premises Supervisor)  
Barry Richards (TLT Solicitors)  
Paul Shayegan (SN15 Leisure Ltd)  
Piers Warne (TLT Solicitors)

Wiltshire Police

Dave Bennett (Licensing Manager)  
Jacqui Gallimore (Licensing Officer – Wiltshire)  
Sian Kalynka (Licensing Officer – Swindon)  
Guy Ladenburg (Counsel for Wiltshire Police)

Members of the Public who made a Relevant Representation

Councillor Chris Caswill (On behalf of Robert Burford and Ian Keasey also)  
Peter Wans (On behalf of Rev Millett)

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1 **Election of Chairman**

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

**Resolved:**

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

2 **Procedure for the Meeting**

The Chairman explained the procedure to be followed at the hearing, as contained within the "Wiltshire Licensing Committee Procedural Rules for the Hearing of Licensing Act 2003 Applications" (Pages 1 – 8 of the Agenda refers).

3 **Chairman's Announcements**

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

4 **Declarations of Interest**

There were no interests declared.

5 **Licensing Application**

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

Councillor Desna Allen, Chairperson, welcomed those present and asked all to introduce themselves.

She reminded those present that this application had been made pursuant to the grant of a Provisional Statement by the Licensing Authority in April 2013. As such, section 32 of the Licensing Act applied. This meant that representations on any subsequent application for a premises licence may be excluded in the circumstances set out in that section.

The Chairperson stated that the Applicant had previously indicated that, in their view, all of the representations that had been received on this application should be excluded, by virtue of section 32, and could not be taken into account by the Licensing Authority. This had been disputed by the Police, who argued that their representations were not excluded and should, therefore, be taken into account.

The legal representatives for both the Applicant and the Police had provided brief submissions, setting out their legal arguments on this point. It was

proposed, therefore, to consider the issue of the admissibility of representations as a preliminary point.

The advocates for the Applicant and the Police were then invited to address the Sub Committee on this point.

Philip Kolvin (PK), QC for the Applicant

On behalf of the Applicants, PK stated that they were not now seeking to exclude the representations made as they did not wish to shut out the views of the local residents. He confirmed that the Applicants had an issue with the representation from Wiltshire Police but stated that the Applicant would be prepared to proceed to the substantive hearing of the application.

Guy Ladenburg (GL), Counsel for Wiltshire Police

GL stated that the Applicants were arguing that the Police were attempting a “second bite of the cherry” and were making representations on the same information as at the provisional statement stage. It would be the Police’s case that this was not so. They felt that there had been a material change in circumstances in that the management of the premises had changed now that it had come forward as a full licence application. There was a proposed new management structure to be put in place which gave a great deal of uncertainty and about which the police had serious reservations.

The background of these premises gave the Police cause for concern as the previous licence holder had had the licence revoked because of the serious problems with crime and disorder. The Police would wish for there to be a robust management structure in place to protect the local residents. Their view was that the proposals from the provisional statement had changed and that the new people proposed for the roles were not acceptable. The high level of investment in the premises required was not evidenced.

Paul Taylor, Solicitor for Wiltshire Council clarified with both parties that they were happy not to debate the admissability of representations and proceed straight to the hearing.

All parties confirmed that they were happy to proceed with the hearing of the application for a Premises Licence.

Roy Bahadoor, Licensing Officer for Wiltshire Council introduced the purpose and scope of the application, the premises to which it related and the key issues for consideration. This application for a Premises Licence was being made pursuant to the Provisional Statement granted on 12 April 2013.

During the consultation process eight representations had been received. Four from local residents, one from a Town Councillor, one from a Unitary Councillor,

one from Wiltshire Police and one from the Environmental Control and Protection Team of Wiltshire Council.

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

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

- We wish for a ruling to be made on whether you would accept Mr Lever as the Designated Premises Supervisor (DPS) for the premises. If you were not minded to accept him, he could be withdrawn as proposed DPS;
- The business history/experience of Paul Shayegan who was a Director of SN15 Leisure Ltd making the application for a Premises Licence;
- That Mr Shayegan was fully aware of his responsibilities to comply with the licensing objectives as he knows of the problems in the past with this venue;
- If a Premises Licence were to be granted the Applicants would sign a 15 year lease of the building and would be spending approximately £172k on a refit to bring the building up to a suitable standard to open the venue. Around 40 people would be employed to run the premises;
- Mr Shayegan had joined forces with Mr French and Mr Lever who would be assisting with the finances for the project. Mr Shayegan would continue to work at and run SN15 as it was his company behind it;
- When the application for a Provisional Statement was submitted, five supporting documents were included and these same five documents had been submitted again with the application;
- The Applicants were happy to subscribe to the schedule of conditions that were detailed on the revoked Karma Nightclub licence;
- The management plan had not changed since the Provisional Statement and all roles and responsibilities were set out in the plan;
- If a licence was granted there would be a Challenge 25 Policy, there would be a bar supervisor on each bar and there would be zero tolerance on drugs;
- Craig Mickle (proposed DPS at time of Provisional Statement application) had moved on to pastures new and now James Lever was the proposed DPS;



- All of those who made a representation to the Provisional Statement stage had made one again with the exception of Cllr Murry;
- The Applicants accepted that the residents had previously suffered because of the noise breakout and the anti social behaviour of their patrons and damage to their property;
- Wiltshire Police had previously stated that the Provisional Statement application broadly met all of the Police's requirements and the Sub Committee addressed the issues raised by putting in a number of conditions and measures to make the application acceptable to grant;
- No appeal was made to decision to grant the Provisional Statement by any party;
- In reliance on the Provisional Statement the Applicants had spent £30k on commencement of the remedial works;
- Anyone could take advantage of a Provisional Statement but it was still SN15 Leisure Ltd who were the Applicants with the same application, same plan, same supporting documents, and the works required had been substantially carried out;
- No adverse comments had been received from Wiltshire Fire & Rescue Service and a full fire Risk Assessment would be carried out if/when the premises re-opens;
- A condition had been agreed to satisfy the concerns of Mr Francis, Wiltshire Council Environmental Health regarding noise breakout;
- The local residents had made some basic points which had already been considered by the Sub Committee at the previous hearing. The Applicants did not wish for the residents to suffer in the future and if this was the case they could bring the matter back and ask for the licence to be reviewed;
- Wiltshire Police refer to Mr Shayegan's involvement with a business linked to drugs convictions, but he was not involved in the day to day management of the premises at that time and so it should not be levelled at him that he was unfit to run a nightclub business;
- Mr Lever (the proposed DPS) was an investor in the premises and he had been in the industry for 20 years. He had a personal licence granted by Swindon Borough Council and no reviews of any licence had been carried out at any or the premises he had been involved with;
- The only person who could object to a particular DPS was the Chief of Police and we don't see any evidence that the Chief of Wiltshire Police had

made an objection in the required form to Mr Lever being the DPS for SN15 Leisure Limited. As there was no such statement then we would say that the representation about Mr Lever is irrelevant and cannot be taken in to account;

- The Applicants have not had sufficient time to consider the additional evidence provided by Wiltshire Police at the late stage and as we say that as there is no statement to object the whole objection to Mr Lever should fall away and not be considered by the Sub Committee; and
- If the Sub Committee were unhappy with Mr Lever being DPS then the Applicants would offer to remove him and leave the role open for now in order to make progress at this hearing.

Response from Guy Ladenburg, Counsel for Wiltshire Police

- We would say that the Applicants are raising a technical objection in an effort to exclude the Police's evidence on the unsuitability of Mr Lever – we feel that the Sub Committee needs to hear the our evidence in full; and
- It is accepted that there is not a specific statement, using the wording in section 18(9) of the Act, in the police's representation, that the DPS should not be Mr Lever. However, there doesn't need to be one. The Applicants are wishing to have the Police's evidence regarding Mr Lever excluded. However, we do wish to have the opportunity for it to be set out to the Sub Committee as Mr Lever will have a wider role in the running of the premises, beyond that of DPS.

The Sub Committee adjourned at 10.50am.

The Sub Committee reconvened at 10.55am.

Paul Taylor, Solicitor for Wiltshire Council stated that the Sub Committee accepted that they could not consider whether or not to exclude Mr Lever as DPS, as the requirements of section 18(9) had not been met. However, they also accepted the Police's view that the concerns about Mr Lever were wider than just his role as the DPS and related to the whole management of the premises. They would therefore take into account the Police's representations on this issue.

Key points raised by Guy Ladenburg, Counsel for Wiltshire Police - Responsible Authority were:

- There was no "statement" from the Chief of Police in objection to Mr Lever being DPS but noted that the Sub Committee accepted that the full Police representation should be heard;

- Wiltshire Police would not be seeking to exclude the press and public during the presentation of their evidence;
- The Police were seeking to prove that there had been a material change of circumstances since the Provisional Statement application. They had had confidence in Craig Mickle being able to suitably run the premises, but as he was no longer involved they didn't have confidence in the proposed management arrangements;
- There were inconsistencies in what was being said about the involvement with the previous Karma management. In a meeting with Mr Shayegan he had said that Mike Rosser (Karma) had paid for the works carried out, but we hear today that SN15 had paid for those works;
- The Police were not confident that there was a break from those involved in running the old regime and this would have a significant impact on the licensing objectives to properly manage the premises. This is why the Police had made their representation;
- The statement of Sian Kalynka (Swindon Licensing Officer) did not show Mr Lever in a good light and highlighted the concerns of 3 late night premises that he had been involved with when the premises were poorly managed; and
- The Police would say that there was a likelihood of history repeating itself and there was no evidence that Mr Lever and Mr French had successfully run premises at this level.

Councillor Chris Caswill asked the questions of the Applicants:

Do you accept that the sound insulation work was prospective and not actually carried out?

PK – Yes provisional works were carried and a statement of intentions of work were provided.

Why was the schedule of works only made available yesterday?

PK - We carried out relevant work to date and then wished to provide proof to the Sub Committee that that what we said had been done had actually been done.

Why is an email addressed to Mike Rosser?

PK – He is the landlord of the premises and it is him from whom we would be leasing the building.

Key points raised by Richard Francis, Senior Environmental Health Officer, Environmental Control and Protection, Wiltshire Council were;

- He had been involved since the Provisional Statement stage and an extensive amount of work had been done to make the necessary for sound management improvements;
- On a site visit there were concerns that an area of noise breakout was not covered by the original report from Ian Sharland. To resolve this concern a condition has been agreed between myself and the applicant as follows:-

“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.”

- With the inclusion of the above condition I am happy with the application.

Councillor Chris Caswill asked the questions of Richard Francis (RF) from the Responsible Authority:

Why was the noise expected from the patio looked at so late and why couldn't we have had access to the agreed noise condition before now?

RF – I apologise for the lateness of the condition. From a site visit that I carried out it became apparent that the doors by the lower dance floor were going to be used for access/egress. When I had carried out my earlier assessment these doors had been closed. So further sound testing was carried out and I am confident that with my proposed condition all sound breakout problems will be alleviated.

Why do you say in your email to the Applicant's that you hope to avoid a public hearing?

RF- As Officers we try to negate the need for a public hearing by negotiation and resolving issues.

Key points raised by Councillor Chris Caswill who made a Relevant Representation and by Robert Burford and Ian Keasey for whom Cllr Caswill was representing were:

- The residents would have liked to have appealed the decision made to grant the Provisional Statement but could not do so due to the financial burden;
- Although the comments raised by the residents were similar to those raised at the provisional statement stage, on this occasion the whole area surrounding the premises were objecting and so the scale of the objection had increased;
- A proper schedule of works was only made available the day before this hearing. The Applicants were told that the licence would only be issued if the works had been carried out. I feel that it is unreasonable that the Applicants have not done what was asked and say that they would do it when the full licence is issued. I say that the premises are not yet ready and that the application is inadequate, not properly prepared and should be refused;
- The Management Plan should recognise the concerns of the residents and it states that you will have a minimum of 1 door supervisor. I would say that there should be at least 2 at all times and this should be added as a condition if the licence was to be granted; and
- There are problems for the residents of St Mary's Place, Chippenham and measures should be put in place to prevent exit/egress into St Mary's Place. Perhaps the Applicant could contribute to a gate that could be locked at a certain time. I have been informed that this would be a possibility by Council Officers and it would help with problems there.

Paul Taylor, Solicitor for Wiltshire Council clarified that attempts were made to get a proper schedule of works from the Applicants. However, the Council had taken a pragmatic view that the two reports that had been submitted effectively constituted the Schedule and had proceeded on that basis, whilst accepting that this was not ideal.

Councillor Chris Caswill stated that he was disappointed that this issue was not dealt with in the public domain and reiterated that there was not a suitable schedule of works and the application should not have been accepted.

Paul Taylor asked the parties to comment on whether they considered that conditions could be added to the licence to address the concerns that had been raised.

Guy Ladenburg for Wiltshire Police made the following points in summation:

- We do not feel that adding conditions to this licence would alleviate concerns. It would be like plasters covering up old wounds; and

- The Police feel that there has been a material change and do not feel that the premises would be adequately managed by the proposed management structure to promote the licensing objectives.

Phillip Kolvin for the Applicants made the following points in summation:

- There was no connection from the old regime and all those involved are new. The management roles were identified as per the Provisional Statement stage and these would all be fulfilled. The only change to the application was the DPS and you ruled that that this was not a live representation.

Councillor Desna Allen wished to clarify that the offer to voluntarily remove Mr Lever as DPS still stood. Phillip Kolvin confirmed that it did.

- New investors had come in and wanted to make it work. Mr Shayegan had ultimate responsibility for the company and there had been no challenge on his experience. He was of good character and had 30 years experience in the business;
- Mr Lever had never been prosecuted and no reviews of any premise he has been involved in had ever been carried out;
- In our proposals we say that we would have at least 10 door staff in the premises and would be happy for a condition to say that we have at least 2 door staff in position at all times; and
- The Applicants were aware of the risk they are taking if they didn't run these premises well.

Councillor Chris Caswill made the following points in summation:

- I say that the works required within the schedule of works have not been carried out and no where does it say that they have been accepted by Wiltshire Council;
- The Council appear to be constantly shifting the rules for the Applicants;
- I hear what has been said in relation to the management of the patio area but do not have confidence that this will be appropriately managed; and
- I feel the Applicants have not done what was asked of them so the application should be refused.

The Sub Committee then retired to consider the application at 12.20pm.

The Hearing reconvened at 2.20pm.

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

**Resolved:**

**The Northern Area Licensing Sub Committee have decided to grant the application by SN15 Leisure Ltd for a Premises Licence at 17a Station Hill, Chippenham in relation to the licensable activities and hours as applied for:**

	<b>Timings</b>	<b>Days</b>
<b><u>Provision of regulated entertainment</u></b>		
<b>Films (Indoors)</b>	11:00 to 02:00 11:00 to 03:00	Sunday – Wednesday Thursday – Saturday
<b>Live music (indoors)</b>	11:00 to 02:00 11:00 to 03:00	Sunday – Wednesday Thursday – Saturday
<b>Recorded music (indoors)</b>	11:00 to 02:00 11:00 to 03:00	Sunday – Wednesday Thursday – Saturday
<b>Performance of dance (indoors)</b>	11:00 to 02:00 11:00 to 03:00	Sunday – Wednesday Thursday – Saturday
<b>Anything of a similar description (indoors)</b>	11:00 to 02:00 11:00 to 03:00	Sunday – Wednesday Thursday – Saturday
<b>Sale by retail of alcohol (on sales)</b>	11:00 to 01:30 11:00 to 02:30	Sunday – Wednesday Thursday – Saturday
<b>Hours Premises Open to the Public</b>	11:00 to 02:00 11:00 to 03:00	Sunday – Wednesday Thursday – Saturday
<b>Non standard timings (for all Licensable Activities listed above)</b>	<p>On New Year’s Eve, from the end of permitted hours until the commencement of permitted hours on New Year’s Day.</p> <p>An additional hour commencing at the end of permitted hours, on the day when British Summertime commences.</p>	

**Subject to the attached conditions set out below**



## **Licence Conditions**

### **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>		<u>Max Numbers</u>
Ground Floor	Open plan when used for dancing/standing	276
Balcony	Open plan standing audience	45
1 <sup>st</sup> 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 that 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.**

#### Reasons

The application for this premises licence has been made pursuant to a provisional statement issued on 12 April 2013. In that Statement, the Licensing Authority had indicated that, if a subsequent application were made for a premises licence in the same terms as sought in the provisional statement application, it would consider it appropriate to grant that licence, subject to the completion of the necessary works to the premises and subject to conditions as detailed in the provisional statement.

The provisional statement had been issued following a hearing held to consider representations made by the police, the Council's Public Protection Team, the licensing authority, the local member, local residents and local business owners. That hearing had also heard from the applicant regarding the proposed management arrangements for the premises. When deciding, at the provisional statement stage, that it would support the future grant of a premises licence, the Licensing Authority had, therefore, taken account of the representations made by the applicant at that time regarding the intended management of the premises.

The Sub Committee considered that many of the concerns regarding this application, particularly those of the local residents and business owners, had been considered at the provisional statement stage and were addressed by the conditions set out in the provisional statement, which are now imposed on the premises licence.

The Sub Committee considered that the principal issues in this current hearing were whether the required works had been satisfactorily carried out and

whether changes in the management arrangements for the premises justified any changes to the position taken by the Licensing Authority at the provisional statement stage.

### Works to the Premises

The Sub Committee heard representations from Cllr Caswill that no proper schedule of works had been produced by the Applicant, as had been required by the Provisional Statement. Furthermore, there had been no confirmation that all of the recommendations set out in the reports of Ian Sharland dated 10 November 2012 and Roger Tombs of 7 November 2012 had been carried out. The Sub Committee accepted that this may be the case, but considered that the main issue here was whether the structure of the premises, following the works that had been done, was appropriate to meet the licensing objectives. Having considered the comments of Richard Francis, Senior Environmental Health Officer, the Sub Committee were satisfied that the additional acoustic condition set out above would give the Environmental Protection Team and the Licensing Authority the necessary ability to control the level of music and noise emissions from the premises.

### Changes in Management

The Applicant submitted that representations made by the police regarding the suitability of Mr Lever, the proposed DPS, were not relevant representations, as the provisions of Section 18(9) of the Licensing Act had not been complied with. The Police argued, however, that their concerns about Mr Lever related to his involvement in the management of the premises generally, not specifically to his appointment as DPS. The Sub Committee accepted that the requirements of section 18(9) had not been met and that they could not consider any representations, or make any decision, specifically regarding Mr. Lever's position as DPS.

However, as explained during the hearing, the Sub Committee considered that, irrespective of whether or not he was the named DPS, it seemed clear that Mr Lever would be involved in the management of the premises, given his role in the Applicant company. They therefore felt that it was relevant to hear and consider representations about Mr. Lever's suitability on that basis.

The police had summarised their concerns regarding the proposed involvement of Mr. Lever in the management of these premises. They had referred to a number of incidents that had occurred at previous licensed premises in Swindon where Mr. Lever had worked.

The police had also set out their concerns regarding Mr. Shayegan, in particular regarding alleged inconsistent statements made by him both in relation to the role that he would play in the management of these premises and also in connection with his previous involvement with premises in Bath known as the Blue Rooms.

In response, Mr. Kolvin, for the Applicants, had reiterated that both Mr. Lever and Mr. Shayegan had considerable experience in the licensed trade and that they were both aware of their obligations to manage the premises properly and to comply with any licence conditions, including the detailed management plan.

The Sub Committee have given careful consideration to the concerns that were raised by the police regarding the change in management arrangements and personnel. However, they do not consider that these changes were sufficient to justify a refusal of the application. The management of the premises is regulated by the conditions imposed on the licence and the management plan. Any failure to comply with those conditions can lead to a review of the premises licence.

In reaching its decision the Sub Committee have considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4, 18, and 32); the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

### **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.

(Duration of meeting: 9.30am – 10.55am Hearing  
10.55am – 11.05am – Adjournment  
11.05am – 12.20pm Hearing  
12.20pm – 2.20pm - Break and Deliberations  
2.20pm – 2.25pm – Announcement of Decision)

The Officer who has produced these minutes is Lisa Pullin, tel - 01225 713015, email - [lisa.pullin@wiltshire.gov.uk](mailto:lisa.pullin@wiltshire.gov.uk), of Democratic Services.

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



## DECISION NOTICE

### Northern Area Licensing Sub Committee

#### Decision made on 16 December 2015

#### In respect of an application for a Temporary Events Notice at SN15, 17a Station Hill, Chippenham

##### **Decision:**

The Northern Area Licensing Sub Committee has considered the Objection Notice submitted by Wiltshire Police.

The Sub Committee has decided not to issue a Counter Notice in respect of the Temporary Events Notice and therefore to allow the Temporary Events Notice as follows:

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

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

(Condition 19a) - Door Supervisors

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

Condition 26 –

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

##### **Reasons:**

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

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

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

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

### **Right of Appeal**

The Chief Officer of Police may appeal against a decision not to issue a Counter Notice. Any appeal must be lodged within 21 days beginning with the day of notification of the decision. No appeal may be brought later than five working days before the day of the proposed temporary events.

**From:** Matthew Phipps [REDACTED]  
**Sent:** 21 December 2015 09:48  
**To:** 'Beverley.pitchford [REDACTED]  
**Cc:** 'susan.thurman-newel [REDACTED] 'lisa.grant [REDACTED] Bahadoor, Roy;  
Paul Uren  
**Subject:** SN15 [TLT-TLT.FID3752906]

Dear Officer

In line with our discussions before the Licensing Committee (and outside) on Wednesday 16 December I write to confirm the following:

1. If the premises trades under a temporary event notices between now and the end of January 2016 it will abide by all conditions of the licence in line with the Licensing Committee decision permitting the temporary event notice for the Christmas eve.

In effect this will mean the following:

1. If the premises trades the ground floor it will engage two door staff to be situated at the front door to monitor arrival and dispersal (and the front space).
2. If the external (rear) terrace is open then one door person will be engaged, if the whole of the terrace is open then two door staff will be engaged.
3. If the upstairs first floor club room is open two additional door staff will be engaged.

It is anticipated that for all of the temporary event notices the bar itself will likely open at 7pm, door staff to be engaged from 9pm and from 11pm the first floor will open (with additional door staff being in situ prior to opening).

2. In terms of polycarbonates, risk assessment will be undertaken but it is envisaged that premises will permit cocktails in glass and will permit (in the first floor VIP room only) glass bottles to be positioned on tables. However, champagne (etc) will be consumed in polycarbonates, the premises having acquired suitably high quality "plastic glasses".

3. Finally, it is my understanding that all of the acquirements of the Crime Prevention Officer have been addressed, but if the officer would like to visit in order to inspect the premises, check that matters have been attended to as per his requirements then he shouldn't hesitate to contact manager on site.

I trust this is satisfactory but if you have further queries don't hesitate to give me a call.

Best wishes

Yours sincerely

Matthew Phipps  
Partner  
Head of Licensing England and Wales  
for TLT LLP

[REDACTED]

[www.TLTsolicitors.com](http://www.TLTsolicitors.com)

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Company Name: SN15 Leisure LTD

Name of Worker / Task: Robin Puddephatt – Due Diligence on whole venue

Position: General Manager

Location: [REDACTED]

Assessor: Robin Puddephatt

Date: December 2015

What are the hazards?	Who might be harmed and how?	Level of Risk? High/Med/Low	What are you already doing to manage risk?	What further action is necessary?	Action by whom?	Action by when?	Completed
Breakage and potential cuts.	Staff and/or customers	Low	Keep one SIA supervisors posted at each of the two access points to the club V.I.P lounge with a rope to control flow and access, under no circumstance will any customer be allowed to move beyond this point with the bottle. There is also a minimum of one bartender/waiter/waitress serving on this bar that will help keep a close eye on proceedings		SIA team (specifically the SIA supervisor posted at either side of the access points to the V.I.P lounge area). All staff including management.		


<b>Suggested Review:</b>			
<b>Assessed By:</b>		<b>Assessment review date:</b>	
<b>Signed:</b>		<b>Date:</b>	