

## 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.

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