

DECISION NOTICE

Northern Area Licensing Sub Committee

Decision made on 22 October 2018

Application for a Review of a Premises Licence in respect of the Royal Sports Bar and Cue Club, Ivy Road Industrial Estate, Ivy Road, Chippenham made by Wiltshire Police

Decision:

The Northern Area Licensing Sub Committee resolved that the Premises Licence Holder, Mr Gordon Sean Smart be issued with an informal warning in respect of his failure to proactively manage the premises to ensure that the licensing objectives are being promoted.

To show that the Premises Licence Holder is taking proactive steps to manage the premises to ensure the licensing objectives are being promoted the Sub Committee recommended that the following be carried out by 31 January 2019:

The Premises Licence Holder is to:

1. Submit revised plans to the Local Authority (by way of the required application process) to clearly show the bar area of the premises (in which children are not permitted to be) and the correct entrance/exit.
2. Produce Risk Assessments to show how the premises actively promote the licensing objectives.
3. Display signage at the premises relating to the promotion of the licensing objectives, (in particular the prevention of crime and disorder, public safety and protection of children from harm) the wording and location of to be agreed with the Licensing Authority.
4. Ensure that relevant Policies/Procedures are in place to affect the robust management of the premises (to include a drugs policy) to the satisfaction of the Local Authority.
5. Produce and maintain details of relevant staff training which can be produced to relevant Officers upon request.
6. Produce a clear process for the management of the CCTV system so that the conditions on part 2b of the licence are adhered to and can be produced to relevant Officers upon request.

7. Produce and maintain an incident log for the premises which can be produced to relevant Officers upon request. All staff to be aware of and maintain.
8. Produce and maintain a refusals log for the premises which can be produced to relevant Officers upon request. All staff to be aware of and maintain.
9. Ensure that the premises re-register as a member of the local Pubwatch Scheme and that a representative of the Management Team attends all meetings.

Reasons:

- a) The Sub Committee was of the view that the evidence presented by Wiltshire Police and the Licensing Authority demonstrated the Premises Licence Holder's inability to effectively manage the premises and actively promote the licensing objectives.
- b) Based on the evidence they considered that the revocation/suspension of the licence was not appropriate as whilst there was evidence of drug use on the premises there was a lack of evidence that the Premises Licence Holder had allowed or permitted the premises to be used for dealing or supplying of illicit drugs. The evidence presented suggested poor management practices which were capable of being remedied if the Premises Licence Holder engages with appropriate management techniques. Therefore, the revocation/suspension of the licence and attendant financial consequences was not proportionate as a viable alternative was available to rectify the failings.
- c) The possible modification of conditions was considered. However, it was felt that the existing conditions were appropriate to meet the licensing objectives and the main issue was a failure by the Premises Licence Holder to actively comply with those conditions and promote the licensing objectives.
- d) The Sub Committee also considered whether to remove the Designated Premises Supervisor but as the Management model used is that the Premises Licence Holder and designated Premises Supervisor are one and the same for the reasons set out in paragraph b) above this was not appropriate at this time.
- e) On balance, the Sub Committee determined that the Premises Licence Holder should be given a time limited opportunity to prove his ability to adhere to the existing licensing conditions, and be given a list of recommendations that if implemented would satisfy the requirement to proactively manage the premises to meet and promote the licensing objectives. If the Licensing Authority were not satisfied that these recommended improvements had been met by 31 January 2019 then they should consider issuing an immediate further action for review.

In reaching its decision the Sub Committee took into account all of the written representations in addition to oral arguments presented at the hearing by all parties.

The Sub Committee also considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 52); the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

Right to Appeal

All parties have the right to appeal to the Magistrates Court within 21 days of receipt of this decision. The decision of the Licensing Sub Committee does not take effect until the end of the period for appealing against that decision. In the event of an appeal being lodged, the decision made by the Licensing Sub Committee does not take effect until any appeal is heard and finally determined.