

# AGENDA

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**Meeting:** Northern Area Licensing Sub Committee  
**Place:** Council Chamber - Council Offices, Monkton Park, Chippenham, SN15 1ER  
**Date:** Wednesday 21 September 2016  
**Time:** 1.00 pm  
**Matter:** Application for a Variation of a Premises Licence - SN15 Leisure Ltd, SN15, 17a Station Hill, Chippenham

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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 Peter Evans

Cllr Simon Jacobs

## Reserve Member

Cllr Sue Evans

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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 in respect of SN15, 17a Station Hill, Chippenham, SN15 1EQ, made by SN15 Leisure Ltd. The report of the Licensing Officer is attached.

6a **Appendix 1 - Variation Application Form** (*Pages 17 - 38*)

6b **Appendix 2 - Amendment Email from TLT Solicitors** (*Pages 39 - 40*)

6c **Appendix 3 - Relevant Representations** (*Pages 41 - 54*)

6d **Appendix 4 - Decision Notice and Minutes from Hearing 19/01/2016**  
(*Pages 55 - 66*)

6e **Appendix 5 - Current Premises Licence** (*Pages 67 - 80*)

6f **Appendix 6 - Location Plan** (*Pages 81 - 82*)

6g **Appendix 7 - Supporting Evidence from Wiltshire Police** (*Pages 83 - 98*)

- 6h **Appendix 8 - Supporting Evidence from the Licensing Authority**  
*(Pages 99 - 142)*
- 6i **Appendix 9 - Supporting Evidence from Environmental Control and Protection (to follow)**

## 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 members of the Sub Committee and invites all parties present (Applicant, Responsible Authority/Authorities, any person/s who have made a Relevant Representation and Council Officers) to introduce themselves.
4. The Chairperson outlines the Hearing Procedure as set out in the Agenda, makes any relevant announcements and asks for any declarations of interest.
5. The Licensing Officer is asked to present their Committee Report.
6. The Applicant/their representative is invited to address the Sub Committee in support of their application.
7. Questions to the Applicant by Members of the Sub Committee.
8. Questions to the Applicant by Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation which are to be directed through the Chairperson.
9. Any Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation are invited to address the Sub Committee in support of their representations.
10. Questions to the Responsible Authorities/those who have made a Relevant Representation by Members of the Sub Committee.
11. Questions to the Responsible Authorities/those who have made a Relevant Representation by the Applicant, which are to be directed through the Chairperson.
12. Closing submissions by those Parties who have made a Relevant Representation in reverse order.
13. Closing submissions by the 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 Sub 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 (5 working days).

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## WILTSHIRE COUNCIL

### NORTHERN AREA LICENSING SUB COMMITTEE

21 September 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 six 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 appropriate 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 28 July 2016 an application for a variation to the premises licence was received. Following receipt, it was identified that part of the application information was missing; therefore an amended application was submitted on 29 July 2016 and was accepted as a valid application.
- 2.6 The variation applied for is summarised as follows:

- Amendment of existing Premises Licence conditions, including those relating to security staff, use of polycarbonate/glassware and the use of the outside area.

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 The Licensing Officer requested confirmations relating to door staff and the premises capacity during the consultation period. These queries were not confirmed by the applicant's solicitors, TLT Solicitors, before the end of consultation. On 31 August 2016, TLT Solicitors confirmed amendments to wording relating to door staff. A copy of this amendment is attached as **Appendix 2**.

3.3 During the consultation period, six relevant representations against the application have been received.

#### 3.4 Representations Received

- Cllr Christopher Caswill, 19 The Street, Cherhill, Calne, Wiltshire, SN11 8XP.
- Mr Robert Burford, 11 Station Hill, Chippenham, Wiltshire, SN15 1EQ.
- Cllr Nick Murry, Chippenham Town Council, High Street, Chippenham, SN15 3ER.
- Mrs Linda Holland, Licensing, Wiltshire Council, County Hall, Bythesea Road, Trowbridge, Wiltshire, BA14 8JN.
- Mr Martin O'Neill, Wiltshire Police Licensing, Polebarn Road, Trowbridge, Wiltshire, BA14 7EP.
- Mr Richard Francis, Environmental Control and Protection, Monkton Park, Chippenham, Wiltshire, SN15 1ER.

3.5 A summary of the representations received are detailed in the table below:

Representation	Licensing Objective
Ambiguity of wording in application.	Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance
Unsupervised use of outside area and removal of current conditions.	Prevention of Public Nuisance

Removal/amendment of security staff conditions.	Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance
Removal/amendment of polycarbonate conditions.	Prevention of Crime and Disorder, Public Safety
Insufficient detail to support application, lack of control measures for proposed changes	Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance.

3.6 The relevant representations are attached as **Appendix 3**.

3.7 The premises currently holds a Premises Licence under the Licensing Act 2003, since 1 December 2014. 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.

3.8 On 2 December 2015 an application to vary the Premises Licence conditions relating to door staff and polycarbonate/glassware use was received. Following receipt of representations, the Licensing Sub Committee determined the application at a Hearing on 19 January 2016. Copies of the Decision Notice and Minutes from the Hearing are attached as **Appendix 4**.

A copy of the current Premises Licence is attached as **Appendix 5**. A location plan is attached as **Appendix 6**.

3.9 Wiltshire Police have provided evidence in support of their representation and this is attached as **Appendix 7**.

3.10 The Licensing Authority have provided evidence in support of their representation and this is attached as **Appendix 8**.

3.11 Environmental Control and Protection intend to provide further evidence to support their representation and this is to follow as **Appendix 9**.

#### **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: 1 September 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 Variation Application Form**
- 2 Amendment email from TLT Solicitors**
- 3 Relevant Representations**
- 4 Decision Notice and Minutes from Hearing 19/01/2016**
- 5 Premises Licence**
- 6 Location Plan**
- 7 Supporting Evidence from Wiltshire Police**
- 8 Supporting Evidence from the Licensing Authority**
- 9 Supporting Evidence from Environmental Control and Protection (to follow)**



# Agenda Item 6a

## 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.

We SN15 Leisure Ltd

*(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 LN/000009448
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### Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description  17A Station Hill Chippenham			
Post town	Wiltshire	Postcode	SN15 1EQ
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£35,500	

### Part 2 – Applicant details

Daytime contact telephone number			
E-mail address (optional)			
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
<input type="text"/>	<input type="text"/>	<input type="text"/>

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?  
(Please see guidance note 1)  Yes  No

**Please describe briefly the nature of the proposed variation** (Please see guidance note 2)

This is an application to make amendments to the premises licence conditions, so as to replace the existing operating schedule with the following conditions:

#### **Prevention of Public Nuisance**

##### **Noise**

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

The premises licence holder or the DPS shall carry out observations from time to time in the vicinity of the nearby properties, between 23:00hrs to closing time, to establish whether there is a noise breakout from the premises.

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

##### **The Patio**

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

##### **Litter disposal**

No rubbish or recyclable material is to be disposed of from the premises between the hours of 02:00 and 07:00 hours.

#### **Public safety**

##### **Overcrowding/ capacity**

Overcrowding in such a manner as to endanger the safety of the public shall not be permitted in any part of the premises. The maximum number of persons permitted on the premises as stated on the licence is not to be exceeded at any time.

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

Parts of the premises:

Ground floor (open plan) When used for dancing/ standing: 276

Balcony (open plan) standing: 45

1<sup>st</sup> floor dance/ bar areas: 291

Total floor space capacity: 612

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

##### **Maximum number permitted at any one time: 600 persons**

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

##### **Lighting**

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

##### **Management**

It is the personal responsibility of the Premises Licence Holder to ensure that all conditions are

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

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

## **Protection of Children from Harm**

### **Challenge Policy/Children**

The Premises Licence Holder shall conduct the premises in an orderly manner and shall not allow performances of an obscene or indecent nature.

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

No under 18's shall be permitted on the premises after 21:00 hrs, except to pre-booked functions/ private parties.

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

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

## **Prevention of crime and disorder**

### **Door Staff**

The premises shall employ door staff in the following manner:

#### **Door staff to be engaged whenever the premises trades (conducts licensable activities) beyond 12 Midnight.**

Such engagement to be on the following basis:

2 door staff to be engaged whenever the premises trades after 12 Midnight.

These 2 door staff to be engaged from 22:00 hrs.

An additional door person to be engaged for each additional 100 persons.

#### **Door staff to be engaged whenever the premises trades (conducts licensable activities) the first floor part of the premises**

Such engagement to be on the following basis:

2 door staff to be engaged whenever this part of the premises trades (conducts licensable activities).

These 2 door staff to be engaged from 22:00 hrs.

An additional door person to be engaged for each additional 100 persons

#### **Door staff to be engaged whenever the premises trades (conducts licensable activities) in the mezzanine on first floor**

Such engagement to be on the following basis:

1 door staff to be engaged whenever this part of the premises trades (conducts licensable activities).

### **Management plans/ control of customer numbers**

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

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

### **CCTV**

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

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

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

### **Drugs/ excessive drinking**

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

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

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

**DPS/ Personal licence holder**

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

**Refusals Log**

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

**Training**

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

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

**Pubwatch**

The DPS or nominated person shall attend local pub watch meetings

**Sound levels**

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

**Risk assessments and policies**

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

**Incident register when door staff on duty**

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

**Training**

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

**Security register**

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

**Polycarbonates**

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

All other hours and licensable activities are to remain unaltered.

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:

#### 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)   | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B)   | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C)  | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D)   | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E)  | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F)  | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G)   | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g)<br>(if ticking yes, fill in box H) | <input type="checkbox"/> |

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

**Supply of alcohol** (if ticking yes, fill in box J)

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

**A**

<b>Plays</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of a play take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
Tue			<b>State any seasonal variations for performing plays</b> (please read guidance note 5)		
Wed					
Thur			<b>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</b> (please read guidance note 6)		
Fri					
Sat					
Sun					

**B**

<b>Films</b> Standard days and timings (please read guidance note 7)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)	
Mon				
Tue				
Wed				
Thur				
Fri				
Sat				
Sun				
			<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 5)	
			<b>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</b> (please read guidance note 6)	



**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 7)			<b><u>Please give further details</u></b> (please read guidance note 4)
Day	Start	Finish	
Mon			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 5)
Tue			
Wed			
Thur			<b><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></b> (please read guidance note 6)
Fri			
Sat			
Sun			

D

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 7)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon					
Tue			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 5)		
Wed					
Thur			<b><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></b> (please read guidance note 6)		
Fri					
Sat					
Sun					

**E**

<b>Live music</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
Tue			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 5)		
Wed					
Thur			<b>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</b> (please read guidance note 6)		
Fri					
Sat					
Sun					

F

<b>Recorded music</b> Standard days and timings (please read guidance note 7)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
Tue			<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 5)		
Wed					
Thur			<b>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</b> (please read guidance note 6)		
Fri					
Sat					
Sun					

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon					
Tue			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 5)		
Wed					
Thur			<b><u>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</u></b> (please read guidance note 6)		
Fri					
Sat					
Sun					

H

<p><b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p><b>Will this entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><b>Please give further details here</b> (please read guidance note 4)</p>		
Wed					
Thur			<p><b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 5)</p>		
Fri					
Sat			<p><b>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</b> (please read guidance note 6)</p>		
Sun					

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
Tue			<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 5)		
Wed					
Thur			<b>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</b> (please read guidance note 6)		
Fri					
Sat					
Sun					

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 8)	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 5)					
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 6)		
Fri								
Sat								
Sun								

K

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 (please read guidance note 9).  
None



L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)			<b>State any seasonal variations</b> (please read guidance note 5)
Day	Start	Finish	
Mon			<b>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</b> (please read guidance note 6)
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.

As above, the following conditions under Annex 3 of the premises licence are to be removed:

- Log Book
- Fire Alarms
- Fire Procedure
- Special lighting effects
  
- Door supervisor requirements amended as above
- Polycarbonate requirements amended as above
- Outside area supervision amended as above

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.

**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 10)**

As per the current premises licence conditions save for those amended in this application.

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

1. Door Staff

- Patio area

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

- Door Staff

The premises shall employ door staff in the following manner:

- Door staff to be engaged whenever the premises trades (conducts licensable activities) beyond 12 Midnight.

Such engagement to be on the following basis:

2 door staff to be engaged whenever the premises trades after 12 Midnight.

These 2 door staff to be engaged from 22:00 hrs.

An additional door person to be engaged for each additional 100 persons.

- Door staff to be engaged whenever the premises trades (conducts licensable activities) the first floor part of the premises

Such engagement to be on the following basis:

2 door staff to be engaged whenever this part of the premises trades (conducts licensable activities).

These 2 door staff to be engaged from 22:00 hrs.

An additional door person to be engaged for each additional 100 persons

- Door staff to be engaged whenever the premises trades (conducts licensable activities) in the mezzanine on first floor

Such engagement to be on the following basis:

1 door staff to be engaged whenever this part of the premises trades (conducts licensable activities).

2. Polycarbonates

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

**c) Public safety**

As per the current premises licence conditions save for those amended in this application.

**d) The prevention of public nuisance**

As per the current premises licence conditions save for those amended in this application.

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

As per the current premises licence conditions save for those amended in this application.

**Checklist:**

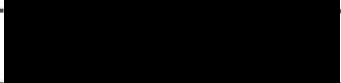
**Please tick to indicate agreement**

- I have made or enclosed payment of the fee; or I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- 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 11)

**Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent** (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity**

Signature	
Date	29.7.16
Capacity	Solicitor to 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 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
-----------	--

Date	
Capacity	

**Contact name (where not previously given) and address for correspondence associated with this application** (please read guidance note 14)

Rachel Kelly  
TLT Solicitors  
One Redcliff Street

<b>Post town</b>	Bristol	<b>Post code</b>	BS1 6TP
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<b>Telephone number (if any)</b>	0333 00 60283
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**If you would prefer us to correspond with you by e-mail, your e-mail address (optional)**

Rachel.kelly@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. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.
2. 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.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
4. 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.
5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
7. 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.
8. 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'.
9. 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.
10. Please list here steps you will take to promote all four licensing objectives together.
11. The application form must be signed.
12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.

13. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
14. This is the address which we shall use to correspond with you about this application.

**From:** Piers Warne [mailto:Piers.Warne@TLTsolicitors.com]

**Sent:** 31 August 2016 09:45

**To:** Bahadoor, Roy

**Cc:** Francis, Richard; martin.o'neill@wiltshire.pnn.police.uk; PublicprotectionNorth; Matthew Phipps

**Subject:** SN15 variation application

Dear Roy

Many thanks for your time in this matter.

## **Door staff condition**

Following our discussions and the concerns raised by responsible authorities in relation to the wording of the proposed amended door staff condition, we would ask that the following amended wording is put before the committee to replace that in the application.

### **Provision of door staff**

The premises shall employ door staff in the following manner:

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

Such engagement to be on the following basis:

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

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

Such engagement to be on the following basis:

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

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

Such engagement to be on the following basis:

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

Kind regards

Piers

Piers Warne

Associate

for TLT LLP

D: +44 (0) 333 00 60692

M: +44 (0) 7585 961 459

F: +44 (0) 333 00 61492

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

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# Wiltshire Council

Where everybody matters

## REPRESENTATION FORM

This form must be returned within the statutory period, which is 28 days from the date the notice was displayed on the premises or the date specified in the Public Notice in the newspaper. Please contact the Licensing Section to confirm this date.

Any individual, body or business can make a Representation to the Licensing Authority in relation to an application, regardless of their geographic proximity to the premises. Any Representation must be relevant, in that the Representation relates to one or more of the Licensing Objectives.

Premises about which Representation is being made	SN15, Station Hill, Chippenham
Your Name	(Cllr) Chris Caswill
Postal Address	19 The Street Cherhill SN11 8XP
Contact Telephone Number	[REDACTED]
Are you: <ul style="list-style-type: none"> <li>• An individual? <input type="checkbox"/></li> <li>• A person who operates a business? <input type="checkbox"/></li> <li>• A person representing residents or businesses? <input type="checkbox"/></li> <li>• A member of the Relevant Licensing Authority (ie, elected Councillor of the Licensing Authority)? <input type="checkbox"/></li> </ul>	
If you are representing residents or businesses who have asked you to represent them?	

Your Representation must relate to one of the four Licensing Objectives, which are detailed below. Please detail the evidence supporting your Representation and the reason for your Representation. If necessary, separate sheets may be used.

OBJECTIVES	EVIDENCE
1. The prevention of harm to children	N/A
2. To prevent public nuisance	The use and management of the rear patio need to be controlled by the existing conditions. It is unacceptable for this to be left to the management's discretion, not least because of past late night nuisance to residents in the neighbouring and nearby properties. This application would allow for unsupervised late

	<p>night drinking on the patio, unsupervised. The current conditions relating to the patio should be maintained.</p>
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OBJECTIVES	EVIDENCE
<p>3. To prevent crime and disorder</p>	<p>The removal of the condition for front door staff with an approve dress code, and the requirement for staffing the door half an hour after the last customer has left would fail to meet the crime and disorder licensing objective, especially if the club was serving drinks till 3 in the morning – which is clearly possible in the future, even if not now. Those current conditions should be maintained.</p> <p>It is not clear how the staffing for an additional hundred' or staying open after midnight, or operating the first floor, could be recruited at short notice if any of those options was activated. Would people be turned away if there were not additional staff to hand? If so, this could be the cause of public disorder.</p>
<p>4. Public Safety</p>	<p>First of all, the application is poorly worded in terms of the 'additional 100 customers' Additional to what? Secondly its not clear if the staffing proposals for trading after midnight and for the use of the first floor are additional and cumulative or the same, ie if trading after midnight with the first floor open, does that require 2 door staff or 4? It is unacceptable to have this level of ambiguity in an application of this kind.</p> <p>The removal of any conditioned need for door staff at the front door, and the requirement for the door to be staffed for 30 minutes after the last customer would permit decisions and lack of supervision which could endanger public safety. Those circumstances should not be left to managerial judgement and the current conditions must be maintained to ensure public safety. Similarly the conditioned use of polycarbonates in certain circumstances were included in order to ensure public safety within the premises, and should be maintained. All these decisions should be taken irrespective of the current levels and types of use of the premises, bearing in mind that the licensing conditions, once agreed, could at some time in the future be those governing a fully functioning night club with up to 600 customers.</p>

Please list below any suggested actions that you feel the applicant could take to address your concerns.

This application is in essence a proposal to remove all conditions on staffing levels, on the use

of polycarbonates on and near the dance floors, on use of the rear patio and on front door management. As the local Councillor for the area, I object strongly, also on behalf of local residents and businesses, very many of whom still recall the mayhem on Station Hill from the time of the Karma night club on this site. Local residents and businesses were very concerned by the relaxation of the conditions at this premises at the most recent hearing. The fact that they have for the most part not lead to any breaches of the licensing objectives is, I submit, due to the current lack of demand for a fully functional night club on these premises. The reduced numbers of customers should not be taken as reason to reduce the conditioned requirements because, once in place, the requested conditions would apply if and when demand increased and much larger numbers of people would be consuming alcohol late at night. There is also no guarantee that future owners would judge the risks correctly, even if it is accepted that the current management would do so. The conditions should be determined for the most demanding circumstances, and should be maintained as they are.

Accordingly, the applicants should understand that and withdraw their application.

If a hearing needs to be held to determine the Premises Licence Application, the Councillors will generally only be able to consider matters that have previously been disclosed. However, additional information in support of your Representation may be considered if all parties at the Hearing agree. We advise that you detail all matters that you wish to be considered on this initial Representation, attaching additional sheets if necessary.

If you do make a Representation you will be invited to attend the Licensing Sub-Committee Hearings and any subsequent appeal proceedings relevant to your Representation.

**All Representations in their entirety, including your name and address, will be disclosed to the Premises Licence applicant. A copy of Representations will be annexed to the Licensing Officer's hard copy report, which is a public document circulated to the Licensing Sub-Committee and to all those who have made relevant Representations.**

Signature .....**Chris Caswill** (signed copy can be provided if needed)

Date .....13/08/16 .....

Please return this form, along with any additional sheets, to the Licensing Officer at the Wiltshire Council Office covering the area in which the licensed premises are situated (see below):

<b>Chippenham:</b>	Wiltshire Council, Monkton Park, Chippenham, Wiltshire, SN15 1ER
<b>Devizes:</b>	Wiltshire Council, Browfort, Bath Road, Devizes, Wiltshire, SN10 2AT
<b>Salisbury:</b>	Wiltshire Council, 27/29 Milford Street, Salisbury, SP1 2AP
<b>Trowbridge:</b>	Wiltshire Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD

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**From:** Nick Murry  
**Sent:** 16 August 2016 13:01  
**To:** Bahadoor, Roy  
**Subject:** RE: Licence variation application for SN15, Station Hill, Chippenham  
**Importance:** High

Dear Mr Bahadoor

**Re: Application for a variation of the licence for SN15, Station Hill, Chippenham**

As a Chippenham Town councillor representing the people of Monkton Ward in which this establishment operates, I object to the application on the basis of its potentially adverse impact on public nuisance, crime and disorder and public safety.

My understanding is that the application seeks to remove previously agreed conditions on staffing levels, the use of polycarbonates on and near the dance floors, and the use of the rear patio and on front door management.

As you will be aware, local residents and businesses were very concerned by the relaxation of the conditions at this premises at the previous hearing; further relaxation of these conditions can only increase the risk of breaches (including potentially serious ones) of the licencing objectives and conditions.

Whilst it's understandable that the Licencing Committee might want to support commercial activities, relaxing licencing rules in a way that could impact public safety, crime and disorder and public nuisance, does not seem to be an acceptable way of doing so. And whilst it's also understandable that the licensee would wish to reduce the number of staff in line with reduced custom, it is not acceptable to allow the club management to subjectively determine the number of staff required under different circumstances, which would seem to undermine the very purpose and objectives of licencing.

In summary, there can be little doubt that the removal of 'any conditioned requirement for door staff on the front door' could endanger public safety, or that 'unsupervised late night drinking on the patio' could create public (noise) nuisance, particularly given the history of these premises causing disturbance to residents in neighbouring and nearby properties in the past. The club's own management should not be allowed to effectively supervise itself on such important aspects of the licence, and the existing conditions should therefore be maintained, or varied in a much more controlled and externally verifiable manner.

Yours sincerely,

Cllr Nick Murry  
Chippenham Town Councillor (Monkton Ward)  
Chippenham Town Council  
High St, Chippenham SN15 3ER

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Public Protection Services

**To: Roy Bahadoor Public Protection Officer, Licensing Team**

**From: Richard Francis Senior Environmental Health Officer**

**Ref: LN/000009448**

**Date: 24th August 2016**

**Subject: Variation (or removal) of conditions re: Use of the outside area, SN15 17  
Station Hill Chippenham Wiltshire SN15 1EQ**

---

I refer to the receipt of the above application.

As a Responsible Authority under the Licensing Act 2003 representing the Environmental Protection and Control Team, I wish to make a representation.

I do not believe that the removal of the current condition that places restrictions on the use of the beer garden after 23:00 and the replacement with a new ambiguous condition of their choosing will adequately protect the licensing objective of The Prevention of Public Nuisance.

Extensive work was carried out with the premises and myself to prevent noise spilling out into this area and neighbours being disturbed, also the use of this outside area as a smoking area was also carefully considered and measures put in place to prevent a nuisance from people noise going in and out of the premises and gathering outside to smoke.

Since the premises has been open Wiltshire Council Environmental Protection AND Control Team have not received any complaints about noise from the premises which leads me to believe that the measures put in place and the current conditions are sufficient to prevent public nuisance. The ambiguity of the new proposed condition does not provide me with enough information to suggest that the outside area would be managed sufficiently to protect the licensing objective of prevention of public nuisance.

I will provide a detailed report as evidence prior to the licensing hearing to distribute to all interested persons. If any other interested party wish to contact me to discuss my representation please feel free to pass my contact details onto them.

Yours Sincerely

**Richard Francis**  
**Senior Environmental Health Officer**  
**Tel. 01225 706405**  
**Mail: Richard.francis@wiltshire.gov.uk**

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19<sup>th</sup> August 2016

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 recent application to vary the premises licence LN/9448

As the officer delegated to respond on behalf of the Licensing Authority, I have considered the application, which in my opinion has insufficient information or clarity of detail.

The proposed variation to amended the conditions: relating to door stewards by removing or reducing the number of stewards dependent on the occasion or hour, the use of polycarbonate provision on a risk assessment basis is confusing/ vague and the lack of control measures for the use of the patio area do not in my opinion seek to promote the licensing objectives in a venue operating in the late night economy.

The revised management plan received following a request to TLT is the same one produced at the time of the provisional statement hearing in 2013 and does not take into account any of the proposed changes. The risk assessment document for the use of polycarbonate glasses contains insufficient detail therefore the Licensing Authority is unable to consider the current variation without stating its concern.

Licensing Authority as a responsible authority, formally object to the variation, as 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.

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

Yours Sincerely

  
Linda Holland  
**Licensing Manager – Public Protection**  
Tel. 01249 706410  
Email: [publicprotectionnorth@wiltshire.gov.uk](mailto:publicprotectionnorth@wiltshire.gov.uk)

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**From:** Robert Burford [REDACTED]  
**Sent:** 15 August 2016 16:44  
**To:** Bahadoor, Roy  
**Subject:** sn17 bid for freedom from conditions

i wish to object to SN17 bid for freedom from conditions 2 if the management of rear patio is left to managers discretion its just not on because of noise and nuisance if left unsupervised, can you imagine what life would be like for residents in [REDACTED] 15 station hill and no 11 station hill where i live life would be unbearable especially the residents of [REDACTED] and who knows what could happen, i hope the council bears this in mind the reason they got their licence in the begining was they had to adhere to the condition for their licences from the council.

3 to prevent crime and disorder, the staffing of the frontdoor to be changed as it is the front door is kept fairly low key so there is not much disorder out the front there has been no damage or mess so why should we have to put up with it all again as a resident i object strongly to all the changes they want to make why should we have to put up with all the mayhem we had before we all pay our rates so we are entitled to be able to sleep at night with our windows open which we cant

thankyou my name is robert burford and i live at 11 station hill and i am speaking on behalf of the residents [REDACTED]

**From:** Robert Burford [REDACTED]  
**Sent:** 18 August 2016 15:08  
**To:** Bahadoor, Roy  
**Subject:** sn15 bid for freedom from conditions

hi roy this is my second email on the new conditions wanted by sn15 these are the names of the residents in 15 station hill sn151eq  
flat 1,,s stiles flat 2,,d campbell flat 3 c burgess flat 4 a santos flat 5 c ayres flat 6 m norris

[REDACTED]

my name is will burford i live at 11 station hill so any change will have a big effect on us my email [REDACTED] [REDACTED] and my phone no is [REDACTED] thankyou w burford

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

Mr. M. O'Neill  
Licensing Officer  
Trowbridge Police Station  
Polebarn Road  
Trowbridge  
Wiltshire BA14 7EP  
Mobile: 0747 1029347  
Direct Dial: 01380 861111

Date 25<sup>th</sup> August 2016      Your ref

Our ref SN15 Variation/Obj

Reply contact name is **Martin O'Neill**

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.

The premise has historically been the subject of numerous incidents of crime and disorder, both within the premise and in the vicinity, culminating in the current Premise Licence, being granted in December 2014.

The licensing history of the premises is extensive and Police concerns are documented through the various hearings, culminating in a Variation Hearing in January 2016. At that time the applicants were a new management team, with very limited opportunity to provide any demonstrable compliance with the Licencing Objectives.

Regrettably, it was brought to Police attention, on 15<sup>th</sup> August 2016, that the Designated Premise Supervisor (DPS), a key component of that management team, had left his post as DPS on 31<sup>st</sup> July 2016. Thereby, leaving the premises trading without a DPS for a period of two weeks. Upon confirming the veracity of this information, Police immediately communicated this fact to TLT LLP, the solicitors representing the applicants, SN15, who took action to correct this position.

During the consultation period, for this application, Wiltshire Police have communicated with TLT LLP in relation to opening a consultation on the proposed revised set of Conditions, which the applicants are believed to be considering. Wiltshire Police are currently awaiting a response form TLT LLP and their clients.



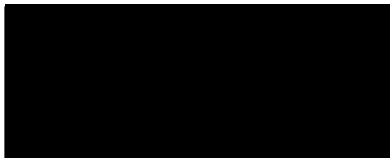
INVESTOR IN PEOPLE

Therefore, this being the case, Wiltshire Police find that there are still relevant concerns regarding the ability of the current management team 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, as proposed, would undermine the licensing objectives - the prevention of crime and disorder and public safety.

Yours sincerely



Mr. M. O'Neill  
Licensing Officer  
Wiltshire Police

Direct dial: 01380 861111  
Mobile : 0747 1029347

## DECISION NOTICE

### Northern Area Licensing Sub Committee

#### Decision made on 19 January 2016

#### In respect of an application for a Variation of a Premises Licence at SN15, 17a Station Hill, Chippenham

##### Decision:

The Northern Area Licensing Sub Committee has resolved to grant the variation of the Premises Licence submitted by SN15 Leisure Limited in respect of SN15, 17a Station Hill, Chippenham as follows:

##### **Conditions:**

Door Supervisors

A minimum number of door supervisors should be provided as follows:

- a) Entrance\* = Two door supervisors will be on duty at the main entrance from 21:00hrs.
- b) Ground Floor (Lower Bar/Front Bar) = 1 Mobile Door Supervisor.
- c) Balcony = 1 Door Supervisor.
- d) First Floor (Cocktail Bar/Dance Floor) = 2 Door Supervisors
- e) Rear Patio areas = 1 Door Supervisor, from 21:00hrs. – Ground Floor (Lower Bar/Front Bar) Mobile Door Supervisor to assist, when whole Patio is open or First Floor Dance Floor area is operating independently.
- f) Entrance and Patio/Smoking Area require Door Supervisors from 21:00hrs; in all other areas Door Supervisors to commence duties at 21:00hrs if the section is open, or 30 minutes prior to the section opening (when opening at a later time).
- g) When Premises operating as a whole premise 8 Door Supervisors will be required – commencement times as previously stated.
- h) 2 Door Supervisors to remain on duty outside the venue, for not less than 30 minutes after the last customer has left the venue, to provide a visible presence and deter anti-social behaviour and/or criminal behaviour. This also includes clearing the street of any litter left behind by patrons.

\*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.

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

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, which is to be signed off by the Duty Manager at the end of each day's trading.

### **Polycarbonates**

- a) The use of drinking glasses is permitted in the lower and front bar.
- b) Glass wine and Champagne bottles, will only be allowed in the Ground Floor (Lower Bar, the Front Bar) and the First Floor Cocktail Bar. Door Supervisors will ensure that no Glasses and Bottles are allowed outside of these areas.
- c) Beer to be served in polycarbonates at all times – glass bottles to be decanted, or beer to be served in polycarbonate bottles, or to be on Tap and served in polycarbonate glasses.
- d) When the premises are operating as a whole, the requirement for additional polycarbonates will be determined by a risk assessment.

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

The Licence holder shall ensure that clear Risk Assessments and Management Procedures and Practices, in relation to these conditions, are prepared, maintained and made available to the satisfaction of Wiltshire Police and Wiltshire Council Licensing Authority.

### Reasons:

The Applicants stated that they now wished to be able to operate the premises partly as a cocktail bar and did not wish to use the whole premises as a night club at all times. For this reason, the Applicants considered that the existing licence conditions were not appropriate for this reduced, and different, level of operation. The purpose of the variation application was to have more flexible requirements for door staff, dependant on the level of use of the premises, and to allow drinks to be served in glasses in the cocktail bar areas.

The Sub Committee noted that revised conditions in respect of door staff and the use of polycarbonates had been agreed between the Applicant and the Responsible Authorities who had made relevant representations. Both the police and the Licensing Authority had indicated that these proposed revised conditions were adequate to address their concerns and were appropriate to meet the licensing objectives, particularly relating to the prevention of crime and disorder and public safety. Taking account of comments made at the hearing, the Sub Committee considered, however, that further minor changes to those proposed conditions were appropriate to provide



further clarity, particularly in relation to the identification of the areas of the premises covered by the requirements in the new conditions.

With these minor changes, the Sub Committee considered that the agreed variation to the conditions on the premises licence should be approved, taking into account the change in the intended use of the premises, since the original licence had been issued.

Right of Appeal:

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

## NORTHERN AREA LICENSING SUB COMMITTEE

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### DRAFT MINUTES OF THE NORTHERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 19 JANUARY 2016 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER IN RESPECT OF AN APPLICATION FOR A VARIATION OF A PREMISES LICENCE - SN15, 17A, STATION HILL, CHIPPENHAM

#### **Present:**

Cllr Allison Bucknell, Cllr Dennis Drewett, Cllr Desna Allen.

#### **Also Present:**

Cllr Chris Caswell, Linda Holland (Wiltshire Council Licensing Authority) Roy Bahadoor (Public Protection Officer), Susan Thurman-Newell (Licensing Officer, Wiltshire Police), Robin Puddephatt (Designated Premises Supervisor), Mathew Phipps (TLT Solicitors) and Paul Shayegan (on behalf of the Applicant) Roger Bishton (Senior Democratic Services Officer), Lisa Pullin (Democratic Services Officer) and Natalie Heritage (Democratic Services Officer).

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#### 10 **Election of Chairman**

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

#### **Resolved:**

**To elect Councillor *Allison Bucknell* as Chairman for this meeting only.**

#### 11 **Apologies for Absence/Substitutions**

There were no apologies or substitutions.

#### 12 **Procedure for the Meeting**

The Chairman explained the procedure of the meeting to all attendees in the Chamber.

#### 13 **Chairman's Announcements**

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

14 **Declarations of Interest**

There were no interests declared.

15 **Licensing Application**

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

It was noted that proposed revised conditions had been agreed between the Applicants and the Police in relation to the conditions on door supervisors and the use of polycarbonates before the meeting. The Licensing Authority (as Responsible Authority) had indicated that it was satisfied that these additional conditions would address its concerns about the application.

As all parties to the hearing had had the opportunity to consider these proposed revised conditions the Sub Committee agreed to accept these as late evidence for consideration by the Sub Committee.

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

Key points raised by Matthew Phipps, TLT Solicitors, on behalf of the Applicants, were:

- In 2013 a Provisional Statement was granted to SN15 Leisure Limited. In November 2014 a full Premises Licence was granted. Works were then carried out at the premises and trading commenced in August 2015, however, after a couple of weeks the premises ceased to operate because business was unsustainable;
- The Applicants wished to alleviate the existing door staff condition which stated that 10 door staff needed to be present whenever the premises was open and trading. The proposed new condition was explained as; the greater the number of areas in the premises open, the greater the number of security staff that would need to be positioned in those areas;
- A number of Temporary Event Notices were used over the Christmas period and into January 2016 and at a hearing on 16 December 2015 the Licensing Sub Committee had agreed not to serve a counternotice objecting to these TENs, on the basis that the events would be operated with a reduction in the number of door staff and with the use of glass at the premises;
- The Applicants felt that a relationship was being developed between them and the Responsible Authorities and they were working together to move forward with the smooth running of the Premises, so that it was successful for everyone;
- Although CCTV regulations were previously not correctly adhered to; 21 CCTV cameras were now in place.

The Sub Committee sought clarification on the details of the revised conditions and it was confirmed that:

#### Security Supervisors:

- 2 door supervisors to be on duty from 9pm until close;
- 1 floor supervisor to be mobile in the lower bar (ground floor) area;
- An additional door supervisor to be on duty when the balcony is open and in operation;
- 2 floor supervisors to be on duty at all times in the cocktail bar and dance floor area (1<sup>st</sup> floor) when the premises is open;
- 1 floor supervisor to be engaged on the patio and to be supported by the mobile floor supervisor when the patio is open;
- When the whole premises is open – 8 supervisors to be on duty, with 2 door supervisors on duty for 30 minutes after close to assist with various tasks such as, litter collection and street supervision.

The dress code for the door supervisors was noted as being different to the attire of the floor supervisors, in the hope that the door supervisors could help to make the premises emit an air of sophistication. However, door supervisors would have their SIA badges clearly displayed on them.

The dress code of the additional floor supervisors was explained to be traditional security attire, with a full SIA badge on display.

The door supervisors would be required to sign in and out when working at the premises and to keep a record of refusals and incidents in a book that could be made available for inspection by the Responsible Authorities.

Some of the new conditions on polycarbonates were clarified to the Sub Committee as follows:

- Glasses to be permitted in the cocktail bar;
- Wine and Champagne bottles to be permitted in the lower cocktail bar;
- Beer is always to be served in polycarbonates;
- Glass bottles (for drinks that are served other than in the lower bar) would be decanted.

The Applicants stated that they would prepare risk assessments for the whole premises; these assessments would relate to when specific areas of the premises are open, while other areas remain closed and also to when the premises is open as a whole.

It was also noted that it would be unlikely for the premises to be filled to its capacity of 500; as the population and demographic of the town did not appear to suggest that this is a possibility and because of the previous occurrence of unsustainable business.

Those who had made relevant representations were then given the opportunity to ask questions of the Applicants:

Q: Could the lower cocktail bar be used for other things?

*A: Yes other regulated entertainment could take place there, in accordance with the existing Premises Licence.*

Key points raised by Susan Thurman-Newall, Licensing Officer, Wiltshire Police were:

- At the hearing for the TEN on 16 December 2015, the Sub Committee had expressed their wish to give the Applicants the opportunity to demonstrate that they could provide a well-run establishment. Wiltshire Police were, in principle, supportive of this new business; although the new management team had not yet had the opportunity to give demonstrable evidence that they were effective in running the premises;
- The Applicants had been in breach of their conditions in August 2015 when they had opened for a brief period; this was discovered at an inspection in December 2015, when it was found that the CCTV provision was not to the satisfaction of the Police Crime Reduction Officer. However, on 2 January 2016 when the Police further inspected the premises, it was confirmed that the Applicants had satisfactorily updated the CCTV system;
- It was felt that the previous conditions had been too complicated and that the Applicant had unknowingly breached these conditions;
- It was hoped that the newly worded conditions would allow the Applicants to demonstrate that they could adhere to the licensing conditions effectively.

Key points raised by Chris Caswill, Divisional Councillor for Monkton Park were:

- He was concerned that the revised conditions agreed between the Police and the Applicant could be taken to be more confusing and could lead to further misunderstanding, which in turn, could lead to potential future premise owners exploiting the terms of the license at a later date;
- The words used in the revised conditions did not tally with the areas described on the plans submitted with the Agenda;
- He didn't understand why the dress code needs to be varied;
- The condition on polycarbonates was not clear as it said that beer is always to be served in polycarbonates, yet, that glass bottles are permitted in the Cocktail Bar;
- He believed that the conditions needed to be revised and strengthened so that they are clear to all.

Key points raised by Linda Holland, Public Protection Team Leader on behalf of the Licensing Authority were:

- The Licensing Authority wished to highlight its concerns to the Sub Committee, in that the original proposed variation was confusing and did not seek to promote the licensing objectives;
- The application procedure had been confusing, yet, advice had been offered to the Applicants by an attending licensing officer at a recent visit – where points that required attention were identified;
- When the premises re-opened in December 2015, the Licensing Authority had not noted any complaints, however, the premises had not been operating at full capacity;
- The revised conditions were now clearer;
- The Licensing Authority was satisfied to support the proposed amendments, subject to assurances being sought from SN15 Leisure Limited to fully understand and comply with the new conditions.

The Chairman then permitted Cllr Caswill to ask a question to Linda Holland:

Q: As there is a limited number of occupants that could be on the ground floor, approximately 274 customers, I would like clarification that the Licensing Authority believes that 3 door stewards would be appropriate for 274 persons?

A: *An almost 300 capacity nightclub with 3 door staff is deemed acceptable by the Licensing Authority.*

A discussion which predominantly centred on the re-wording of the new set of agreed conditions followed and several points were made:

- That risk assessments would be conducted and completed by the Applicants and the Responsible Authorities would have the right to inspect these assessments;
- Due to the capacity of the ground floor (274), 3 security supervisors would be sufficient (not including rear smoking area and balcony);
- That draught beer is always served in polycarbonates;
- That the serving of drinks in glass bottles is done on a risk assessment basis;
- That to save for further confusion, any bracketed words on the floor plans (as submitted in the Agenda papers) to be removed, so that each area only has one name;
- That the Licensing Authority has the power to close down a premise at very short notice, if a premises is deemed to be in breach of any licensing conditions.

Linda Holland, on behalf of the Licensing Authority made the following points in summation:

- That the Licensing Authority was in agreement with the proposed changes and wish to give the Applicants the ability to demonstrate how they can comply with the conditions and provide a well-run establishment;
- That there was no evidence of serious non-compliance, but there are a few slight areas that needed ironing out.

Cllr Chris Caswill, made the following points in summation:

- My views appear not to be in accordance with Wiltshire Police and the Licensing Authority. It appears that this premises is to become a nightclub on reduced numbers and we must be clear for the future and provide adequate conditions that would suit full capacity;
- I have concerns about the numbers of door staff and believe that the conditions have become further complicated and would ask the Sub Committee to give serious consideration when making their decision.

Susan Thurman-Newell, on behalf of Wiltshire Police, made the following points in summation:

- The Police do have residual concerns, but are aware that this is a premises trading under new management and that we are in agreement with the revised conditions.

The Licensing Officer asked why the Police had requested door staff in individual areas and not just minimum numbers? Susan Thurman-Newell responded that they felt they needed to consider the movement of patrons

through the premises, as there was a drive by the Applicants to change the focus of the business. It was noted that staff should be ensuring that no glasses were being moved into areas that were not permitted (dance floor and outside). Ms Thurman-Newell informed the Committee that she had looked at other similar premises and how the numbers of door staff that these premises employ compared.

Matthew Phipps on behalf of the Applicants made the following points in summation:

- That potential future ownership of the premises is not relevant in the consideration of this application;
- The conditions had been approved by the Responsible Authorities and the Sub Committee need to consider evidence when making the decision.

The Sub Committee then adjourned at 12.00pm and retired with the Solicitor and the Democratic Services Officers to make a decision on the licensing application.

The Hearing reconvened at 12.50pm.

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

**Resolved:**

**The Northern Area Licensing Sub Committee has resolved to grant the variation of the Premises Licence submitted by SN15 Leisure Limited in respect of SN15, 17a Station Hill, Chippenham as follows:**

**Conditions:**

**Door Supervisors**

**A minimum number of door supervisors should be provided as follows:**

- a) Entrance\* = Two door supervisors will be on duty at the main entrance from 21:00hrs.**
- b) Ground Floor (Lower Bar/Front Bar) = 1 Mobile Door Supervisor.**
- c) Balcony = 1 Door Supervisor.**
- d) First Floor (Cocktail Bar/Dance Floor) = 2 Door Supervisors**
- e) Rear Patio areas = 1 Door Supervisor, from 21:00hrs. – Ground Floor (Lower Bar/Front Bar) Mobile Door Supervisor to assist, when whole Patio is open or First Floor Dance Floor area is operating independently.**

- f) Entrance and Patio/Smoking Area require Door Supervisors from 21:00hrs; in all other areas Door Supervisors to commence duties at 21:00hrs if the section is open, or 30 minutes prior to the section opening (when opening at a later time).
- g) When Premises operating as a whole premise 8 Door Supervisors will be required – commencement times as previously stated.
- h) 2 Door Supervisors to remain on duty outside the venue, for not less than 30 minutes after the last customer has left the venue, to provide a visible presence and deter anti-social behaviour and/or criminal behaviour. This also includes clearing the street of any litter left behind by patrons.

\*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.

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

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, which is to be signed off by the Duty Manager at the end of each day's trading.

#### **Polycarbonates**

- a) The use of drinking glasses is permitted in the lower and front bar.
- b) Glass wine and Champagne bottles, will only be allowed in the Ground Floor (Lower Bar, the Front Bar) and the First Floor Cocktail Bar. Door Supervisors will ensure that no Glasses and Bottles are allowed outside of these areas.
- c) Beer to be served in polycarbonates at all times – glass bottles to be decanted, or beer to be served in polycarbonate bottles, or to be on Tap and served in polycarbonate glasses.
- d) When the premises are operating as a whole, the requirement for additional polycarbonates will be determined by a risk assessment.

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

The Licence holder shall ensure that clear Risk Assessments and Management Procedures and Practices, in relation to these conditions, are prepared, maintained and made available to the satisfaction of Wiltshire Police and Wiltshire Council Licensing Authority.

Reasons:



**The Applicants stated that they now wished to be able to operate the premises partly as a cocktail bar and did not wish to use the whole premises as a night club at all times.**

**For this reason, the Applicants considered that the existing licence conditions were not appropriate for this reduced, and different, level of operation. The purpose of the variation application was to have more flexible requirements for door staff, dependant on the level of use of the premises, and to allow drinks to be served in glasses in the cocktail bar areas.**

**The Sub Committee noted that revised conditions in respect of door staff and the use of polycarbonates had been agreed between the Applicant and the Responsible Authorities who had made relevant representations. Both the police and the Licensing**

**Authority had indicated that these proposed revised conditions were adequate to address their concerns and were appropriate to meet the licensing objectives, particularly relating to the prevention of crime and disorder and public safety.**

**Taking account of comments made at the hearing, the Sub Committee considered, however, that further minor changes to those proposed conditions were appropriate to provide further clarity, particularly in relation to the identification of the areas of the premises covered by the requirements in the new conditions.**

**With these minor changes, the Sub Committee considered that the agreed variation to the conditions on the premises licence should be approved, taking into account the change in the intended use of the premises, since the original licence had been issued.**

**Right of Appeal:**

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

(Duration of meeting: 10:30-12:57)

The Officer who has produced these minutes is Natalie Heritage, tel 01225 718062, or email [natalie.heritage@wiltshire.gov.uk](mailto:natalie.heritage@wiltshire.gov.uk), of Democratic Services.

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

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# Licensing Act 2003 Premises Licence Summary

ISSUING LOCAL AUTHORITY



## PART 1 – PREMISES LICENCE SUMMARY & LICENCE HOLDER DETAILS

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

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

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

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

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

08064918

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

Mr Robin Puddephatt

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

Bath & N E Somerset 10/04101/LAPER

### 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 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.					

**Licence Commencement Date**

1st December 2014

\_\_\_\_\_  
Licensing Officer

**Current Licence Date**

19th January 2016

\_\_\_\_\_  
Licensing Officer

**ANNEX 1 - MANDATORY CONDITIONS**

**Supply of Alcohol**

1. 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 the Premises Licence
- (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**

1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation by that body.
3. Where:-
- (a) The film classification body is not specified in the licence, or
  - (b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

4. In this section “children” means any person aged under 18; and

“film classification body” means the person or persons designated as the authority under Section 4 of the Video Recordings Act 1984(c39) (authority to determine suitability of video works for classification).

**Irresponsible Promotions**

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**

1. 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**

1.
  - (a) 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.
  - (b) 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.
  - (c) 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—
    - i. a holographic mark, or.
    - ii. an ultraviolet feature.

### **Drink Volume Measures**

1. 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
2. these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and.
3. 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**

1.
  - (a) 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.
  - (b) 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—
$$P = D + (D \times V)$$
where—
      - i. P is the permitted price,
      - 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.
2. 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.
3. (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.

## **Door Supervision** (except theatres, cinemas, bingo halls and casinos)

1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:
  - (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
  - (b) be entitled to carry out that activity by virtue of section 4 of the Act.
2. But nothing in subsection (1) requires such a condition to be imposed:
  - (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films); or

(b) in respect of premises in relation to:

- i. any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
- ii. any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

3. For the purposes of this section:

- (a) “security activity” means an activity to which paragraph 2(1)(a) of that Schedule applies, and, which is licensable conduct for the purposes of that Act, (see Section 3(2) of that Act) and
- (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

#### **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. 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.
- 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.
- 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 3 – CONDITIONS ATTACHED AFTER HEARING (19<sup>th</sup> January 2016)**

- Door Supervisors

A minimum number of door supervisors should be provided as follows:

- Entrance\* = Two door supervisors will be on duty at the main entrance from 21:00hrs.
- Ground Floor (Lower Bar/Front Bar) = 1 Mobile Door Supervisor.
- Balcony = 1 Door Supervisor.
- First Floor (Cocktail Bar/Dance Floor) = 2 Door Supervisors
- Rear Patio areas = 1 Door Supervisor, from 21:00hrs. – Ground Floor (Lower Bar/Front Bar) Mobile Door Supervisor to assist, when whole Patio is open or First Floor Dance Floor area is operating independently.
- Entrance and Patio/Smoking Area require Door Supervisors from 21:00hrs; in all other areas Door Supervisors to commence duties at 21:00hrs if the section is open, or 30 minutes prior to the section opening (when opening at a later time).
- When Premises operating as a whole premise 8 Door Supervisors will be required – commencement times as previously stated.
- 2 Door Supervisors to remain on duty outside the venue, for not less than 30 minutes after the last customer has left the venue, to provide a visible presence and deter anti-social behaviour

and/or criminal behaviour. This also includes clearing the street of any litter left behind by patrons.

\*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.

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

- 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, which is to be signed off by the Duty Manager at the end of each day's trading.

- **Polycarbonates**

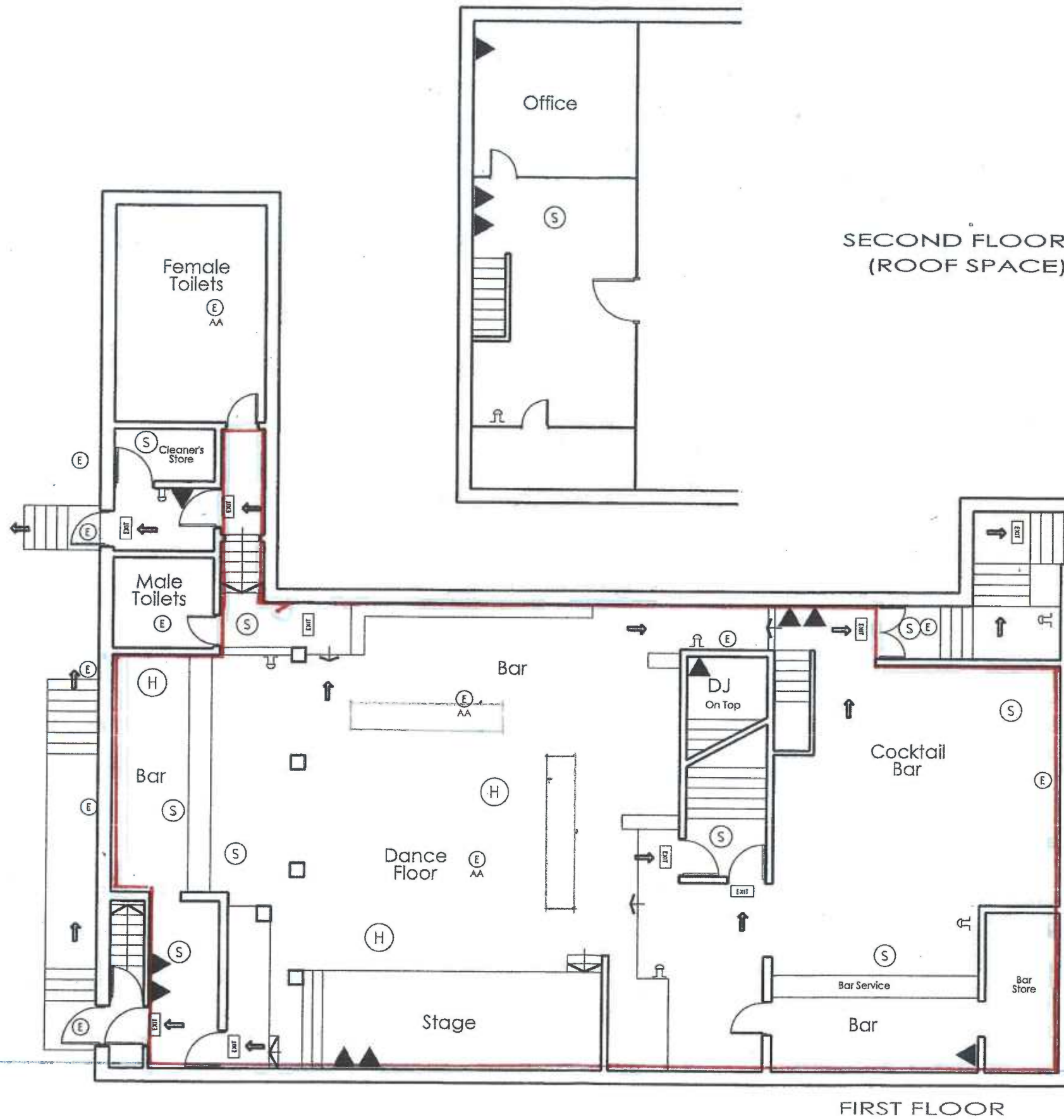
- a) The use of drinking glasses is permitted in the Lower and Front Bar.
- b) Glass wine and Champagne bottles, will only be allowed in the Ground Floor (Lower Bar, the Front Bar) and the First Floor Cocktail Bar. Door Supervisors will ensure that no Glasses and Bottles are allowed outside of these areas.
- c) Beer to be served in polycarbonates at all times – glass bottles to be decanted, or beer to be served in polycarbonate bottles, or to be on Tap and served in polycarbonate glasses.
- d) When the premises are operating as a whole, the requirement for additional polycarbonates will be determined by a risk assessment.

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

- The Licence holder shall ensure that clear Risk Assessments and Management Procedures and Practices, in relation to these conditions, are prepared, maintained and made available to the satisfaction of Wiltshire Police and Wiltshire Council Licensing Authority.

#### **ANNEX 4 – PLANS**

Attached, dated: 20th November 2015



Key

- fl Fire Alarm Bell
- EXIT Emergency Escape Sign
- ↑ Evacuation Route
- ▲ Fire Extinguisher
- (S) Smoke Detector
- (E) Emergency Light
- (E AA) Emergency Light
- (H) Heat Detector

**BBA**  
 ARCHITECTS  
 & PLANNERS

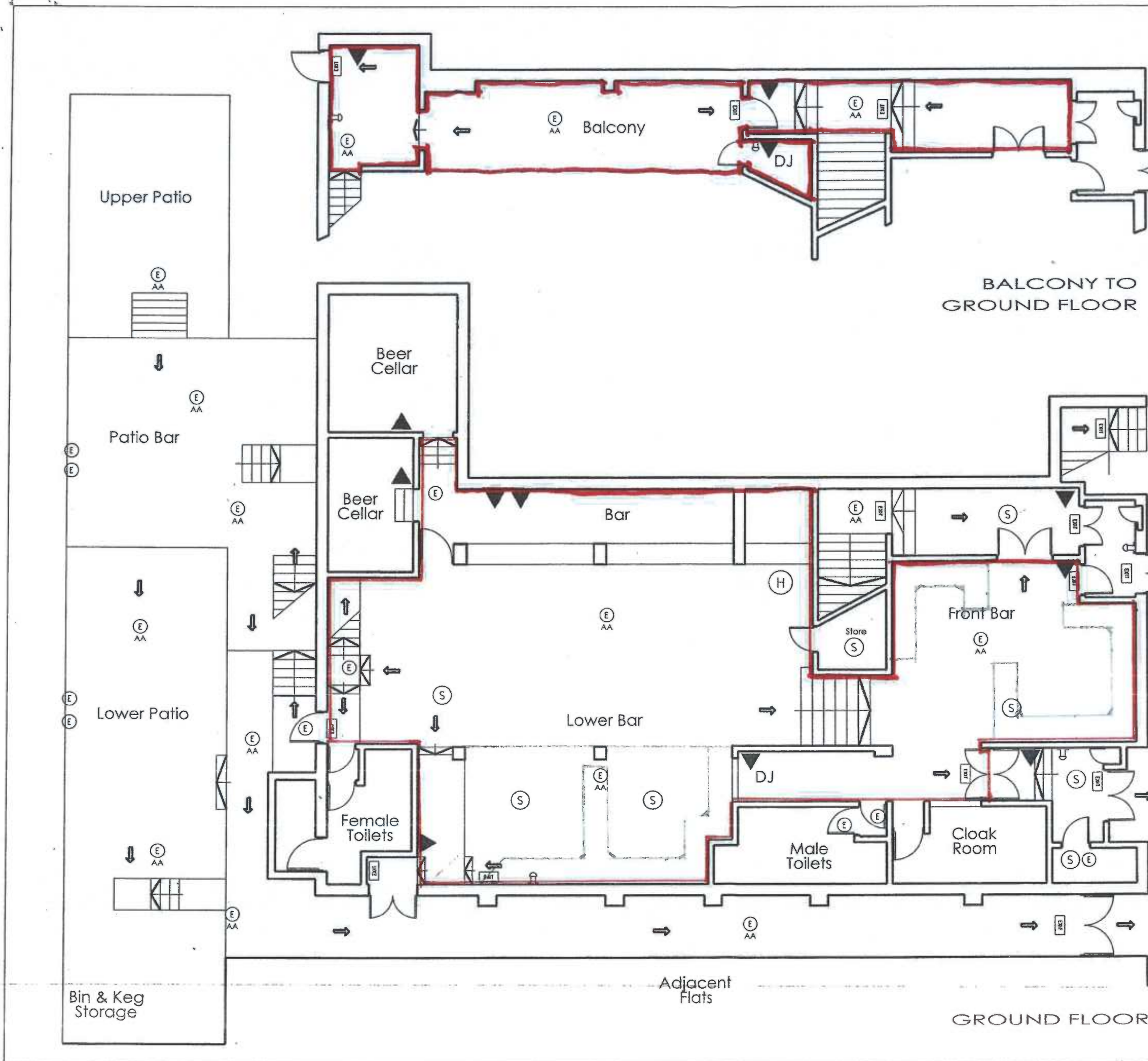
Henrietta Mews Bath BA2 6LR  
 Tel 01225 460427 Fax 01225 482022  
 mail@bba-architects.co.uk  
 www.bba-architects.co.uk



17 STATION HILL  
 CHIPPENHAM  
 FIRE PRECAUTIONS PLAN

FIRE 1:100@A3

3968/02



Key

- ⌚ Fire Alarm Bell
- ☐ Emergency Escape Sign
- ↑ Evacuation Route
- ▲ Fire Extinguisher
- Ⓢ Smoke Detector
- ⓔ Emergency Light
- ⓔ<sub>AA</sub> Emergency Light
- Ⓜ Heat Detector



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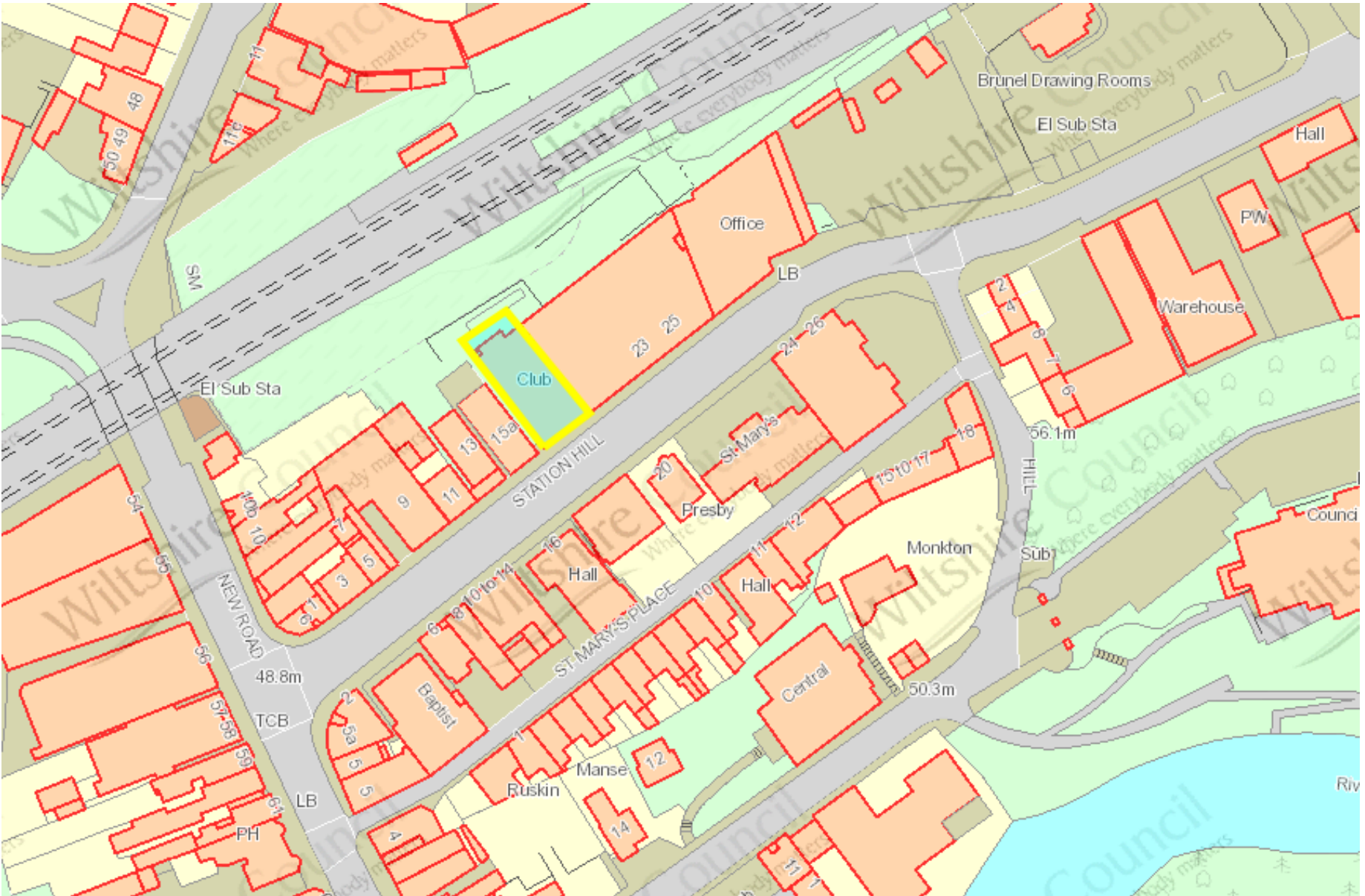
17 STATION HILL  
 CHIPPENHAM  
 FIRE PRECAUTIONS PLAN

FIRE 1:100@A3

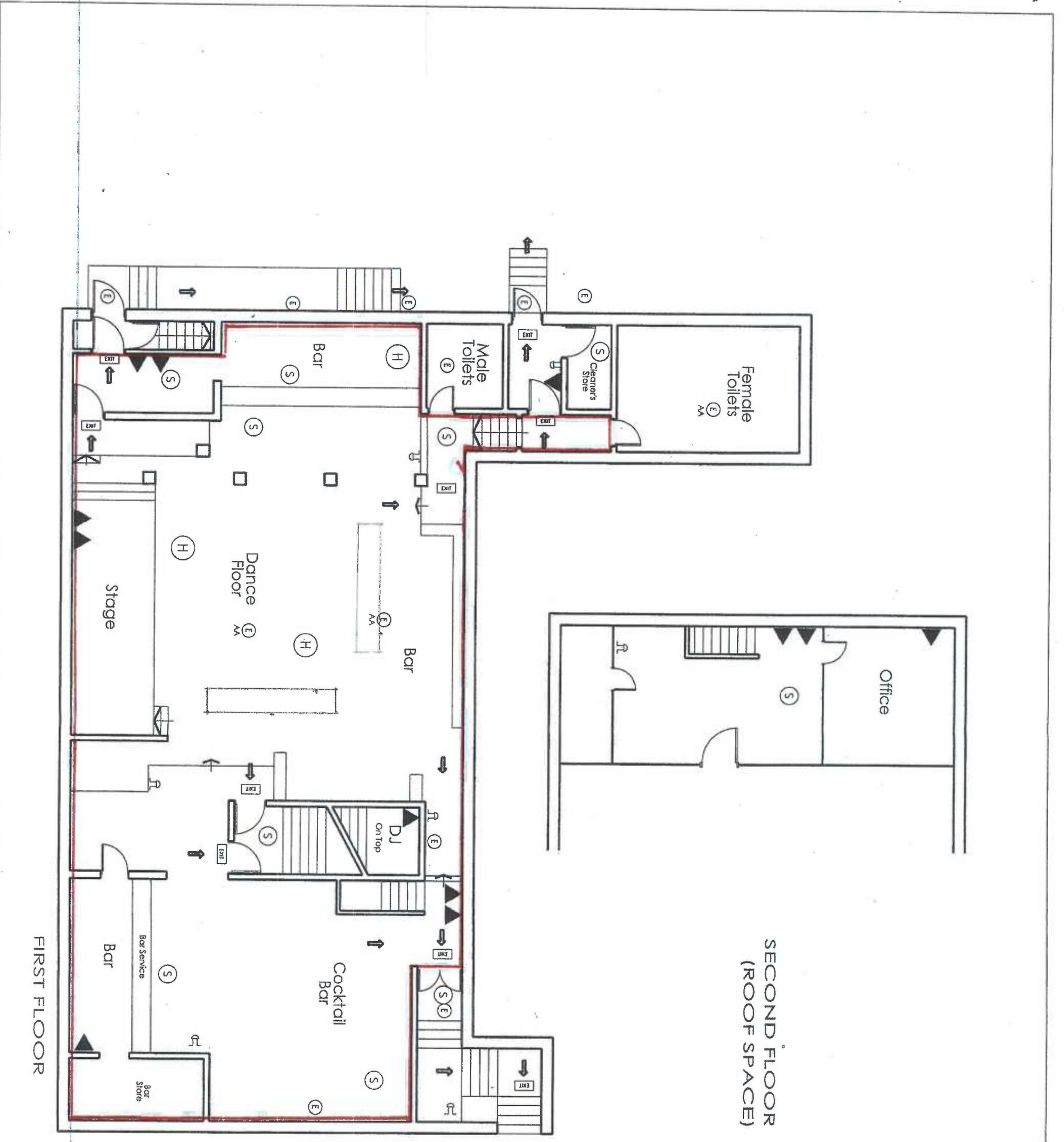
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Key

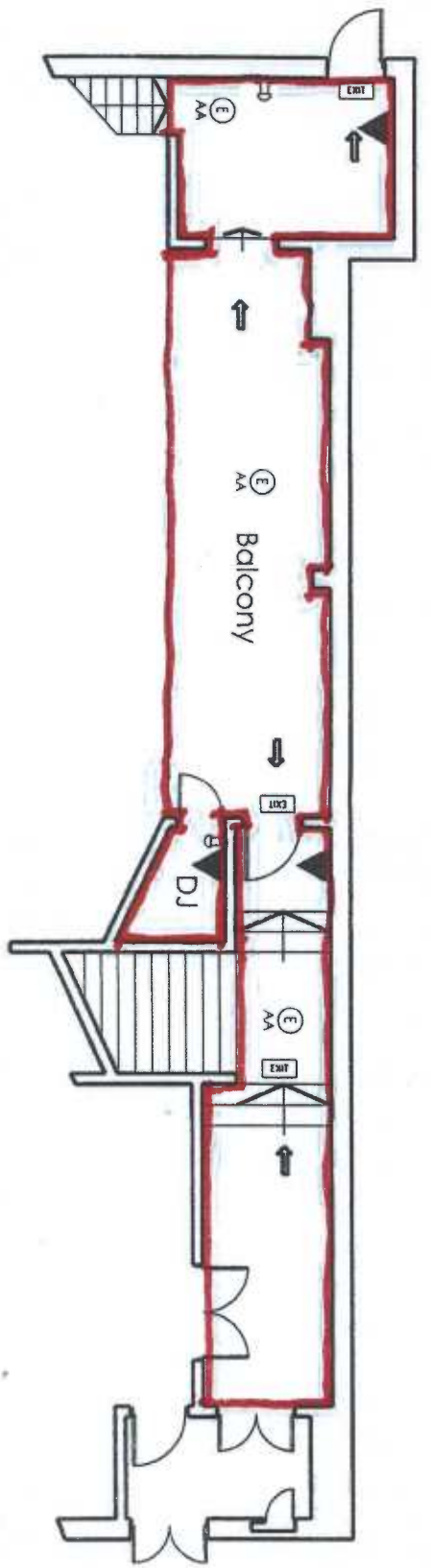
- ⌚ Fire Alarm Bell
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- ↗ Evacuation Route
- ▲ Fire Extinguisher
- Ⓢ Smoke Detector
- ⓔ Emergency Light
- ⓔ<sub>M</sub> Emergency Light
- Ⓜ Heat Detector

**B B B A**  
 ARCHITECTS  
 & PLANNERS

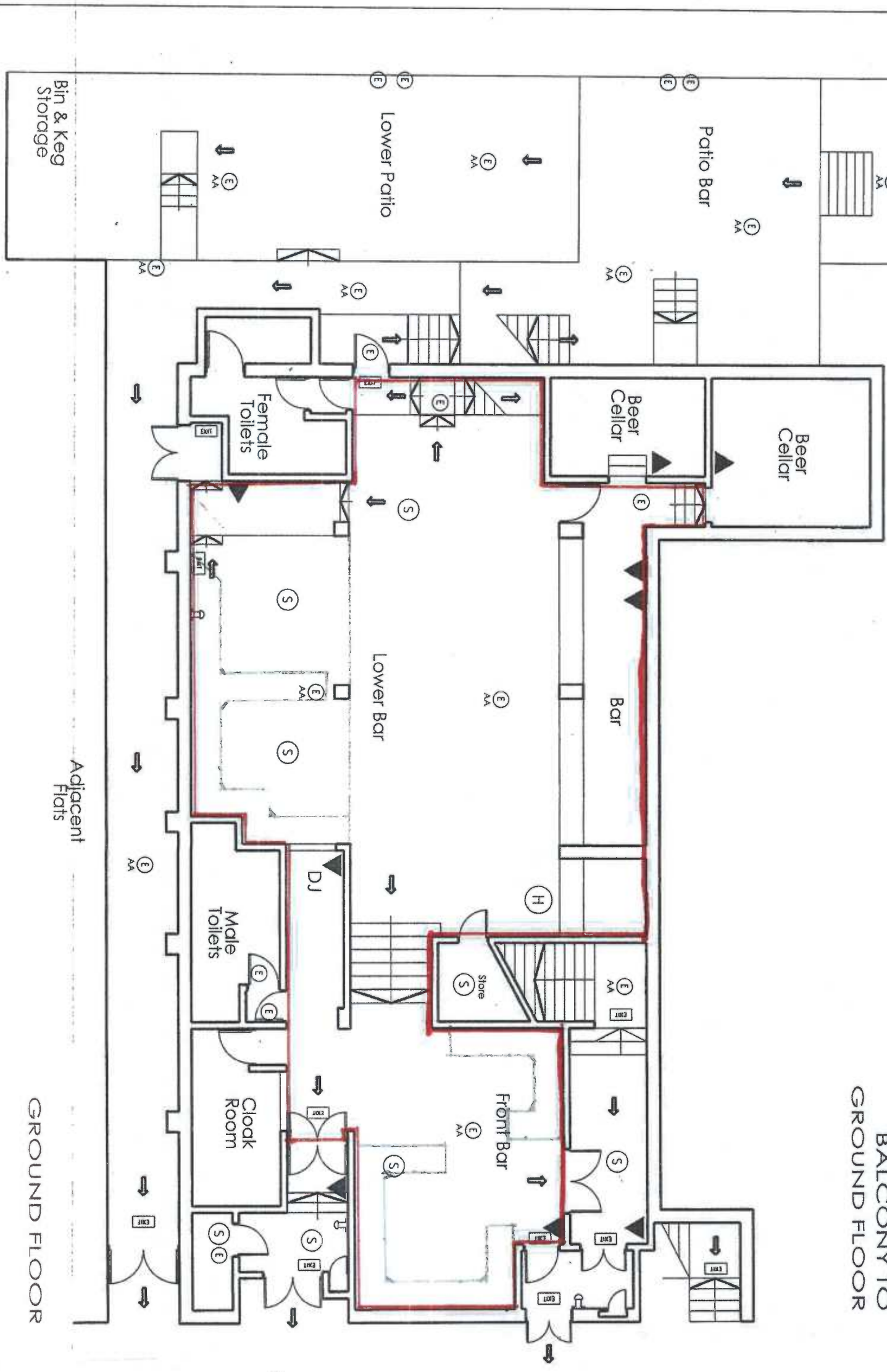
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17 STATION HILL  
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 FIRE PRECAUTIONS PLAN  
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3968/02



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

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& PLANNERS



FIRE

17 STATION HILL  
CHIPPENHAM  
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3968/01

17<sup>th</sup> March 2016

SN15 Leisure Ltd  
3 Northumberland Buildings  
Bath  
BA1 2JB

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

Our ref : LN/9448

Dear Mr Shayegan,

**Re: Licensing Act 2003 – Formal Warning – Breaches of Premises Licence conditions:  
SN15, 17a Station Hill, Chippenham, SN15 1EQ**

I am writing further to the visit at the premises on 16<sup>th</sup> March 2016 and discussion with Mr Robin Puddephatt, DPS. Susan Thurman-Newell, Police Licensing Officer was also in attendance. Unfortunately, we were unable to view many of your documents relating to the premises, as we were informed that they were taken to the Bath office to be copied in preparation for the visit, but were unable to be returned.

On 8<sup>th</sup> January 2016, we sent a letter to you relaying our concerns of a number of issues including non-compliance of Premises Licence conditions. This included the management plan, which had not been updated to suit the current use of the premises. The premises has been portrayed in applications and hearings as a different venue than first applied for in 2013, however the management plan has not been updated since the one provided for the Provisional Statement hearing in April 2013. Staff should also be made aware of the management plan and be in full understanding of their requirements. Being unable to view the document at the time of my visit I can only conclude that this has still not been actioned. The management plan must be updated for the premises, see the below condition which has therefore been breached:

- *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. Such plan to be available for inspection upon request by the Police and Licensing Authority and to be accessible to staff.*

We have photographic evidence from your Facebook page that glass bottles of spirits have been sold to customers to have on tables and that they are permitted to walk around the premises with them. The DPS was unaware that this was not permitted under your new Premises Licence conditions following the variation hearing. Only bottles of wine and Champagne are permitted, and therefore a condition has been breached. See the below conditions relating to glass/polycarbonate use, following the variation hearing on 19<sup>th</sup> January 2016:

- **Polycarbonates**

- a) The use of drinking glasses is permitted in the Lower and Front Bar.*
- b) Glass wine and Champagne bottles, will only be allowed in the Ground Floor (Lower Bar, the Front Bar) and the First Floor Cocktail Bar. Door Supervisors will ensure that no Glasses and Bottles are allowed outside of these areas.*
- c) Beer to be served in polycarbonates at all times – glass bottles to be decanted, or beer to be served in polycarbonate bottles, or to be on Tap and served in polycarbonate glasses.*
- d) When the premises are operating as a whole, the requirement for additional polycarbonates will be determined by a risk assessment.*

*The above polycarbonate conditions to apply whenever trading, whether or not Regulated Entertainment taking place.*

Further to being prohibited on the Licence, selling bottles of spirits gives obvious concerns in relation to the safety of both customers and staff. It also allows the customer to pour their own drink, other customers' drinks and to drink out of the bottle. It could also lead to people being unaware of the alcoholic content of their drink. Bar staff are then unable to monitor the measures of drinks, levels of intoxication and check ID as they would when someone is purchasing a drink at the bar. We would expect only to see wine/champagne bottles on a table in a secure monitored area and not being carried around the premises freely by a customer.

The CCTV system is not currently able to download to disc. I spoke with the DPS on 9<sup>th</sup> March after Police Licensing had informed the Licensing Authority that the system was not working. The Police visited the premises on 7<sup>th</sup> February requesting CCTV footage covering a vehicle incident outside, and were informed that the system was not working. We would have an expectation that any fault would be repaired as soon as practically possible. The system is still unable to download, now (at least) 5 weeks after you were first aware of the problem. The following conditions relating to CCTV have been breached:

- 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.*

During the visit, we also discussed the security signing in sheets and incident recording. Currently two SIA security personnel hold 'Temporary Licences' whilst their SIA licence is being renewed. This is to be checked with the company and Police Licensing need to be informed of the details relating to this. Incidents/refusals/ejections should be recorded in a bound book with sequentially marked pages to ensure that loose leaf pages are not lost/damaged. During a visit by two Licensing Officers, an ejection on the morning of Sunday 13<sup>th</sup> March was witnessed but not recorded. Also, we were informed that drugs were found and flushed down a toilet the same night. Any drugs found should be securely held and the Police should be informed prior to collection (by Police). You should also be following your drugs policy, which should be included in the management plan, previously mentioned. Records of the incident should also be kept. Please see the below conditions relating to security staff and incident recording.

- *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.*
- *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, which is to be signed off by the Duty Manager at the end of each day's trading.*

During the visit we discussed the door staff dress code. The security staff must have their SIA licences on display. The entrance security could have a different dress code, however this must be previously agreed with Wiltshire Police. Please see the below conditions following the variation hearing on 19th January 2016.

- *\*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.*

Staff training records should be maintained and kept on the premises. All 'in-house' training records should be kept on file at the premises along with external training information. This was also previously mentioned in the letter dated 8<sup>th</sup> January 2016.

The DPS brought to our attention an incident in which a customer entered the premises with a cut. The staff were unable to treat this due to not having a First Aider on site, therefore another customer who was First Aid trained provided treatment. Although a First Aid provision for customers is recommended and not mandatory; as an Employer, you must ensure that you have completed a First Aid Needs Assessment to assess the requirement for First Aid provisions at the premises. The Health and Safety (First Aid) Regulations 1981 require employers to provide adequate and appropriate equipment, facilities and personnel to ensure their employees receive immediate attention if they are injured or taken ill at work. More information can be found on the HSE (Health and Safety Executive) website.

Following your previous variation (of plans) in November 2015 and subsequent works, you should have undertaken a new Fire Risk Assessment of the premises. You may wish to consider the capacity, exits, positioning of fire equipment etc, following the changes of layout and materials used in the refurbishment/changes to the premises. A Fire Risk Assessment is a requirement under the Regulatory Reform (Fire Safety) Order 2005. This should now be completed urgently. You should also keep records relating to fire as per the below condition:

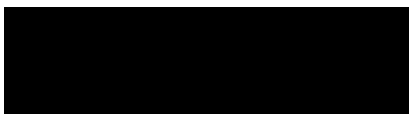
- *A log book shall be provided in which to record details of all tests, i.e. fire-fighting equipment, safety/emergency lighting, fire drills, etc. and other details as required by the Licensing Authority and kept available for inspection at all times. The logbook shall not be in loose-leaf and shall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

The current Premises Licence Summary (following the variation hearing on 19<sup>th</sup> January 2016) was not on display in the premises, and we were informed that this has only just been received at the premises. The Premises Licence and Summary was sent to TLT LLP on 28<sup>th</sup> January 2016.

Police Licensing will be revisiting the premises to view the paperwork unavailable on 16<sup>th</sup> March, revisit some of the points raised and to check the CCTV system.

I trust that these issues will now be resolved immediately, please contact in writing to confirm.

Yours sincerely,



**Roy Bahadoor**  
**Public Protection Officer (Licensing)**  
Tel. 01249 706555  
Email. [publicprotectionnorth@wiltshire.gov.uk](mailto:publicprotectionnorth@wiltshire.gov.uk)

Cc: Mr Robin Puddephatt, SN15, 17 Station Hill, Chippenham, SN15 1EQ.  
Wiltshire Police Licensing, Trowbridge Police Station, Polebarn Road, Trowbridge, BA14 7EP.  
Mrs Linda Holland, Licensing Authority, Wiltshire Council, County Hall, Bythesea Road,  
Trowbridge, BA14 8JN.



**IN THE MATTER OF AN APPLICATION TO VARY THE PREMISES LICENCE OF SN15, STATION HILL , CHIPPENHAM,**

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**STATEMENT OF MARTIN O'NEILL**

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I, **Martin O'Neill** , Licensing Officer, Licensing Department, Divisional Police Station, Polebarn Rd Trowbridge BA14 7 EP will say as follows:

1. I am a Police Licensing Officer for Wiltshire Police, having joined the Force in January 2016. Prior to this I served as a Police Officer with Wiltshire Police for 30 years. I make this statement on behalf of Wiltshire Police following an application to vary the premises licence of SN15, 17a Station Hill, Chippenham.
2. My role involves covering all licensed premises within North and West Wiltshire. I am the main point of contact within the Police for all matters related to licensed premises; I deal with applications on behalf of the Chief Constable. I work closely with Police Officers and Police Community Support Officers to identify premises which can be linked to high levels of crime, disorder and anti-social behaviour.

3. In a crime prevention role I can offer advice, guidance and signposts to other organisations such as the Security Industry Authority. At enforcement level I am responsible for submitting applications for review if, following consultation with licensed premises, the relevant legislation is not being adhered to. I also contribute to Police operations that are established to ensure compliance with licensing legislation. These include licensing visits, test purchases and drugs dog operations.
4. At 2200hrs on Friday 9<sup>th</sup> September 2016 I attended SN15, Station Hill, Chippenham in company with Licensing Manager, Sian KALYNKA, to conduct a Licenced premises check.
5. I spoke with Paul SHAYGEN who is the director of SN15 Leisure Limited the company that holds the current premises licence. Mr SHAYGEN advised that he was present at the premises tonight as the DPS Adam HATCH had a night off to attend a wedding.
6. Mr SHAYGEN was informed that we were present to carry out a licensing check at the premises this evening and could he assist with providing the relevant information that we need to see. Mr SHAYGEN agreed to this.
7. I first checked the door staff and established that there were four door staff on duty, who were employed by a firm called METROPOLIS from Bristol. A check of the security log book showed that it was completed correctly and included their names, SIA licence number and time on duty for all 4 doorstaff as per the condition on the licence which states **"SECURITY INCIDENT REGISTER TO BE**

**MAINTAINED , WITH SECURITY OPERATIVES SIGNING ON AND OFF DUTY WITH FULL 16 DIGIT SIA LICENCE NUMBER”**

8. The Incident/ refusals book was checked and they were recording incidents that were occurring giving time, date and details of the incidents and actions taken. The most recent incident recorded within the incident book was the 3<sup>rd</sup> September 2016.
9. Mr SHAYGEN was then asked to show me the CCTV system and that it was in working order. Once up in the office of the premises Mr SHAYGEN asked another male up to the office called Jake. Jake was able to show all cameras were operating correctly and that CCTV was seen to provide full coverage of the premises as per the condition on the licence. “ **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.**
10. Jake advised that he was responsible for the operation of the CCTV system during the trading times the premises was open this evening. It appeared that he was standing in for the DPS in this role. He was able to demonstrate that the system was functioning and could go back over several days worth of footage. This is stored on a hard drive connected to the system for a period of 30 days. I asked him to demonstrate that the system was capable of downloading the images by requesting footage from the 3<sup>rd</sup> September 2016 which he initially stated could be downloaded to disc. He stated that the footage would be

downloaded to a memory stick but was unable to provide this to allow the footage to be downloaded.

11. Mr SHAYGEN stated that he had purchased several memory sticks and had given them to the DPS, Adam HATCH. During the visit these could not be located, and the CCTV could not be copied and downloaded. The condition states **“RECORDINGS SHALL BE KEPT FOR 28 DAYS AND MADE READILY AVAILABLE TO ANY AUTHORISED OFFICER OF THE COUNCIL AND POLICE”**.
12. I asked to see records of staff training and was shown a folder which contained details of staff, some of which no longer worked for the company. The training forms were dated 8<sup>th</sup> December 2015 and no other records were available.
13. Mr SHAYGEN stated that the previous DPS, Mr PUDDEPHAT had conducted some training but was unable to produce any records to confirm this. He further stated that the current DPS, Adam HATCH, was in the process of delivering staff training but was unable to produce any records of this and stated that Mr HATCH had the paperwork at his home. The premises are not adhering to the condition **“All staff (to include management) to undertake induction/refresher training to include roles and responsibilities and the current licensing objectives”**
14. I asked Mr SHAYGEN for a copy of the Management plan relating to the premises which he was unable to produce and stated that the DPS Mr HATCH had been in contact with the council and had forwarded them details.
15. I asked a question in relation to their drugs policy, the door staff did not appear to know what had to be done in relation to drugs. Mr SHAYGEN stated that any

- drugs that were seized would be stored in a locked safe in the managers office and that details would be recorded in the incident book. He was unable to produce any evidence of any seizures being recorded.
16. I carried out a check of the patio area and noted that there were a number of tables but the area itself was empty. I spoke with Mr SHAYGEN outside on the patio area where he explained his plans for the patio in the future.
  17. Mr SHAYGEN explained how he would like to refurbish the area with tables and umbrellas and make it an area where people could smoke Shisha and have their drinks, although he did not clarify what drinks he would allow.
  18. Mr SHAYGEN also stated that he did not want to operate without door staff and that if he had 100 people in the premises then he would still want to have four door staff. Mr SHAYGEN said he would not want to operate the premises without door staff but would like more flexibility around doorstaff numbers and the ability to send staff home should he not need them due to cost implications.
  19. Grace BOND the Bar Manager and Jake joined us on the patio where we were discussing the current variation application and the ambiguity around the proposed conditions. Jake showed typed correspondence from Mr HATCH to the premises solicitor in which he stated that he should have the discretion as the DPS to decide whether he required door staff at the premises on a day by day basis.

20. It was suggested at this point to Mr SHAYGEN that he contact his solicitor in order to clarify the proposed changes submitted in the variation application BECAUSE HE STATED THAT HE DID NOT FULLY UNDERSTAND THEM HIMSELF

Statement of Truth

I confirm that the contents of this statement are true to the best of my knowledge and belief.

Signed..........

Dated.....10/09/16.....

MARTIN O'NEILL

**From:** [Piers Warne](#)  
**To:** [Bahadoor, Roy](#)  
**Cc:** [Francis, Richard](#); [O'Neill, Martin](#); [PublicprotectionNorth](#); [Matthew Phipps](#)  
**Subject:** SN15 variation application  
**Date:** 31 August 2016 09:45:44

---

Dear Roy

Many thanks for your time in this matter.

#### **Door staff condition**

Following our discussions and the concerns raised by responsible authorities in relation to the wording of the proposed amended door staff condition, we would ask that the following amended wording is put before the committee to replace that in the application.

#### **Provision of door staff**

The premises shall employ door staff in the following manner:

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

Such engagement to be on the following basis:

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

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

Such engagement to be on the following basis:

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

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

Such engagement to be on the following basis:

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

#### **Representations**

My client is currently amending and updating their management documents in order to provide all parties who have made representations with a suite of documents that would be used should the application be granted. This will, I anticipate, deal with the concerns raised in the representations and be the basis of any further discussion. We will provide these in good time prior to the hearing.

Once all the documentation is updated, I will forward to all parties who have made representations.

#### **My availability**

Please note that I am away after today, returning to work next Wednesday (7 September), although I am at a hearing that day and therefore back in the office on Thursday. I have copied in Matthew, who can be reached in my absence, however I will pick this up as a priority on my return.

I trust that this is in order in the short-term.

Kind regards

Piers

Piers Warne  
Associate  
for TLT LLP

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M: +44 (0) 7585 961 459

F: +44 (0) 333 00 61492

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**From:** [O'Neill, Martin](#)  
**To:** [matthew.phipps@TLTsolicitors.com](mailto:matthew.phipps@TLTsolicitors.com)  
**Subject:** SN15 - Without prejudice  
**Importance:** High

---

Hello Matthew,

Further to my initial email, dated 5<sup>th</sup> August, I have now had the opportunity to give your variation application my full attention, and to also seek the advice of my licensing colleagues, in relation to the previous applications regarding SN15.

I do have some concerns in relation to the ambiguity of the outlined proposals as they currently stand, specifically in relation to the Door Supervisors and Polycarbonate amendments proposed. In particular I have concerns in relation to the removal of Door Supervisors until midnight and then on a significantly reduced basis after midnight. Furthermore this is proposed to on a ratio of one Door Supervisor per hundred, and my concerns are around how that will be assessed. Furthermore, we have concerns about the removal of the condition requiring Polycarbonates, which in future it is suggested can be determined by a risk assessment.

At this point in time Wiltshire Police have are not in possession of your clients proposed Risk Assessment, or in fact a copy of their updated Management Plan, written to reflect the proposed Variation of Conditions.

These comprehensive new conditions were intended to allow SN15 to demonstrate adherence to the Licensing Objectives and to also allow the new management team to demonstrate effective management practices. However, Wiltshire Police are aware that the current DPS is in fact no longer in post, and may not have been so since the end of July. Also, at the time of writing, we are given to understand that he has not yet been replaced.

Regards

Martin O'Neill 7792

Licensing Officer

Trowbridge Police Station

Polebarn Rd

Trowbridge

BA14 7EP

Contact: Internal 37792

Work Mobile: 07471029347

Email : [martin.o'neill@wiltshire.pnn.police.uk](mailto:martin.o'neill@wiltshire.pnn.police.uk)

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## Timeline of Concerns submitted by Licensing Authority in relation to SN15, 17a Station Hill, Chippenham (Variation Application)

Date	Issue	Information
19/01/2016	Licensing Hearing	Variation granted with conditions
14/02/2016	Licensing	Late night licensing visit to premises on Saturday 12th into Sunday 13th March. 55 customers, promoted event with known Radio 1Xtra DJ, both floors open, music not audible outside, faint bass heard only, 7 door staff (balcony closed), no glass policy for night. Door staff records not completed, sick in women's toilets and screws/hardware in cupboards under sinks, no challenge posters on 1st floor.
16/03/2016	Licensing	Meeting with DPS, Robin Puddephatt to discuss CCTV not downloading. Susan Thurman-Newell Police Licensing Officer in attendance. Police reported following request on 7th February for footage of vehicle accident outside on 5th Feb. Discussed licence conditions, security, management documents and use of glassware including images on Facebook site.
17/03/2016	Licensing	Formal warning letter issued.
23/03/2016	Email from Police Licensing	Email received from Robin Puddephatt to police licensing (meeting cancelled) - confirming issues in Formal Warning Letter (17th March 2016) addressed/being addressed.
23/03/2016	Email from Paul Shayegan	Regarding meeting and addressing outstanding issues.
30/03/2016	Licensing Visit	Joint visit with Roy at premises meeting with Mr Shayegan, and Mr Puddephatt discuss details of warning letter and requirements needed to comply with licence, attempts have been made to address the items, but more detail and actions required to manage paperwork systems. CCTV writer still not working and will be sorted tomorrow (31 <sup>st</sup> )
30/03/2016	Management Plan	Provided by Robin Puddephatt & Paul Shayegan
05/04/2016	Email from Paul Shayegan	CCTV fully operational from 1 <sup>st</sup> April
17/06/2016	Enquiry visit to Monkton park by Mr Shayegan	Paul Shayegan came in to Monkton Park to speak about premises and ask if they can sell spirit bottles in the VIP area. He was informed that glass bottles of spirits cannot be on the tables for the customer to self-serve. The only way to sell a bottle of spirit is to hold the bottle behind the bar and serve to the tables, as long as consumption levels are monitored.

		Paul Shayegan informed that last week's event (Chipmunk) was successful with 400 customers. He said it was well managed and all people were searched on entry. Two people were not permitted entry due to drugs found and confiscated - not yet spoken with police. Mr Shayegan was advised that police should be told at earliest opportunity not waiting a week.
29/07/2016	SN15 – Variation application: received via TLT	Variation - Amended (or removal) of conditions re: Doors Staff/Polycarbonates/Use of outside area
08/08/2016	Licensing Authority	Email to TLT requesting further documentation: <ul style="list-style-type: none"> <li>• Proposed / revised risk assessment for the use of polycarbonate to support the application and to put the proposed use into context.</li> <li>• Proposed / revised management plan outlining how the premises will operate with the change to the SIA provision.</li> </ul>
09/08/2016	SN15	Email from Robin Puddephatt (DPS) - left position at SN15 on 31/07/2016
10/08/2016	TLT	Will contact their client for new plans.
16/08/2016	TLT	Plans and risk assessments received from TLT following request of 08/08/2016
17/08/2016	Licensing	Letter to Licence Holder regarding no DPS at premises. Emailed to Paul Shayegan and TLT Solicitors. Hard copy posted to premises (Paul Shayegan, SN15 Leisure Ltd)
18/08/2016	SN15	Email from Mr Adam Hatch advising he will be taking over as DPS
18/08/2016	SN15 Email from Mr Shayegan	Thank you for your email. I assure you that we take every step to ensure that the premises comply with all licensing laws. This is a miscommunication between us and the DPS. I do apologise for that. Mr Hatch was supposed to start on the 26th of July but due to personal reasons he was delayed in starting, Robin knew this, I was not aware that he has written to you to take himself off the position, and we had discussed this. We had his authorization to sell alcohol with my own license. Robin was present in the club on the Saturday gone 31st July, all night. The following week Adam started and was going to apply for the DPS but was under impression that we have to apply to take off the previous DPS first. This is just a miscommunication.

18/08/2016	Email to/ from TLT	Licensing reject variation of DPs application as in the name of New Millennium Developments Ltd who are not the licence holder.
18/08/2016	TLT	Variation of DPs forms correctly served.
18/08/2016	Licensing Authority	Email to TLT setting out comments regarding variation application.
20/08/2016	Licensing & Environmental Health visit	<p>Checked Door Steward records incomplete/not signed correctly or steward's details completed as required. Incident log again poorly completed, advice given to head of security and DPS.</p> <p>Patio area: During our visit we found the top patio area has been fenced off in breach of the licence issued. Licensing Authority and Environmental Health had not been advised of this change. This change causes the customers to congregate nearer to the residential properties when using the smoking area.</p>
01/09/2016	Licensing	Meeting held with new DPS to go through the conditions on the licence and the training requirement for the DPS.
02/09/2016	Licensing	Email to DPS and Licence holder

Linda Holland – Licensing Manager – Public Protection

12<sup>th</sup> September 2016

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17<sup>th</sup> March 2016

SN15 Leisure Ltd  
3 Northumberland Buildings  
Bath  
BA1 2JB

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

Our ref : LN/9448

Dear Mr Shayegan,

**Re: Licensing Act 2003 – Formal Warning – Breaches of Premises Licence conditions:  
SN15, 17a Station Hill, Chippenham, SN15 1EQ**

I am writing further to the visit at the premises on 16<sup>th</sup> March 2016 and discussion with Mr Robin Puddephatt, DPS. Susan Thurman-Newell, Police Licensing Officer was also in attendance. Unfortunately, we were unable to view many of your documents relating to the premises, as we were informed that they were taken to the Bath office to be copied in preparation for the visit, but were unable to be returned.

On 8<sup>th</sup> January 2016, we sent a letter to you relaying our concerns of a number of issues including non-compliance of Premises Licence conditions. This included the management plan, which had not been updated to suit the current use of the premises. The premises has been portrayed in applications and hearings as a different venue than first applied for in 2013, however the management plan has not been updated since the one provided for the Provisional Statement hearing in April 2013. Staff should also be made aware of the management plan and be in full understanding of their requirements. Being unable to view the document at the time of my visit I can only conclude that this has still not been actioned. The management plan must be updated for the premises, see the below condition which has therefore been breached:

- *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. Such plan to be available for inspection upon request by the Police and Licensing Authority and to be accessible to staff.*

We have photographic evidence from your Facebook page that glass bottles of spirits have been sold to customers to have on tables and that they are permitted to walk around the premises with them. The DPS was unaware that this was not permitted under your new Premises Licence conditions following the variation hearing. Only bottles of wine and Champagne are permitted, and therefore a condition has been breached. See the below conditions relating to glass/polycarbonate use, following the variation hearing on 19<sup>th</sup> January 2016:

- **Polycarbonates**

- a) The use of drinking glasses is permitted in the Lower and Front Bar.*
- b) ~~Glass wine and Champagne bottles, will only be allowed in the Ground Floor (Lower Bar, the Front Bar) and the First Floor Cocktail Bar. Door Supervisors will ensure that no Glasses and Bottles are allowed outside of these areas.~~*
- c) Beer to be served in polycarbonates at all times – glass bottles to be decanted, or beer to be served in polycarbonate bottles, or to be on Tap and served in polycarbonate glasses.*
- d) When the premises are operating as a whole, the requirement for additional polycarbonates will be determined by a risk assessment.*

*The above polycarbonate conditions to apply whenever trading, whether or not Regulated Entertainment taking place.*

Further to being prohibited on the Licence, selling bottles of spirits gives obvious concerns in relation to the safety of both customers and staff. It also allows the customer to pour their own drink, other customers' drinks and to drink out of the bottle. It could also lead to people being unaware of the alcoholic content of their drink. Bar staff are then unable to monitor the measures of drinks, levels of intoxication and check ID as they would when someone is purchasing a drink at the bar. We would expect only to see wine/champagne bottles on a table in a secure monitored area and not being carried around the premises freely by a customer.

The CCTV system is not currently able to download to disc. I spoke with the DPS on 9<sup>th</sup> March after Police Licensing had informed the Licensing Authority that the system was not working. The Police visited the premises on 7<sup>th</sup> February requesting CCTV footage covering a vehicle incident outside, and were informed that the system was not working. We would have an expectation that any fault would be repaired as soon as practically possible. The system is still unable to download, now (at least) 5 weeks after you were first aware of the problem. The following conditions relating to CCTV have been breached:

- 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.*

During the visit, we also discussed the security signing in sheets and incident recording. Currently two SIA security personnel hold 'Temporary Licences' whilst their SIA licence is being renewed. This is to be checked with the company and Police Licensing need to be informed of the details relating to this. Incidents/refusals/ejections should be recorded in a bound book with sequentially marked pages to ensure that loose leaf pages are not lost/damaged. During a visit by two Licensing Officers, an ejection on the morning of Sunday 13<sup>th</sup> March was witnessed but not recorded. Also, we were informed that drugs were found and flushed down a toilet the same night. Any drugs found should be securely held and the Police should be informed prior to collection (by Police). You should also be following your drugs policy, which should be included in the management plan, previously mentioned. Records of the incident should also be kept. Please see the below conditions relating to security staff and incident recording.



- *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.*
- *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, which is to be signed off by the Duty Manager at the end of each day's trading.*

During the visit we discussed the door staff dress code. The security staff must have their SIA licences on display. The entrance security could have a different dress code, however this must be previously agreed with Wiltshire Police. Please see the below conditions following the variation hearing on 19th January 2016.

- *\*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.*

Staff training records should be maintained and kept on the premises. All 'in-house' training records should be kept on file at the premises along with external training information. This was also previously mentioned in the letter dated 8<sup>th</sup> January 2016.

The DPS brought to our attention an incident in which a customer entered the premises with a cut. The staff were unable to treat this due to not having a First Aider on site, therefore another customer who was First Aid trained provided treatment. Although a First Aid provision for customers is recommended and not mandatory; as an Employer, you must ensure that you have completed a First Aid Needs Assessment to assess the requirement for First Aid provisions at the premises. The Health and Safety (First Aid) Regulations 1981 require employers to provide adequate and appropriate equipment, facilities and personnel to ensure their employees receive immediate attention if they are injured or taken ill at work. More information can be found on the HSE (Health and Safety Executive) website.

Following your previous variation (of plans) in November 2015 and subsequent works, you should have undertaken a new Fire Risk Assessment of the premises. You may wish to consider the capacity, exits, positioning of fire equipment etc, following the changes of layout and materials used in the refurbishment/changes to the premises. A Fire Risk Assessment is a requirement under the Regulatory Reform (Fire Safety) Order 2005. This should now be completed urgently. You should also keep records relating to fire as per the below condition:

- *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.*

The current Premises Licence Summary (following the variation hearing on 19<sup>th</sup> January 2016) was not on display in the premises, and we were informed that this has only just been received at the premises. The Premises Licence and Summary was sent to TLT LLP on 28<sup>th</sup> January 2016.

Police Licensing will be revisiting the premises to view the paperwork unavailable on 16<sup>th</sup> March, revisit some of the points raised and to check the CCTV system.

I trust that these issues will now be resolved immediately, please contact in writing to confirm.

---

Yours sincerely,



**Roy Bahadoor**  
**Public Protection Officer (Licensing)**  
Tel. 01249 706555  
Email. [publicprotectionnorth@wiltshire.gov.uk](mailto:publicprotectionnorth@wiltshire.gov.uk)

Cc: Mr Robin Puddephatt, SN15, 17 Station Hill, Chippenham, SN15 1EQ.  
Wiltshire Police Licensing, Trowbridge Police Station, Polebarn Road, Trowbridge, BA14 7EP.  
Mrs Linda Holland, Licensing Authority, Wiltshire Council, County Hall, Bythesea Road,  
Trowbridge, BA14 8JN.





## Management plan

Site: SN15, Station hill, Chippenham SN15 1EQ

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The main focus for the management plan is to ascertain how the venue and management will uphold the licensing conditions based on a series of policies and procedures that must be carried out at all times.

### Hierarchy Roles and Responsibility:

#### Policy:

D.P.S.

General Manager

Security

Bar Supervisor

Bar staff

Bottlers/Glass collectors

Cleaners

Photographer

DJ/s

Everyone needs to know what the exact roles and responsibilities of their position entails. In order to have a safe working environment the correct person/s need to be made aware of any issue/s pertaining to their roles. There are a wide variety of issues or tasks that need to be either made aware of by the correct person, or dealt with the correct person. All staff will be fully informed of their roles and responsibility when commencing work and if needed, training given and signed for and records kept. This will be, but not limited to, an induction before the job commences.

As well as having an understanding of the job role for each department, each member of staff must follow our strict health and safety policies and our fire safety policies. All staff are to undertake

regular training and to sign off that they understand all policies and procedures thereof. All copies of these will be in separate documents – but all must be kept at all times.

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## **Hierarchy Roles and Responsibility**

### **Procedure:**

#### **D.P.S.**

The role of the D.P.S. is to firstly uphold the four licencing objectives;

- Prevent crime and disorder
- Ensure public safety
- Prevent public nuisance
- Prevent harm to children

It is to be solely responsible for everything pertaining to the premises. Any incident/accident in the club although possibly dealt with by members of staff, the D.P.S. has to ensure all procedures are in place to account for any incident/accident and to ensure these are upheld. As well as ensuring these procedures are followed correctly and records kept regularly and kept up to date.

The role though is not limited to incident/accident procedures; it is to ensure the safety of staff and customers and members of the public in the premises and within the vicinity of the premises.

The D.P.S is the person identified on the premises Licence as the person who supervises the premises. Any premises where alcohol is supplied under a premises licence must have a DPS. They will be named in the premises licence, a summary of which must be displayed on the premise. The Act and Guidance requires DPS and personal licence holders to have responsibility for the sale and supply of alcohol because of its impact on the wider community and on crime and disorder and anti-social behaviour, as this carries with it greater responsibility than that associated with the provision of regulated entertainment and late night refreshment. A personal licence holder can supervise the sale of and authorise such sales and supplies. The D.P.S. must be informed of all issues, and must therefore be in constant communication with security and staff during operation.

The D.P.S must undergo adequate training; the recommend course is the BIIAB Award for Designated Premises Supervisor, as well as both on going training in house and out.

## **General Manager**

The General manager's main function is to supervise the bars and staff in the premises. Recruiting, training and motivating the rest of the staff, and to ensure all the policies and procedures laid out in this document and agreed by D.P.S. are all up to date. Doing regular stock-takes and ordering as necessary, along with handling deliveries. It's to also maintain the condition of all the stock. Keeping up to date with licensing legislation, and along with D.P.S, liaising with the authorities. Enforcing health and safety rules to all members of staff and ensure procedures are being adhered to ensuring safety of public and staff. Adhering to budgets, increasing profits and managing cash flow. Dealing with difficult customers and reporting incidents/accidents. Also to verify age of patrons and monitor the behaviour and conditions of patrons as well as knowing when to call for help either from D.P.S. or from security. Every incident the General manager has been involved with must be recorded. The General manager must be in constant communication with either security or D.P.S.

## **Security**

All security must be SIA registered, they must have their badges on their persons clearly visible, by wearing a high visibility arm band. Licensed door security supervisors provide a safe environment for people who enter the premises and people in the vicinity of. They also reduce the incidences of under-age drinking. The Association of Chief Police Officers' policy lists three pieces of acceptable I.D. for proof of age. The acceptable forms of proof are a passport, photo card driving licence or a proof-of-age card. Door security supervisors are taught about this Proof of Age Standard Scheme (PASS) during their training. They are to Adopt the Challenge 25 policy and are therefore to ask for identification from anyone looking or seeming to be under this age.

They are to either resolve any issues or problems pertaining to the safety or well-being of members of the public or staff. This can be through conversation or removal of anyone concerned of causing harm to themselves, members of the public, staff or the premises itself, this removal must not be excessive and must be in line with current legislation and training. Security are to sign in and out with their names and badge numbers on every shift worked. They are also to ensure incident logging is carried out correctly, And to ensure they remain on the front door for no less than half an hour after the last customer has left to act as a deterrent for any trouble in the vicinity of the premises.

## **Bar Supervisor**

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There must be a bar supervisor positioned on every bar during operating hours of the venue. This is a responsible person supervising the staff and those customers to which they are selling to – so assessing everyone at the bars, as well as behaviour and attitude. It is to also be linked up directly to General manager and to security and inform the appropriate person of any issues or concerns. They are also to ensure the correct serving of the bars are carried out, and all systems set by management are achieved as well as serving the bars the same ways as bar staff.

## **Bar Staff**

The main duty will involve serving drinks to customers. They must also adopt the Challenge 25 policy and therefore be able to verify age of patrons. They must at all times keep the bar area clean and tidy, and with the aid of bottle collectors, keeping the bar stocked up and cash handling.

They are to have constant communication with the General manager, and report any incident straight away. Bar staff must be vigilant when assessing the intoxication levels of the people they are serving, and should never serve anyone intoxicated. If they believe someone is intoxicated they are to contact either the General manager or security to assess and deal with the situation. Anyone seemingly to be intoxicated will be given water, and security will then assess the correct course of action. They are therefore also to report straight away any incident pertaining to the safety or well being of customers, or staff.

Bar staff are to have cellar duties which will involve but not be limited to changing barrels, changing gas and changing post mix. Therefore correct training must be given and signed for.

All staff are to undergo regular in house training sessions. They are to be trained on a number of bar procedures, as well as regular health and safety procedures, and fire safety/evacuation procedures. All procedures are to be kept in individual staff documents, illustrating individual training achievements and are to be signed off and kept filled. As well as regular in house training sessions, all staff are to undergo external training, at minimum all staff at the earliest convenience must undergo the BIIAB Level 1 Alcohol Awareness Course. As well as all appropriate staff to be encouraged to undertake the Level 2 NVQ hospitality course.



## **Cleaners**

The cleaners are to work throughout the day, whilst the premises isn't open, they are to ensure the cleanliness of the bars, dance floor, toilets, V.I.P. Area, and any other duties requested by D.P.S. Or General manager. They are to follow basic health and safety guidelines and must use protective equipment if the duty states to that effect. They won't have to incident report in the same way as the club will be closed during cleaning, however if anything is found, which could be but not limited to lost property, narcotics etc. the D.P.S. Must be informed and a report must be made.

## **Photographer**

The photographer is to be solely concerned with taking photos of the club whilst open, and uploading them. However as a member of staff any incident seen must be reported to either General manager, security or D.P.S. Straight away - according to the nature of the incident, and must be recorded at the time. The photographer is also responsible for their own health and safety whilst working and must follow the premises basic health and safety procedures.

## **DJ/s**

The DJ/s are to be solely concerned with the running of the DJ booth. All equipment must be understood, and a good knowledge of our systems must be present before attempting to use anything in the DJ booth. The DJ is also responsible for their own health safety whilst working and therefore must be versed in basic health and safety policies, but also health and safety of the equipment used. Whether they are a member of staff, or out sourced, any incident seen must be reported to either General manager, security or D.P.S. Straight away - according to the nature of the incident, and must be recorded at the time.

## Front door/Reception/Security

### Policy

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The front door/reception area is the main entrance and exit for the premises. Although there are side exits, these are primarily emergency exits. A lot of issues are raised at the front door, due in part to the volume using it, and to the nature of it. We must ensure certain procedures are followed for a number of reasons;

- The front door is the first assessment of people's ages.
- The front door is the first assessment of people's intoxication levels and potential behaviour.
- The front door is the defensive line stopping potential trouble from entering the premises.
- The front door must keep live records for the premises in operation.
- It is the location for the fire alarm control unit.

Therefore we must ensure that all procedures are correct, understood, and recorded throughout operation of the premises.

## Front Door/Reception/Security

### Procedure

- ❖ Firstly we must ensure there is at least two member of security on the front door during required times, wearing suitable, identifiable clothing and registered SIA badge visible.
- ❖ During required hours once security has arrived, they must sign in, in the security sign in sheets with name, time, date and badge number. These documents, once completed to be filled and kept for record. The Premises must not open before this has been completed.
- ❖ We operate a Challenge 25 scheme, therefore every patron seeking entry to the premises must either be assessed by security to be over 25, or identification must be produced. The only forms of identification we use will be driving licence,

passport, proof-of age. Security must assess as to the authenticity of each identification based on training provided by relevant body.

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- ❖ If an individual's identification is believed to be fraudulent security will then ask the individual some personal details stated on the form of identification. If further information is required, security may ask an individual to give an example of their signature to see if it corresponds to that of the identification. If it is still at this point deemed fraudulent, security will ask the individual to surrender the identification to be passed onto the police for further inspection. A record of this must be made at the time, with the security members name, badge number, and as much detail from the individual as possible. The record must hold the information of the surrendered card, and once it has been handed into the police – the record must be updated and signed off by a police officer.
- ❖ If ejection is warranted, a report must be made at time of occurrence with as much detail as possible, including securities name, badge no. and date and time as well as information about the ejection. This must be filled and kept as reference.
- ❖ Security must also assess the intoxication levels of persons seeking entrance to the club and persons already in the club. Assessment must be made on the person's appearance, behaviour, ability to hold a conversation, the way he/she holds themselves etc... If entrance is refused or removal is necessary a record must be made, filled and kept as reference including securities name, badge no. date and time.
- ❖ If removal is deemed necessary either by management or security, security with registered S.I.A. badges must be the ones to remove – no member of staff are allowed to do this. It is to be done as appropriately and calm as possible and in line with governing bodies and correct training. Every action is to be recorded immediately with time, date, incident details and security details.

- ❖ Security along with management is to ensure the capacity of the premises is kept. Security is to use hand held clickers to count the number of people entering and leaving the premises. Also to ensure that the numbers of customers in the premises are recorded every half an hour, this document is to be kept on the door and filled and stored after every night.
- ❖ The duty manager is to sign off each incident by the end of each shift at the latest.

### Drugs Policy

This Venue runs a zero tolerance on drugs. No drugs are to be brought onto the premises at all.

### Procedure

- ❖ If a person on the premises is believed to be in the possession of illegal drugs, a drugs search may be requested by security, the D.P.S./General Manager must accompany the security whilst doing this.
- ❖ The individual will be asked to come to a private room which will be in front of CCTV. They will then be asked to empty everything from their pockets, asked for anything they may have that could cause a threat to security or themselves. Pockets will then be searched along with all items, wallets, bags etc... The individual will then be patted down to ensure nothing else is hidden, all carried out by security and done within accordance to correct training, Males will search males and females will search females only.
- ❖ If illegal items are found or anything indicating drug use or selling i.e. inexplicably large amounts of money, two responsible members of staff (i.e. General Manager and security) are to record what happened and what was found, and to both witness the found items are locked in a security safe within a sealed envelope. As soon as possible they are to be given to the police, and a police signature has recorded the collection of the items. The individual will remain in the custody of the security until police arrival. All items found are

to be recorded on the official found items documents – signed in by responsible persons and signed out by a police officer. It must also be written up in the incident report with as much information as possible as well as any CCTV turned off to be handed to Police Officers.

- ❖ To ensure as little drug use happens, as possible; door staff are to do routine and agreed walk a rounds, and surveillance of all areas of the premises. This can be aided by bottle collectors keeping a close eye out on movements of patrons, and constant disturbance of all secluded areas will help move any unwanted behaviour on. Any members of staff that notice anything are strictly not to intervene and to go straight to security or D.P.S. and they are to remain away from the incident so as to not put them in any dangerous positions. Security must also fill in area check sheets – to ensure these areas are being regularly checked, and these documents must be kept on file.
- ❖ Anyone refusing to be searched should either be detained for the police, or ejected and barred from the premises at the management's discretion.

### Lighting, Projector Policy

Lighting in the premises needs to be taken into careful consideration. All badly lit and difficult to see areas can cause a number of issues;

- Could create a health and safety issue, trip hazards, slip hazards etc.
- If there are black spots in the club, this can encourage drug use/dealing
- Posters with clear warning are to be put up detailing the use of special lighting and/or effects.

The Projectors are less of a safety issue. But a dispersal procedure will be in place – and the projectors, will aid with that.

### Lighting Procedure

The illumination of the premises should try to reduce all dark spots as much as possible. Careful consideration needs to go into the placement of all flashing lights, to ensure maximum illumination. As much of the premises need to be clear and illuminated during opening hours.

All emergency exits need to have clear indication, emergency must be checked once a week a logged in the fire manual as to working correctly. There must not be too much smoke from the smoke machine at any point during the night so as emergency exits become unclear. Regular checks through the night must ensure this is the case.

As well as ensuring through operational hours all lighting is correctly working, to stop regular black spots in the premises, and comfort zones for drug dealing or hidden bad behaviour main lighting must be regularly moved around. This should help to stop a safe environment for those wanting to misbehave.

During closing, the lights are to be turned on in sections so as to move customers in groups through the exit, but not allow them all to leave in bulk right at the end.

### **Dispersal Policy**

It is acknowledged by This Venue that there may be a conflict between entertainment and other services provided by the premises, and the right of neighbours to enjoy their homes and businesses without disturbance.

This Venue also acknowledges that popular venues are potential sources of nuisances, antisocial behaviour and crime which may create concern for the immediate neighbourhood, its residents and relevant authorities.

Therefore we operate a dispersal policy; this is not to be confused with the evacuation procedure. It's purely a system policed by This Venue to ensure as little nuisance to neighbours is caused at the time of close of business.

### **Dispersal Procedure**

We will consider usage of volume levels, type of music played and usage of lighting levels to encourage the gradual dispersal of customers during the last part of trading and during the drink up period.

Highly visible notices are placed in the foyer and all across this venue, requesting exiting customers to leave quietly and to respect our

neighbours and their property, they will also be greeted by the message from security while exiting this venue.

Security will remain on duty on the front door until the last customer has left the premises to ensure customers leave the area in a quiet and orderly manner, and to act as a deterrent for any bad behaviour.

Security will encourage customers to drink up and progress to the exit throughout drink up time.

Bar staff will give out free tap water to customers during the drink up time allocated.

Customers will be given taxi company details whilst exiting and will be asked politely to take notice of all signs pertaining to the manner in which we expect them to behave as they leave.

Security will ensure no drinks are carried out of the front door, at any time during operation but particularly at the end of the night.

Staff will go out as a rubbish patrol and ensure all flyers, cigarette butts, and rubbish in and around our vicinity is cleaned up including any sick or spills and staff will ensure no bottles, glasses or bins are emptied on a night but the morning after – to ensure no excessive volume is caused.

### **DJ Booth Policy**

As one of the main focal points for customers as well as physically having one of the best views the DJ must keep watch over the dance floor whilst the premises is operational. They are responsible for monitoring the sounds levels along with management. They must play music responsibly, and adhere to the closing procedures for the club. They are the ones creating the atmosphere on the night, so this needs to be regularly checked to ensure a good, fun, lively atmosphere, rather than anything negative.

### **DJ Booth Procedure**

During operational hours the DJ must make regular checks on the dance floor and around the club, as having one of the best viewing points in the club – he must ensure no inappropriate behaviour is going on – and if it is, they are to alert management or security immediately.

The Dj must not play music that will encourage inappropriate behaviour or encourage it any way through speaking on the microphone or playing anything on the projectors that directly go against the Licensing objectives, or wellbeing of staff and customers.

The Dj, as much as appropriate must try to play in session throughout the night, therefore trying to stop a certain type of negative behaviour being encouraged. If a particularly heavier set has been played – the DJ must ensure this is followed by a much mellower, softer session therefore bringing all the hype, excitement and adrenaline people may feel throughout the session to calm down. This is especially potent at the end of the night. Half an hour before the main lights on the dance floor are turned on, the DJ must start playing “happier”, mainstream music with a soft baseline, again calming customers down, so they are not leaving the club all hyped up.

The DJ booth is to be manned constantly throughout the night, so should the DJ need to leave for a short time, either management or security must be present. Also whilst the DJ is playing, the barrier must be up, stopping customers getting too close to the equipment, they are allowed to talk to DJ, and put requests down – but this must be monitored, and they must not step beyond the boundaries.

Only the DJ may touch the equipment, and they are completely responsible for it during the night, if anything damage happens to it – they could be liable. So DJ's must illustrate a good knowledge and must read this document, sections concerning DJ's/Booths.

### **Bars Policy**

The Bar policy will encompass all aspects of the bar, staff, bottlers, training, health and safety, cashing up, stock control and much more. Due to all the separate documents that must be constantly filed in it will be to mainly ensure these are understood and done regularly.

### **Bars Procedure**

Firstly; All Staff must go through induction training before even stepping behind the bar to work they must also go through NVQ level 2; hospitality and Alcohol awareness level 1. There are inductions check sheets to go through which must be checked off, and filled in and signed off as well as the Staff Induction training folder signed and gone through. This is to give all staff the necessary information for safety, responsible serving, all relevant information on the club as well as evacuation procedures and anything else that would be relating to their role in the company. All Refresher Training to be done on a 6 monthly basis unless otherwise required.

Every bar in the venue will always have a supervisor present during operation – this will be a person of responsibility and must be



radio linked to general manager and to security. Any problems or issues bar staff have – the supervisor of the particular bar must be informed and inform that of either management or security depending on particular issue or concern.

They are then to undertake regular training every 6 months done by management and signed off on the refresher check sheets.

As well as regular training regular meetings are to take place generally after each shift to update bar staff of any relevant information.

Staff must fill in relevant Health and Safety documents and be trained fully by management on all practices and any special equipment needed. These will be checked off on separate check lists and all evidence illustrated and fully signed off.

Staff are to ensure they are versed with all fire precautions, all alert alarms, all fire extinguishers and what to do in the instance of a fire or emergency and this is to be done regularly and checked and signed off in the relevant fire safety booklet.

Staff are to ensure responsible serving, so no one under the influence of alcohol is to be served an alcoholic drink – and free tap water must be provided. Should staff suspect a customer of being intoxicated they are to alert security or management immediately, and staff are to also ensure, once a refusal for service has occurred, it is entered immediately into the Refusal Log behind the bar with as much detail as possible.

Staff are to be trained in all policies and procedures relating to their roles, and signed forms are to be regularly maintained.

Staff are to ensure hourly checks are carried out of the premises, looking for any health and safety issues or hazards. They are to check all toilets and ensure everything is cleaned to their best ability and any issues whilst doing these checks are to be brought to either the managements or securities attention immediately. When only the lower floor is open additional checks are to be carried out upstairs to ensure customers are not roaming to other areas of the venue. These checks are to be signed on the sheets kept every night behind the main bar.

The majority of the cleaning of the bars are to be undertaken by the staff, however there are certain things that need cleaning,

maintenance which will only be done by management during closed times of the premises. Such things as the beer lines will be done once every month by Heineken as part of our Smart Dispense contract. Cleaning out the ice machine will be done once a month, again by management.

Also stock deliveries will be done by management; all items are to be double checked as they are received, the condition of the items are to be checked as well as the quantity. Stock taking is to be done once a month using the till system to upload and check off all inventory. On delivery days, stock is to be inputted into the till system by management only. Regular checks on the till counts can be done live through the back office of the till system during operation.

All staff will sign in when they start work, and sign out when they finish.

### **Cashing Up And Cash Drops**

Cashing up and cash drops will be performed only by members of management to reduce risk, when part closing the establishment i.e. Closing the lower floor bar while the club is open, a member of security shall accompany anyone carrying a till. The same will also be true for any cash drops that are done throughout the night.

### **CCTV Policy**

The CCTV of the premises needs to cover approximately 80%. It needs to be in fully working order every time the premises are in operation.

### **CCTV Procedure**

To ensure the CCTV is constantly 100% operational, it is to be checked daily. Every camera is to give a good clear image with no obstructions. They are to be in focus at all times during operation of the premises. The hard drive must be regularly checked once a week to ensure its operation. All extractor fans must be checked as well as operation of hard drive must be ensured to be in full working order as well as the recording facility.

All cameras are to be positioned throughout the club so maximum coverage is achieved and all known "hot spots" are covered.

## **Incident reporting Policy**

All incidents that happen on the premises must be recorded immediately either in the log book or straight into the main incident report log located in the office. Although these are mainly for the clubs benefit, it should be clear and help local authorities with any information they may require.

## **Incident reporting Procedure**

At the time of the incident on the premises a log should be made with as much detail as possible. It should include everything about what physically happened, a description of those involved, time and date, door staffs name and badge number, what action was taken and if any emergencies were called. All this must be logged clearly and correctly in the incident log book kept in the manager's office.

If an incident takes place that causes harm to someone, someone gets injured be it accidental or through the actions of another; a separate log should be made on the log report sheets and CCTV footage should be burned off immediately, all referencing one another. Should the authorities need it – it will be ready to be handed over and signed for – in the log book, as well as updated on the RIDDOR system.

## **Noise Policy**

It is This Venue's responsibility to avoid any nuisance through noise escaping the premises vicinity to any neighbours. Care and consideration should be given during operation of the premises.

## **Noise Procedure**

To ensure This Venue reduces the amount of nuisance caused by noise appropriate sound proofing must be done of the club. This can be through many ways; multiple doors through exiting, or sound proofing material etc.

Noise levels from the DJ need to be checked and the limiter set to an appropriate level so this cannot be exceeded throughout the night.

~~Also the noise level needs to be checked at regular intervals~~  
throughout the night. Checks are done at hourly intervals throughout operation of the premises at various locations stated on the Noise check database. These must be updated after every night of operation. Through this we are able to keep under the HSE set guidelines for noise levels.

## Holland, Linda

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**From:** Rachel Kelly <Rachel.Kelly@TLTsolicitors.com>  
**Sent:** 10 August 2016 11:26  
**To:** Holland, Linda  
**Subject:** RE: Variation application : SN15 [TLT-TLT.FID4050663]

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Dear Linda,

Please accept my apologies for the delay in responding to you.

We have contacted our client and will be in touch with new plans as soon as we are in receipt of them. Hopefully I will get back to you by the end of the week, but if not, early next week.

In the mean time, if you have any further queries, please do not hesitate to get in touch.

Kind regards,

Rachel

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---

**From:** Holland, Linda [mailto:Linda.Holland@wiltshire.gov.uk]  
**Sent:** 08 August 2016 14:24  
**To:** Rachel Kelly  
**Subject:** Variation application : SN15

Good Afternoon Rachel

On behalf of the Wiltshire Council's Licensing Authority, I am being consulted with regard to the variation application for SN15 and I have the following request to make at this point in the consultation period to enable me to give due consideration to the application.

The variation application requests a reduction in the provision of door stewards, the use of the patio area in a different format to its current permitted use and polycarbonates by risk assessment.

Can I have sight of the:

- Proposed / revised risk assessment for the use of polycarbonate to support the application and to put the proposed use into context.
- Proposed / revised management plan outlining how the premises will operate with the change to the SIA provision.

I would have expected the revised documentation to form part of the application to explain how the premises expects to promote the four licensing objectives going forward, bearing in mind that if no relevant representations are received then the premises could operate under its new licence and conditions from 27th August, so no doubt the new management plan, policies and procedures have already being compiled.

I await your response.

Regards

Linda

Linda Holland

Licensing Manager

Public Health & Public Protection

Wiltshire Council | County Hall | Trowbridge | Wiltshire | BA14 8JN

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17<sup>th</sup> August 2016

SN15 Leisure Ltd  
3 Northumberland Buildings  
Bath  
BA1 2JB

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

Our ref : LN/9448

Dear Mr Shayegan,

**Re: Licensing Act 2003 – Section 136 and 137: Unauthorised licensable activities and Exposing alcohol for unauthorised sale - SN15, 17a Station Hill, Chippenham, SN15 1EQ**

We have been informed that the current Designated Premises Supervisor, Mr Robin Puddephatt, no longer works at the premises and departed on 31<sup>st</sup> July 2016. Any sale of alcohol that has taken place since the departure of the DPS has been undertaken other than in accordance with the Licence and it is strongly advised that no further sales of alcohol take place until the Licensing Authority has received a variation of DPS application. Please also refer to S19, 2(a) of the Licensing Act 2003 below:

19 Mandatory conditions where licence authorises supply of alcohol

- 1) Where a premises licence authorises the supply of alcohol, the licence must include the following conditions.
- 2) The first condition is that no supply of alcohol may be made under the premises licence—
  - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
  - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
- 3) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

We are disappointed that a high profile premises is in breach of a mandatory condition and the Licence Holder has not attempted to inform us or process an application to date. The Licensing Authority is now considering what action will be taken.

We will be in further contact in due course.

Yours sincerely,



**Roy Bahadoor**  
**Public Protection Officer (Licensing)**  
Tel. 01249 706555  
Email. publicprotectionnorth@wiltshire.gov.uk

Cc: TLT LLP, One Redcliff Street, Bristol, BS1 6TP  
Wiltshire Police Licensing, Trowbridge Police Station, Polebarn Road, Trowbridge, BA14 7EP.  
Mrs Linda Holland, Licensing Authority, Wiltshire Council, County Hall, Bythesea Road, Trowbridge, BA14 8JN.

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## Holland, Linda

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**From:** Holland, Linda  
**Sent:** 18 August 2016 14:37  
**To:** 'Rachel.Kelly@TLTsolicitors.com'  
**Subject:** SN15 Variation Application - concerns

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Good Afternoon Rachel

Thank you for sending me the revised Management Plan, Polycarbonate Risk Assessment, and SIA Door Supervisor Management Plan for SN15 submitted to support the new variation application.

Having considered the documents I have these initial comments to make.

### **The Management Plan:**

This is original management plan submitted at the time of the provisional statement some **three years ago** and does not in my opinion address the proposed variation.

### **The Polycarbonate Risk Assessment:**

The risk assessment requires more detail to identify the breakdown of risk (rating) associated for each category or sub category and should be formally documented to aid competition of risk assessment and to ensure consistency.

### **The Application:**

There is significant ambiguity about the new proposed door steward provision which needs clarifying. (Ie: additional 100 persons to what ?)

### **The Patio area:**

This area will be appropriately managed ? ( what does appropriately mean – ?, difficult to understand how the applicant believes this is an enforceable or compliant condition).

Currently the area is restricted to, manage noise breakout and limit the impact on nearby residential properties there is no mention how this will be achieved.

I look forward to your response

Regards

Linda

Linda Holland  
Licensing Manager  
Public Health & Public Protection

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## SN15 Leisure Ltd

### Polycarbonate Risk Assessment

In determining whether or not polycarbonate drinking vessels are to be used at SN15 (The Premises) the premises licence holder/DPS will make a determination based on the following factors and criteria:

#### 1. Event type

- Event date/timings
- Music genre
- Customer age group
- Whether or not the event is a "promoted event"
- Whether any previous glass related incidents have occurred at that particular event type

#### 2. Nature of the event

- The types of drinks to be served at the event e.g. cocktails
- The event dress code
- The proposed number of attendees
- Whether or not the event is a ticketed event

#### 3. Security provision

- The number of SIA registered door supervisors to be on duty at the event

Having conducted a risk assessment based on the above criteria, the premises licence holder/DPS will determine whether the event is High Risk, Medium Risk, or Low Risk as appropriate.

Where the premises licence holder/DPS is unsure whether the event is High, Medium or Low Risk or borderline, the premises licence holder/DPS may seek advice from the police licensing team and/or the council licensing team as appropriate.

As a guideline, the use of polycarbonate drinking vessels will be as follows:

Category	Polycarbonates to be used?
High	Yes
Medium/High	Yes
Medium	Yes
Low/Medium	No
Low	No

The premises licence holder will keep appropriate records detailing the criteria considered and the reasons for the decision. A template record form is set out below:

Example:

Event name: .....

Event date: .....

	Risk/Action	Outcome
<b>Event Type</b>		
Event date/timings		
Music genre		
Customer age group		
Promoted event?		
Previous glass related incidents?		
<b>Nature of Event</b>		
Drinks to be served		
Dress code		
Number of attendees		
Capacity		
<b>Security provision</b>		
No. of SIA on duty		

**Further recommended action:** .....

.....  
 .....  
 .....  
 .....  
 .....

**Actions applied:** .....

.....  
 .....  
 .....

.....  
.....

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**Signed:** .....

**Name (PRINT):** .....

**Date:** .....



**SN15 Leisure Ltd**  
**SIA Door Supervisor Management Plan**

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**Event chain of command:**

Please refer to the 'Premises Management Plan' annexed to this plan.

**Door staff responsibilities:**

- SIA trained
- To defuse any situations and proactively identify any trouble makers and to remove them from the premises
- To be aware of the venues procedures around queuing, searches, re-entry and dispersals
- To be aware of all exits and fire safety procedures
- To update the incident report as soon as possible
- To wear appropriate attire and to display SIA registration
- To remain diligent throughout duties and to act with integrity
- To remain calm and to deal with customers and situations with confidence and courtesy
- To use the Chippenham pubwatch scheme and adhere to banning orders made by the committee
- To help with the dispersal of people from Station Hill and the surrounding takeaways at the end of the night
- To accompany staff members tidying Station Hill for safety
- To record entry numbers and exits every hour

**Pre-event:**

- SIA door supervisors to be briefed regarding event type and duties
- SIA door supervisors to sign SIA door supervisors register
- Event chain of command to be identified and confirmed

**During event:**

- All SIA door staff to report any incidents or issues as per chain of command
- All SIA door staff to keep a record of any incidents
- To use clickers to record numbers of patrons entering/exiting the premises

- To check ID and ensure that all patrons are of the appropriate age
- To monitor customer behaviour and look for signs of drunkenness, aggression or drug use
- To periodically check the toilets to deter drug use
- To monitor the smoking area

### **Specific procedures**

#### **1. Queuing**

- SIA will encourage customers to have IDs and any tickets ready for inspection
- SIA will search customers and check ID and any tickets quickly and effectively
- SIA will pay diligent attention to the behaviour of customers and refuse entry if necessary
- SIA to use clicker system are used to ensure safe capacity isn't exceeded

#### **2. Searching**

- Must be conducted in line with SIA training and venue instructions
- Where possible, female and male customers to be searched by female and male door staff respectively
- Seizing, retaining and documenting any unauthorised items (including weapons or illegal drugs).
- Entry to be refused and police to be called where such items are found

#### **3. Dispersal**

- Lighting reduced and music levels turned down to encourage customers to leave
- Managing dispersal and encouraging customers to leave
- Reminding customers to leave quietly



## Holland, Linda

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**From:** Thurman-Newell, Susan <Susan.Thurman-Newell@wiltshire.pnn.police.uk>  
**Sent:** 23 March 2016 16:22  
**To:** Bahadoor, Roy  
**Cc:** Holland, Linda  
**Subject:** FW: SN15 - cancelled Police Licensing meeting 24/3

Hi Roy,

I have spoken to Robin;

I reminded him that I was on duty last weekend and it was discussed about me paying a visit, however it was agreed to meet tomorrow at 1600hrs, to allow them time to get the CCTV engineers in and the new system installed.

I asked Robin for confirmation that the three breaches identified have being rectified, in an email, due to the fact that he was cancelling the meeting.

This is his response – so it can be evidenced in your meeting on the 30<sup>th</sup>.

Regards

Sue

**Susan Thurman-Newell**  
**Licensing Officer**  
**Wiltshire Police**  
**Extension: 37742**  
**Direct Dial: 01380 861742**  
**Mobile: 07970 701135**

**From:** SN15 Nightclub [<mailto:info@sn15nightclub.co.uk>]  
**Sent:** 23 March 2016 13:45  
**To:** Thurman-Newell, Susan  
**Subject:** Follow Up

Hi Susan,

Following on from our telephone conversation I have compiled a list of corrections that have been made.

The Management Plan has been modified and is now on site.

Staff training logs are now back on site and up to date

C.C.T.V unit is being delivered on Thursday and will be installed by 18:00 on Friday

The issue with vodka bottles has now been addressed following a team meeting.

A Fire Risk Assessment has been booked in for Thursday 31st March 2016.

Many thanks in advance,

Robin Puddephatt  


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Holland, Linda

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**From:** Paul <[REDACTED]>  
**Sent:** 23 March 2016 12:14  
**To:** Bahadoor, Roy  
**Subject:** Re: SN15 - Formal Warning Letter

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Roy,

Thank you for coming back to me. Wednesday 30th of March at 2:30pm is fine. I am confirming that we are addressing all the issues that was raised in your letter.

Kind Regards

Paul Shayegan  
SN15 Leisure Ltd

----- Original Message -----

**From:** Bahadoor, Roy  
**To:** Paul  
**Sent:** Tuesday, March 22, 2016 11:50 AM  
**Subject:** RE: SN15 - Formal Warning Letter

Dear Paul,

It will be possible to meet at Monkton Park offices on Tuesday 29<sup>th</sup> March at 10am or on Wednesday 30<sup>th</sup> March at 2.30pm. Please confirm if one of these dates are possible?

As the Licence Holder, can SN15 Leisure Ltd confirm that the issued raised in the letter dated 17<sup>th</sup> March have been/are being addressed, to ensure that you are compliant with the conditions on your Premises Licence?

Please be reminded that Police Licensing will be attending the premises on Thursday 24<sup>th</sup> March at 4pm following on from last week's meeting, as mentioned in the letter. Please ensure that there is a disc available for recording, to evidence that the CCTV footage is now downloadable.

Kind regards,

**Roy Bahadoor**  
**Public Protection Officer (Licensing)**

Tel: 01249 706439  
Internal: 21439  
Wiltshire Council  
Monkton Park  
Chippenham  
Wiltshire  
SN15 1ER

**From:** Paul [REDACTED]  
**Sent:** 19 March 2016 17:08  
**To:** Bahadoor, Roy  
**Subject:** Re: SN15 - Formal Warning Letter

Dear Roy,

[REDACTED]  
[REDACTED] and I have been working. I was very upset to see your letter. I was confident that Robin had everything ready for you. We have done our very best to comply with all your conditions. I like to remind you that as we have not been very busy, it has been difficult to

decide our direction. I would like to come to see you as soon as possible to talk to you about this. So please let me know when is best for you. We shall go through everything together.

Kind regards  
Paul Shayegan  
SN 15 Leisure Ltd

----- Original Message -----

**From:** Bahadoor, Roy

**To:** Paul

**Sent:** Thursday, March 17, 2016 5:20 PM

**Subject:** SN15 - Formal Warning Letter

Dear Mr Shayegan,

Please see the attached Formal Warning Letter following a visit to the premises on Wednesday 16<sup>th</sup> March 2016.

A hard copy of the letter has been sent to the Licence Holder's address and Mr Robin Puddephatt at the premises address.

Kind regards,

**Roy Bahadoor**

**Public Protection Officer (Licensing)**

Tel: 01249 706439

Internal: 21439

Wiltshire Council

Monkton Park

Chippenham

Wiltshire

SN15 1ER

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## Holland, Linda

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**From:** Bahadoor, Roy  
**Sent:** 02 September 2016 16:36  
**To:** Adam hatch  
**Cc:** Paul  
**Subject:** SN15 conditions

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Good afternoon Adam,

Thank you for your time yesterday. As discussed, please ensure the training is completed for your bar staff as per the below condition on the licence. You informed me that you are now compiling staff records. Please document this training in their files when completed and send confirmation to us.

- ***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.***

We are awaiting confirmation from Wiltshire Police Licensing, regarding the approved course for yourself as DPS, as per the below condition. We will forward the information to you when we have been informed.

- ***The Designated Premises Supervisor is to undertake or to have undertaken training as approved by Wiltshire Police.***

As discussed, bottles of spirits are not permitted to be in public areas with customers. It appeared in some Facebook photos, that spirits bottles were in public areas. We discussed the current conditions on the Premises Licence relating to glass/polycarbonate use which only permits the use of Wine and Champagne bottles in certain permitted areas. You informed me that you will be having a meeting to ensure all bar staff understand the current conditions relating to glass.

During our discussion, there appeared to be some confusion regarding the content of the application and the current licence conditions. It is therefore concerning that currently the Licence Holder and the DPS appear to be unsure of what exactly is included in the Variation application.

We will be in contact to confirm the Police approved training. Please contact us to confirm the bar staff training when completed.

Kind regards,

**Roy Bahadoor**  
**Public Protection Officer (Licensing)**

Tel: 01249 706439  
Internal: 21439

Wiltshire Council  
Monkton Park  
Chippenham  
Wiltshire  
SN15 1ER

