

# AGENDA

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**Meeting:** Northern Area Licensing Sub Committee  
**Place:** Council Chamber - Wiltshire Council Offices, Monkton Park,  
Chippenham SN15 1ER  
**Date:** Monday 22 October 2018  
**Time:** 10.00 am

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Please direct any enquiries on this Agenda to Lisa Pullin. tel 01225 713015 or email [committee@wiltshire.gov.uk](mailto:committee@wiltshire.gov.uk), of Democratic Services, County Hall, Bythesea Road, Trowbridge

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**Membership:**

Cllr Allison Bucknell  
Cllr Trevor Carbin

Cllr Ian Thorn

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**Substitutes:**

Cllr Stewart Palmen

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## **Public Participation**

Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

For extended details on meeting procedure, submission and scope of questions and other matters, please consult [Part 4 of the council's constitution](#).

The full constitution can be found at [this link](#).

For assistance on these and other matters please contact the officer named above for details

# 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        **Exclusion of Press and Public**

The procedure to be followed in the hearing is governed by the Licensing Act 2003 (Hearings) Regulations 2005. Regulation 14 provides 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. Under this principle, the Licensing Authority can exclude the public from all or part of the hearing, as considered appropriate. In view of the representations and evidence that has submitted, the Sub Committee is asked to consider whether the public should be excluded from any part of the hearing in this instance.

7        **Licensing Application** (*Pages 13 - 16*)

To consider and determine an Application by Wiltshire Police for a Review of the Premises Licence in respect of Royal Sports Bar and Cue Club, Ivy Road Industrial Estate, Ivy Road, Chippenham. The report of the Licensing Officer (Public Protection) is attached.

7a       **Appendix 1 - Current Premises Licence** (*Pages 17 - 26*)

- 7b **Appendix 2 - Location Plan** (*Pages 27 - 28*)
  
- 7c **Appendix 3 - Application for Review and Evidence Submitted by Wiltshire Police Authority** (*Pages 29 - 42*)
  
- 7d **Appendix 4 - Representation by Licensing Authority** (*Pages 43 - 44*)

## 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/s or their representative who have made a Relevant Representation.

**“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.

**“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.

**“Person making a Relevant Representation”** means a person who is present at a Hearing to make a representation 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.

### **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 is a number of people who have made a Relevant Representation 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 a Relevant Representation.

## **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 Review 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).

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.

The Premises Licence Holder and/or their representative will orally present their representations which shall include;

- a The response to the representations made by the Review Applicant, a Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation; and
- b Whether they would be happy to accept any modifications to the Licence as suggested by the Review Applicant, a Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation.



## **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 has made a Relevant Representation's premises. 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.

## **Review 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 invites the Sub Committee Members, Council Officers, the Review Applicant and/or their representative, any Responsible Authorities and/or any person who has made a Relevant Representation and the Premises Licence Holder and/or their representative to introduce themselves.
4. The Chairperson outlines the Hearing Procedure.
5. The Licensing Officer presents the Committee Report and outlines the application.
6. The Review Applicant and/or their representative address the Sub Committee to present their case.
7. Questions to the Review Applicant by Members of the Sub Committee, any Responsible Authorities and/or any person's who have made a Relevant Representation and the Premises Licence Holder.
8. Responsible Authorities and/or any person/s who have made a Relevant Representation address the Sub Committee.
9. Questions to any of the Responsible Authorities and/or any person's who have made a Relevant Representation by Members of the Sub Committee, the Review Applicant and the Premises Licence Holder.
10. The Premises Licence Holder and/or their representative address the Sub Committee to present their case.
11. Questions to the Premises Licence Holder by Members of the Sub Committee, any Responsible Authorities and/or any person/s who have made a Relevant Representation and the Review Applicant.
12. Summing up by the Responsible Authorities and/or any person's who have made Relevant Representations.
13. Summing up by the Premises Licence Holder.
14. Summing up by the Review Applicant.
15. The Sub Committee retires with the Committee Lawyer and Committee Manager to consider its decision.
16. The Sub Committee returns and the Lawyer gives a summary of any legal advice that may have been given to the Sub Committee.
17. The Chairperson either gives the decision with reasons, or advises that it will be released in writing with reasons within the statutory time limits.

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## WILTSHIRE COUNCIL

### NORTHERN AREA LICENSING SUB COMMITTEE

22 October 2018

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#### **Application for Review of a Premises Licence: Royal Sports Bar and Cue Club, Unit F, Ivy Road Industrial Estate, Ivy Road, Chippenham, SN15 1SB**

#### **1. Purpose of Report**

- 1.1 To determine an application for a Review of a Premises Licence in respect of Royal Sports Bar and Cue Club, Ivy Road Industrial Estate, Ivy Road, Chippenham, SN15 1SB made by Wiltshire Police Authority.

#### **2. Background Information**

- 2.1 An application for the Review of Royal Sports Bar and Cue Club Premises Licence has been made by Wiltshire Police Authority. Following advertisement of the application one relevant representation has been received.
- 2.2 Wiltshire Council (as the Licensing Authority) must hold a hearing to consider the review application and any representations received. In accordance with Section 52 (3) of The Licensing Act 2003 the Licensing Sub Committee is required to take such steps as it considers appropriate for the promotion of the licensing objectives.
- 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 modify the conditions of the licence;
  - ii) To exclude a licensable activity from the scope of the licence;
  - iii) To remove the designated premises supervisor;
  - iv) To suspend the licence for a period not exceeding three months;
  - v) To revoke the licence;
  - vi) To determine that no steps are necessary.

Government Guidance issued under s.182 of the Licensing Act states that:

11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business

holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

- 2.5 The premises benefits from a Premises Licence issued under the Licensing Act 2003 since 24 November 2005 and the current copy is attached as **Appendix 1**.

The current Premises Licence permits the following activities:-

<b>Licensable activity</b>	<b>Hours</b>
Sale of Alcohol (On and Off Sales)	Monday to Thursday 11:30 – 23:00; Friday & Saturday 11:30 – 01:00; Sunday 11:00 – 23:00
Late Night Refreshment (Indoors)	Monday to Thursday 23:00 – 00:00; Friday & Saturday 23:00 – 02:00; Sunday 23:00 – 23:30
Recorded Music (Indoors)	Monday to Thursday 12:00 – 23:00; Friday & Saturday 12:00 – 01:00; Sunday 12:00 – 22:30

- 2.6 A notice of the application for review was posted and displayed as stated under the Licensing Act 2003. During this consultation for review, one relevant representation was received.
- 2.7 A location plan of the premises is attached at **Appendix 2**.

### **3. Details of the Grounds for Review**

- 3.1 The review of the Premises Licence has been requested on the grounds that the premises have been conducted in such a manner as to prejudice the licensing objectives. The grounds for review are:
- Wiltshire Police Authority has no confidence in the Premises Licence Holder's ability to uphold the licensing objectives, specifically the Prevention of Crime and Disorder.
  - Evidence of a high level of crime and disorder permitted at the premises by the Premises Licence Holder.
  - A disregard by the Premises Licence Holder to comply with the conditions attached to the Premises Licence.

3.2 The application for review is attached as **Appendix 3(a)**. The evidence relied upon in support of the application is contained within **Appendix 3(b) and Appendix 3(c)**.

#### **4. Consultation and Representations**

4.1 The review process requires a public notice to be posted on the premises for a period of 28 days together with a copy of the notice posted at the offices of Wiltshire Council, Monkton Park Offices, Chippenham, SN15 1ER. During the consultation period one relevant representation has been received from the following Responsible Authority:

- Licensing Authority – The Prevention of Crime and Disorder, Public Safety, Protection of Children from Harm.

The relevant representation is attached as **Appendix 4**.

4.2 We have been notified that the Premises Licence Holder intends to submit documents opposing the application for a Review of the Premises Licence.

4.3 The Sub Committee can take into account documentary or other information presented at the hearing with the consent of all other parties.

#### **5. Legal Implications**

5.1 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.

#### **6. Officer Recommendations**

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

#### **7. Right of Appeal**

7.1 It should be noted that the Premises Licence Holder, the party that applied for the review and any Responsible Authority or Interested Parties 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.

7.2 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.

7.3 The Premises Licence Holder and all Interested Parties have been informed of the date, time and location of the hearing and their right to attend and be represented.

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Report Author: Roy Bahadoor

Public Protection Officer – Licensing  
Tel: 01249 706555

Date of report: 9 October 2018

### **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 Current Premises Licence**
- 2 Location Plan**
- 3(a) Application for Review**
- 3(b) Evidence submitted by Wiltshire Police Authority – mobile data**
- 3(c) Evidence submitted by Wiltshire Police Authority – witness statement**
- 4 Representation by Licensing Authority**



Licensing Act 2003  
Premises Licence

LN/000003270

ISSUING LOCAL AUTHORITY



PART 1 – PREMISES & LICENCE HOLDER DETAILS

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

Royal Sports Bar and Cue Club  
Unit F Front, Ivy Road Industrial Estate, Ivy Road, Chippenham, Wiltshire, SN15 1SB

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

Mr Gordon Sean Smart  
2A Palmer Street, Chippenham, Wiltshire, SN14 0DT  
[REDACTED]

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

Not Applicable

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Mr Gordon Sean Smart  
[REDACTED]

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

Bristol City Council 15/02114/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 and OFF 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
Alcohol Sales	ON and OFF Sales	Sunday	11:00	23:00		
		Monday	11:30	23:00		
		Tuesday	11:30	23:00		
		Wednesday	11:30	23:00		
		Thursday	11:30	23:00		
		Friday	11:30	01:00		
		Saturday	11:30	01:00		
Non Standard Timings & Seasonal Variations	<p>New Year's Eve:                      If New Year's Day falls on a Monday - Thursday; from the end of permitted hours on New Year's Eve until midnight on 1st January.                      If New Year's Day falls on a Friday or Saturday; from the end of permitted hours on New Year's Eve until 02:00 on 2nd January.                      If New Year's Day falls on a Sunday; from the end of permitted hours on New Year's Eve until 23:00hrs on 1st January.</p>					
Late Night Refresh	Indoors	Sunday	23:00	23:30		
		Monday	23:00	00:00		
		Tuesday	23:00	00:00		
		Wednesday	23:00	00:00		
		Thursday	23:00	00:00		
		Friday	23:00	02:00		
		Saturday	23:00	02:00		
Non Standard Timings & Seasonal Variations	<p>New Year's Eve:                      If New Year's Day falls on a Monday - Thursday; from the end of permitted hours on New Year's Eve until midnight on 1st January.                      If New Year's Day falls on a Friday or Saturday; from the end of permitted hours on New Year's Eve until 02:00 on 2nd January.                      If New Year's Day falls on a Sunday; from the end of permitted hours on New Year's Eve until 23:00hrs on 1st January.</p>					
Recorded Music	Indoors	Sunday	12:00	22:30		
		Monday	12:00	23:00		
		Tuesday	12:00	23:00		
		Wednesday	12:00	23:00		
		Thursday	12:00	23:00		
		Friday	12:00	01:00		
		Saturday	12:00	01:00		
Non Standard Timings & Seasonal Variations	<p>On New Year's Eve until 02:00hrs                      Deregulated between 08:00hrs and 23:00hrs for an audience of up to 500 people since 6th April 2015.</p>					

Hrs premises open to public	Sunday	10:00	00:00		
	Monday	11:30	00:00		
	Tuesday	11:30	00:00		
	Wednesday	11:30	00:00		
	Thursday	11:30	00:00		
	Friday	11:30	02:00		
	Saturday	11:30	02:00		
Non Standard Timings & Seasonal Variations	<p>New Year's Eve:          If New Year's Day falls on a Monday - Thursday; from the end of permitted hours on New Year's Eve until midnight on 1st January.          If New Year's Day falls on a Friday or Saturday; from the end of permitted hours on New Year's Eve until 02:00 on 2nd January.          If New Year's Day falls on a Sunday; from the end of permitted hours on New Year's Eve until 23:00hrs on 1st January.</p>				

**Licence Commencement Date**

24th November 2005

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

**Current Licence Date**

21st August 2018

\_\_\_\_\_  
**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**

None

## **ANNEX 2B – OPERATING SCHEDULE**

### **PREVENTION OF PUBLIC NUISANCE**

- None

### **PUBLIC SAFETY**

- None

### **PROTECTION OF CHILDREN FROM HARM**

- Children shall not be permitted in the bar area.
- A recognised proof of age, which includes a photograph, is to be required for anyone who appears to be under the age of 21 and who wishes to purchase or consume alcohol.

### **PREVENTION OF CRIME AND DISORDER**

- A Closed Circuit Television recording system shall be installed at the premises. The number and position of cameras should be determined by a risk assessment of the premises.
- The CCTV shall be maintained in full working order and used at all times when any licensable activity is taking place.
- Recordings taken from the CCTV system are to be kept for a minimum of 28 days and are to be made available to any authorised officer of the Licensing Authority, Police or Weights and Measure Authority upon request.
- The Premises shall register as a member of the Pubwatch Scheme in the locality and a representative of the Management Team shall attend all meeting.

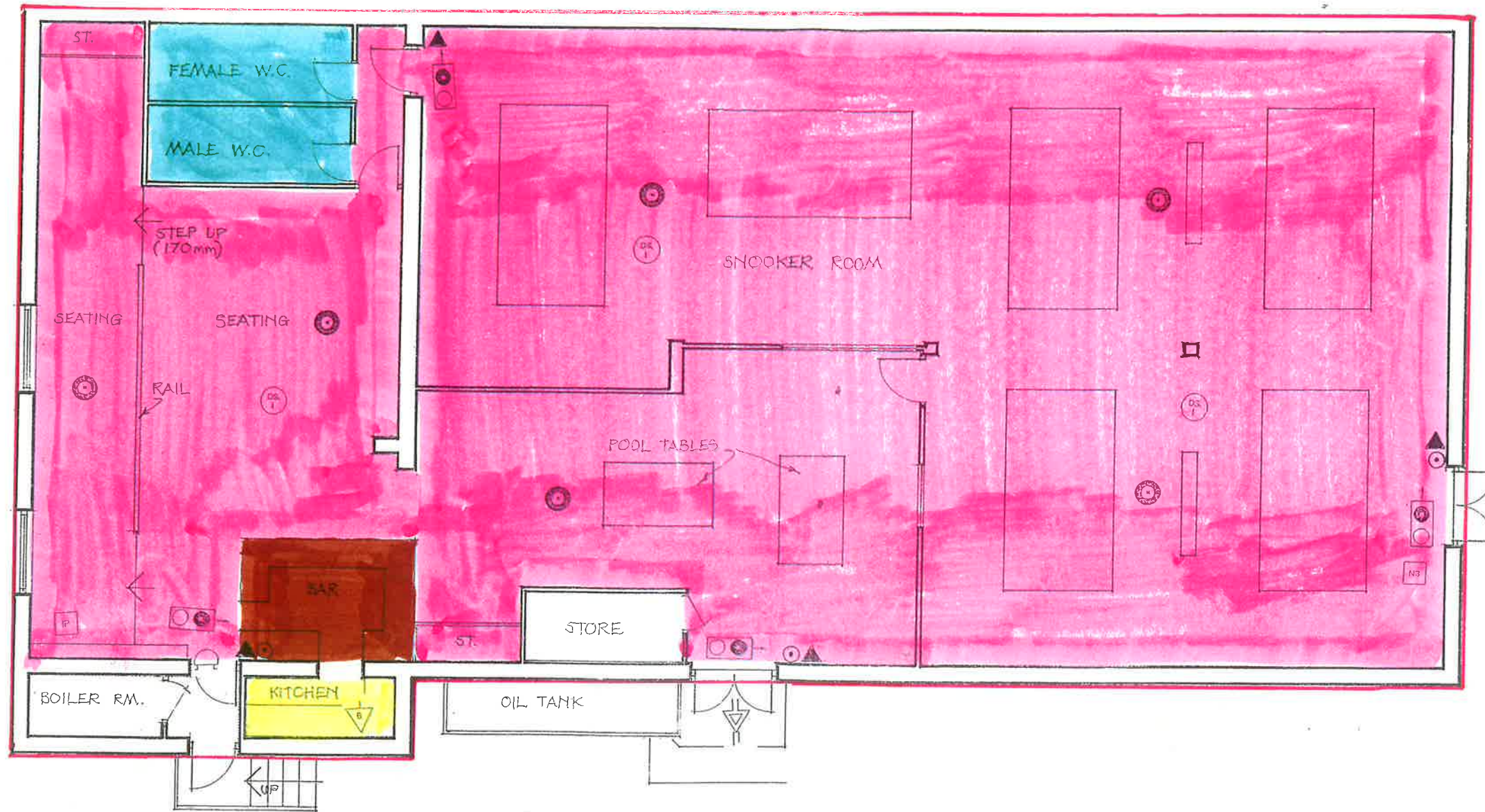
## **ANNEX 3 – CONDITIONS ATTACHED AFTER HEARING**

None

## **ANNEX 4 – PLANS**

Attached, dated: September 2005





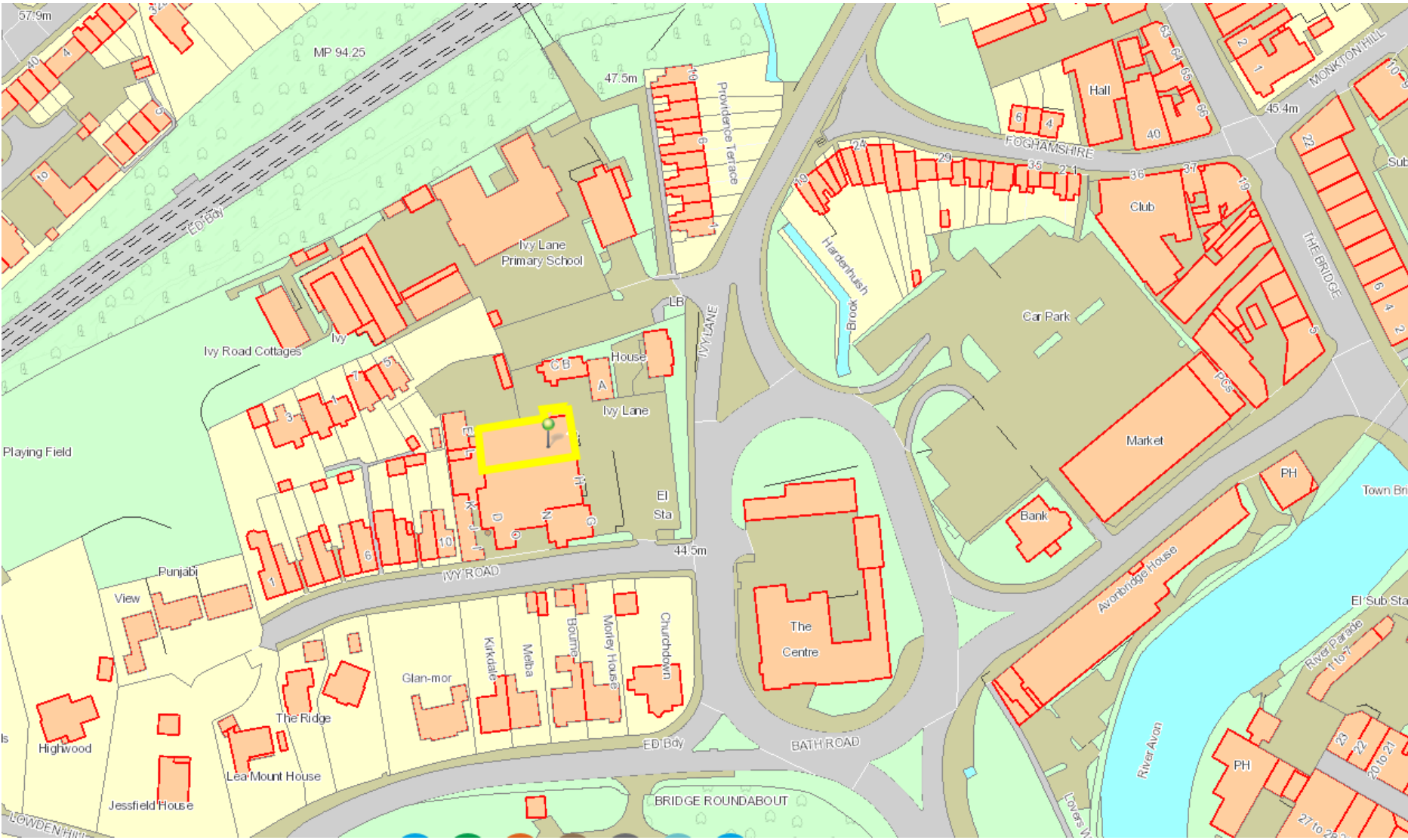
KEY

- Alcohol
- Bar
- Toilets
- Kitchen

- ⊙ Maintained type emergency lighting
- IP Fire alarm indicator panel
- ⊙ Internally illuminated fire exit directional signs
- ▽ Fire blanket
- DS  
I Smoke detector ionisation
- N3 Fire door "Keep Locked"
- ⊙ "MANUAL" CALL POINT
- ▲ FIRE EXTINGUISHER - FOAM
- ⚡ FIRE/SMOKE RESISTING DOOR (DOUBLE SWING)

ROYALE SNOOKER CLUB  
 UNIT F, IVY RD. INDUSTRIAL ESTATE,  
 CHIPPENHAM, WILTS.  
 FLOOR PLAN      SCALE 1:100      SEPT 2005      JRC

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# Wiltshire Council

 Where everybody matters

**Application for the review of a premises licence or club premises certificate under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

**I** Wiltshire Police Licensing Officer.....  
*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)**

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>	
Royal Sports Bar and Cue Club.  Ivy Lane Industrial Estate.	
<b>Post town</b> Chippenham	<b>Post code (if known)</b> SN15 1SB

<b>Name of premises licence holder or club holding club premises certificate (if known)</b>
Gordon SMART

<b>Number of premises licence or club premises certificate (if known)</b>
LN/3270

**Part 2 - Applicant details**

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)



2) a responsible authority (please complete (C) below)

x

3) a member of the club to which this application relates  
(please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

Please tick ✓ yes

Mr

Mrs

Miss

Ms

Other title  
(for example, Rev)

**Surname**

**First names**

I am 18 years old or over

Please tick ✓ yes

**Current postal  
address if  
different from  
premises  
address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address  
(optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address Martin O'Neill Trowbridge Police Station Polebarn Rd Trowbridge BA14 7EP
Telephone number (if any) 101
E-mail address (optional)

**This application to review relates to the following licensing objective(s)**

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the protection of children from harm

Please tick one or more boxes ✓

**Please state the ground(s) for review (please read guidance note 2)**

The grounds for review are as follows;

- Wiltshire Police Authority has no confidence in the Premises Licence Holder's ability to uphold the Licensing Objectives, specifically the prevention of crime and disorder.
- Evidence of a high level of crime and disorder permitted at the premises by the Premises Licence Holder.
- A disregard by the Premises Licence Holder to comply with the conditions attached to the Premises Licence.



**Please provide as much information as possible to support the application (please read guidance note 3)**

Since March 2018 Wiltshire Police have received 41 separate intelligence reports in relation to the supply and dealing of both Class A and B controlled drugs at the premises. Due to the high number and quality of intelligence reports a Warrant was sought and granted by Chippenham Magistrates Courts under the Misuse of Drugs Act 1971 for the search of the premises and persons therein.

On 15<sup>th</sup> August 2018, the Warrant was executed at the Premises; Mr SMART who is both the Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS), was present at the time of the search.

During the search it was established that there were a number of patrons openly dealing controlled substances in the bar area. Two were later arrested due to the witnessing of this activity. A car that was directly linked to one of these individuals and parked in the school car park near to the premises was searched and found to contain a further quantity of controlled substances.

Further drugs paraphernalia was found in the gentleman's toilets, which was evidence of drug use taking place at the premises.

Whilst speaking to Mr SMART during the execution of the warrant he informed me that he had held a Personal Licence since 2015. I asked him if he knew what the four Licensing Objectives were and he was unable to demonstrate that he had any knowledge of them. I also asked him if he was aware of the conditions on his Premises Licence and he again was unable to demonstrate that he had any knowledge of them.

The Conditions on the Premises Licence are;

- *Children shall not be permitted in the bar area.*
- *A recognised proof of age, which includes a photograph, is to be required for anyone who appears to be under the age of 21 and who wishes to purchase or consume alcohol.*
- *A Closed Circuit Television recording system shall be installed at the premises. The number and position of cameras should be determined by a risk assessment of the premises.*
- *The CCTV shall be maintained in full working order and used at all times when any licensable activity is taking place.*
- *Recordings taken from the CCTV system are to be kept for a minimum of 28 days and are to be made available to any authorised officer of the Licensing Authority, Police or Weights and Measure Authority upon request.*
- *The Premises shall register as a member of the Pubwatch Scheme in the locality and a representative of the Management Team shall attend all meeting.*

Police Officers requested a download of the CCTV for evidential purposes; Mr SMART was unable to provide this upon request therefore the Hard Drive was seized, the external system was directly linked to Mr SMART's mobile phone, however he was also not able to provide the recordings as requested so this was also seized.

While the phone was being looked at for the CCTV footage, a number of text messages were discovered sent from Mr SMART to an employee at the Premises instructing them not to challenge ID of patrons. This is another clear breach of his Licence Conditions.

One of the individuals detained had a set of vehicle keys for a vehicle which was located in the car park of Ivy lane school, which is at the rear of the premises. This vehicle contained a quantity of controlled substances. The fence between both properties was damaged allowing easy access to and from the premises and it is believed that Mr SMART was aware of this and allowed this to happen.

In the main bar area is a small raised area which Mr SMART stated was for the use of patrons with children. This highlights his complete disregard for the condition on his Licence relating to the Protection of Children from harm.

Mr SMART stated that he did not attend pub watch as he saw no value in it and he had fallen out with Chippenham BID. This is another breach of his Licence conditions.

Wiltshire Police Licensing, seek that this premises Licence is revoked.

Please tick ✓ yes

Have you made an application for review relating to the premises before.

If yes please state the date of that application

Day	Month	Year

**If you have made representations before relating to the premises please state what they were and when you made them**

Not Applicable



Please tick ✓

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**Part 3 – Signatures** (please read guidance note 4)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature Martin O’Neill

.....

Date 31/08/2018

.....

Capacity Wiltshire Police Licensing Officer.

.....

<b>Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)</b>	
<b>Post town</b>	<b>Post Code</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b>	

**Notes for Guidance**

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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**RESTRICTED** (when complete)

**WITNESS STATEMENT**

(CJ Act 1967, s9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.70)

The MG11 back sheet must be completed and submitted with this statement

URN

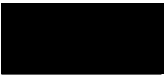
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Statement of: PC 2515 James Rossiter

Age if under 18: O 18 (if over 18 insert 'over 18') Occupation: Police Officer

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature



Date: 10/10/2018

X if witness evidence is visually recorded (Supply witness details on rear)

I am a WILTSHIRE Police Officer and I am currently based at CHIPPENHAM POLICE STATION.

On Monday 30<sup>th</sup> July 2018 at 0930hrs I attended SWINDON MAGISTRATES COURT to apply for a Warrant under Section 23 of the misuse of drugs act for the ROYAL SPORTS BAR AND CUE CLUB, IVY ROAD INDUSTRIAL ESTATE, IVY ROAD, CHIPPENHAM. I applied for the warrant as a result of information that drugs were being used and dealt at the premises. The court granted my warrant.

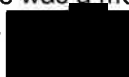
On Wednesday 15<sup>th</sup> August 2016 at 1906hrs I along with numerous other Police Officers executed the warrant. Present inside the premises was the licence holder Gordon SMART. I spoke with SMART in the kitchen in company of the Police licencing officer whilst other officers carried out a search.

Inside the premises 1 person was found to be in possession of 2 snap bags of cannabis and evidence on a mobile phone suggested that this had been dealt by another female located inside the club.

Outside the club, a panel of fence had been damaged that lead in to the Primary School next door. On the other side of this fence was a vehicle. The keys to this vehicle were located next to where another person was detained inside the club. The car had its windows slightly open and the smell of cannabis could be smelt coming from the car. The car was searched and another bag of cannabis was located along with small amount of white powder on the dash board.

There was CCTV inside and outside of the premises. SMART was asked to produce this CCTV to see whether it contained evidence of drugs being dealt however he was unable to produce this due to not knowing how the system worked. He said that CCTV for one set of cameras was saved to a hard drive and the other set of cameras were saved to his phone.

Both the hard drive and his phone were seized in order to secure CCTV evidence. On the phone was a message which could be interpreted as a person under the age of 18 had been served alcohol on the premises.



Signature



Signature witnessed by:

**RESTRICTED** (when complete)

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24<sup>th</sup> September 2018

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/00003270

Dear Mr Bahadoor

**Re: Licensing Act 2003 – Review Application**  
**Premises: Royal Sports Bar and Cue Club, Unit f Front, Ivy Road Industrial Estate, Ivy Lane Chippenham.**

The Licensing Authority is in receipt of the review application for premises licence LN/3270

As the officer delegated to respond on behalf of the Licensing Authority, I am writing in support of the application. Having considered the review application and the evidence contained within the Licensing Authority has a number of serious concerns regarding the management of the Club.

It is the view of the Licensing Authority that the Royal Sports Bar and Cue Club premises licence holder has not demonstrated his ability to manage the premises in a sufficient manner to enable the licensing objectives of: The Prevention of Crime and Disorder and Public Safety, Protection of Children from Harm to be promoted.

The Licence holder has proved to the Licensing Department previously that he has little or no real comprehension of the requirements required to run a licensed premises under the Licensing Act 2003 or Gambling Act 2005.

Operating gaming machines without the required permits in place, music without the necessary activity on his licence all corrected on intervention from the Licensing Officer.

Mr Smart's inability to run a licensed premise in promotion of the Licensing Objectives is best highlighted by the number of reports to Police which led to recent Police action and subsequent review application.

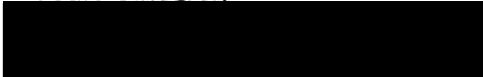
During the review process a volunteer was found to be running the premises who was unable to produce the licence, no written authorisation was in place to support this person selling alcohol on behalf of Mr Smart.

Mr Smarts complete disregard in complying with his premises licence conditions, in relation to under age sales, cctv conditions and attendance at Pub watch alongside the serious nature of

the recent Police activity at the premises does not leave the Licensing Authority with any other conclusion than to support revocation of the licence.

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

Yours Sincerely



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