

AGENDA

Meeting: Northern Area Licensing Sub-Committee
Place: Council Chamber - Council Offices, Monkton Park, Chippenham
Date: Monday 21 March 2011
Time: 10.30 am
A briefing for Sub-Committee members will take place in the Monkton room at 9.30am
Matter: Application for Review of a Premises Licence; Karma, 17a Station Hill, Chippenham, Wiltshire

Please direct any enquiries on this Agenda to, Anna Thurman of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718379 or email anna.thurman@wiltshire.gov.uk

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

Membership:

Cllr Desna Allen
Cllr Trevor Carbin

Cllr George Jeans

AGENDA

1. **Election of Chairman**

To elect a Chairman for the meeting of the Sub-Committee.

2. **Procedure for the Meeting** (*Pages 1 - 8*)

The Chairman will explain the attached procedure for the members of the public present.

3. **Chairman's Announcements**

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

4. **Declarations of Interest**

To receive any declarations of personal or prejudicial interests or dispensations granted by the Standards Committee.

5. **Exclusion of Press and Public**

Exclusion of Public

The procedure to be following 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 been submitted, the Sub-committee is asked to consider whether the public should be excluded from any part of the hearing in this instance.

6. **Licensing Application** (*Pages 9 - 32*)

To consider and determine an Application by Wiltshire Police for a Review of the Premises Licence in respect of Karma, 17a Station Hill, Chippenham, Wiltshire.

Please note that the supporting evidence (Appendix 1(b)) due to the large volume of this paperwork has not been circulated with this Agenda. A copy of the submission is available for viewing upon request by Members of the Public during normal opening hours at the Wiltshire Council Monkton Part Offices in Chippenham.

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LICENSING COMMITTEE

PROCEDURAL RULES FOR THE HEARING OF LICENSING ACT 2003 REVIEW APPLICATIONS

1 Purpose

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

“Review Applicant” means the person who has submitted an Application for a Review of a Premises Licence for consideration by the Sub-Committee.

“Review Premises” means the premises whose Premises Licence is subject to the Application.

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

“Application” means an application for the 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 an Interested Party 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.

“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.

“Interested Party” means a person who is present at a Hearing to make representations in respect of an Application in their capacity as an Interested Party, and includes any person who is present to assist or make representations on behalf of the Interested Party 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 All parties to the Hearing have an opportunity to make representations before a decision is made;
- 3.2.2 All parties to the Hearing have an adequate opportunity to consider and respond to any submissions made by a any other party;
- 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, except that:-
 - 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. 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;
- 4.7 Where there is a multiple of Interested Parties 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 Interested Parties.

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 Review 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 Any other Responsible Authority/Authorities and/or an Interested Party/Parties 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 an Interested Party/Parties consider should be applied to the Premises Licence under review

5.3.4 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, and any other Responsible Authority/Authorities and/or an Interested Party/Parties; and
- B Whether they would accept any modifications to the Licence as suggested by the Review Applicant, a Responsible Authority/Authorities and/or an Interested Party/Parties.

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 an Interested Party/Parties 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 Review Premises in the context of the surrounding premises and any Interested Party'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, any other Responsible Authority/Authorities and the Interested Party/Parties (other than the Review Applicant) to make a closing oral submission(s) and secondly allow the Review Applicant or the Review Applicant's Representative an opportunity to make an oral closing submission in support of the Application and thirdly allow the Premises Licence Holder of the Review Premises to make an oral closing submission.

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 Chairperson welcomes all those present and introduces the Application.
2. The Chairperson introduces the Applicant, Responsible Authority/Authorities and/or Interested Party/Parties.
3. The Chairperson outlines the Hearing Procedure.
4. The Licensing Officer presents the Committee Report.
5. The Applicant addresses the Committee.
6. Questions to the Applicant by Responsible Authority/Authorities and/or Interested Party/Parties.
7. Questions to the Applicant by Members of the Committee.
8. Comments by Responsible Authority/Authorities and/or Interested Party/Parties.
9. Questions by Applicant.
10. Questions to Responsible Authority/Authorities and/or Interested Party/Parties by Members of the Committee.
11. Summing up by Parties who have made representations.
12. Summing up by Applicant.
13. Committee retires with the Committee Lawyer and Committee Manager to consider its decision.
14. Committee returns and the Lawyer gives a summary of any legal advice that may have been given to the Committee, and invites the parties present to make any comments on that advice.
15. 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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REPORT TO THE NORTHERN AREA LICENSING SUB COMMITTEE

Date of Meeting	21 March 2011
Title of Report	Application for Review of a Premises Licence; Karma 17a Station Hill, Chippenham Wiltshire
Link to Corporate Priorities	None - this is a statutory requirement
Public Report	Yes – This matter 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.
<p>Summary of Report</p> <p>An application for the Review of Karma’s Premises Licence has been made by Wiltshire Police for which one relevant representation has also been received.</p> <p>Wiltshire Council (as the Licensing Authority) must hold a hearing to consider the application having regard to the representations.</p> <p>In accordance with Section 52 (3) of The Licensing Act 2003 the Licensing Sub Committee is required to take such steps as it considers necessary for the promotion of the licensing objectives.</p> <p>The licensing objectives are: - The Prevention of Crime and Disorder, Public Safety, The Prevention of Public Nuisance and the Protection of Children from Harm.</p> <p>Such steps are:</p> <ul style="list-style-type: none"> ▪ To modify the conditions of the licence ▪ To exclude a licensable activity from the scope of the licence ▪ To remove the designated premises supervisor ▪ To suspend the licence for a period not exceeding three months ▪ To revoke the licence ▪ To determine that no steps are necessary <p>Guidance 182 states that:</p> <p>“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 a necessary means of promoting the licensing objectives. 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 necessary and proportionate to the promotion of the licensing objectives.”</p>	
<p>Officer Recommendations</p> <p>None. Officers are not permitted to make a recommendation – the decision is to be reached by members of the Licensing Sub Committee.</p>	
Contact Officer	Maggie Jones Policy & Licensing Officer Tel: 01225 776655 maggie.jones@wiltshire.gov.uk

1. Introduction: - Details of the grounds for Review

The review of the Licence has been requested by Wiltshire Police on the grounds that the premises have been conducted in such a manner as to prejudice the Licensing Objectives. The grounds for review are:

- The evidence collected since the review in August 2010, lead Wiltshire Police to believe that there are compelling circumstances that necessitate a further review.
- The police continue to have concerns in respect of the management of this premises. Poor practice has and continues to have a negative impact on the licensing objectives. Police still find that unacceptable levels of crime and disorder are associated with the venue.
- Police and Wiltshire Council officers have found the premises to be in breach of a number of the additional conditions over a period of four months. In addition conditions already attached to the licence have been breached on numerous occasions.

The application for review is attached to this report as **Appendix 1(a)**. The evidence relied upon by Wiltshire Police in support of their application is contained within **Appendices 1(b)**.

(Please note due to the large volume of this paperwork this has not been circulated with this Agenda, but a copy of the submission is available for viewing upon request by Members of the Public during normal opening hours at the Wiltshire Council Monkton Park Offices in Chippenham)

Wiltshire Council (as the Licensing Authority) must hold a hearing to consider the review application having regard to these representations.

In accordance with Section 52 (3) of the Licensing Act 2003, the Licensing Sub Committee is required to take such steps as it considers necessary for the promotion of the licensing objectives.

2. Background Information

The premise benefits from a Premises Licence issued under The Licensing Act 2003 since November 2005 following conversion under transitional arrangement (Grandfather Rights). The Premises Licence was subsequently varied in July 2006 to extend the hours of: regulated entertainment, sale of alcohol, late night refreshment.

The Premises Licence is currently held by Constantine Leisure Ltd T/A Karma following the transfer of the licence on 18th December 2008 from Buds 2000 Ltd.

The premises have already been the subject of a review brought by the Wiltshire Police. The hearing was held on the 2 August 2010 at the Wiltshire Council Offices, Monkton Park, Chippenham. As a consequence, additional conditions were applied by the Committee to the Premises Licence.

A copy of the premises licence is attached to this report as **Appendix 2**.

3. Consultation and Representations

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, Chippenham. During the consultation period one (1) relevant representation has been received from a Member of the Licensing Authority, (Interested Party).

A relevant representation, attached to this report as **Appendix 3**, was received from: -

Councillor C Caswill

For Chippenham Monkton Ward

Note: The Police may not raise matters at the hearing unless they have already referred to them in the review application. The Licensing Authority may nevertheless take into account documentary or other information produced by the Police in support of their application, if it is provided to the Licensing Authority before the hearing.

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

4. Legal Implications

It should be noted that the Premises Licence Holder, the Responsible Authority and the Interested Party may appeal the decision made by the Licensing Sub Committee to the magistrates court. In the event of an appeal being lodged the decision made by the Licensing Sub Committee is suspended until any appeal is heard and any decision made by the magistrates.

The Premises Licence Holder, Wiltshire Police and the Interested Party have been informed of the date, time and location of the hearing and their right to be represented.

5. Risk Analysis

Not applicable.

Appendices:	<ul style="list-style-type: none">• 1(a) Application by Wiltshire Police to Review a Premises Licence under the Licensing Act 2003• 1(b) Folder 1 of supporting evidence from Wiltshire Police• <i>(This appendices is not attached but is available for viewing upon request – please refer to main report for details)</i>• 2. Current Premises Licence• 3. Copy of relevant representation received• 4 Location plan of the premises, and surrounding area
Background Documents Used in the Preparation of this Report:	<ul style="list-style-type: none">• The Licensing Act 2003• The Licensing Act (Hearings) Regulations 2005• Guidance issued under section 182 of the Licensing Act 2003• Wiltshire Council Licensing Policy

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

Divisional Licensing Officer
Trowbridge Police Station
Polebarn Road
Trowbridge
Wiltshire BA14 7EP
Telephone: 0845 408 7000
Mobile:
Ext: 725522
Direct Dial: 01225 794628
Facsimile: 01225 794799
DX: 146500, Trowbridge 5.

Date 26 January 2011

Your ref

Our ref

Reply contact name is **Jacqueline Gallimore**

Dear Sir or Madam,

Please find enclosed a copy of the Application for the Review of a Premises Licence, in relation to;

Constantine Leisure Ltd T/A Karma, 17a Station Hill, Chippenham SN15 1EQ

If you have any queries and/or would like to discuss this application in more detail, kindly contact;

Jacqui Gallimore at Trowbridge Police Station, on 01225 794628.

Yours faithfully

PP Jacqueline Gallimore

Divisional Licensing Officer

Lic: 201101237

Pol: 201101239

Application for the review of a premises licence or club
premises certificate under the Licensing Act 2003 26 JAN 2011

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST ENVIRONMENTAL
HEALTH

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 Chief Officer of Police

(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

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

17a Station Hill

Post town Chippenham

Post code (if known) SN15 1EQ

Name of premises licence holder or club holding club premises certificate (if
known)

Constantine Leisure Ltd T/A Karma

Number of premises licence or club premises certificate (if known)

LN/003033 NL

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the
premises
- 2) a responsible authority (please complete (C) below)

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

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 Wiltshire Police Trowbridge Police Station Polebarn Road TROWBRIDGE Wiltshire.
Telephone number (if any) 0845 408 7000
E-mail address (optional)

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

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)

In August 2010, police made an application for a review of this premise licence, primarily based up on poor management practices and high levels of crime and disorder. The outcome of the review was that the Licensing Committee considered that additional conditions were necessary to promote the licensing objectives.

However the police continue to have concerns in respect of the management of this premise. Poor practice has and continues to have a negative impact on the licensing objectives. Police still find that unacceptable levels of crime and disorder are associated with the venue.

Police and Wiltshire Council officers have found the premise to be in breach of a number of the additional conditions over a period of four months. In addition conditions already attached to the licence have been breached on numerous occasions.

The evidence collected since the review in August lead the police to believe that there are compelling circumstances that necessitate a further review

Please provide as much information as possible to support the application
(please read guidance note 2)

- Police will provide evidence of crime and disorder associated with the venue.
- Police find that the venue continues to consistently feature prominently in the statistical analysis of alcohol related arrests within the county.
- Three members of staff including the Designated Premises Supervisor are currently on court bail awaiting trial charged with violent and or offences against police. All three offences were alleged to have taken place either on or immediately outside the premises.
- Police will provide evidence of breaches of the premises licence and inadequate policies and procedures, detected by visits, crime investigation and intelligence.
- Police find that the premise licence holder and responsible person do not promote the licensing objectives and have displayed a disregard for the licensing legislation.
- Police find that persons frequenting the premises consume alcohol to excess which does lead to criminal and disorderly behaviour. This excessive consumption has a negative impact on the community and directly on public safety through harm to individuals.
- Police find that the premise does not actively engage with Chippenham Pubwatch.
- Police find that children are not adequately protected whilst frequenting the venue, as the premise does not have any clear procedures to ensure the safety of children on the premise.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

0	1	0	7	2	0	1	0
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If you have made representations before relating to this premises please state what they were and when you made them

Application for review heard by Wiltshire Council Licensing Committee on August 2nd 2010

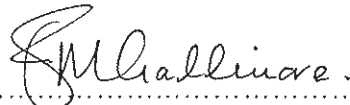
Please tick yes

- 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, LIABLE ON CONVICTION TO A FINE UP TO 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 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature 

Date 25th January 2011

Capacity Licensing Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)
Jacqui Gallimore

Post town	Post Code
-----------	-----------

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

LICENSING ACT 2003

PREMISES LICENCE

PREMISES LICENCE NUMBER: LN/003033 NL
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Premises Details

Postal address of premises, or if none, ordnance survey map reference or description	
17a Station Hill	
Post Town Chippenham	Post Code SN15 1EQ

Licensable activities authorised by the Licence	The time the licence authorises the carrying out of licensable activities
a. Films	a. Sunday to Wednesday 11.00 hrs to 00.15 hrs Thursday to Saturday 11.00 hrs to 03.15 hrs
b. Indoor Sporting Events	b. Sunday to Wednesday 11.00 hrs to 01.15 hrs Thursday to Saturday 11.00 hrs to 03.15 hrs
c. Live Music	c. Sunday to Wednesday 11.00 hrs to 01.15 hrs Thursday to Saturday 11.00 hrs to 03.15 hrs
d. Recorded Music	d. Sunday to Wednesday 11.00 hrs to 01.15 hrs Thursday to Saturday 11.00 hrs to 03.15 hrs
e. Performances of Dance	e. Sunday to Wednesday 11.00 hrs to 01.15 hrs Thursday to Saturday 11.00 hrs to 03.15 hrs
f. Anything of a similar description to that falling within Live Music, Recorded Music, Performances of Dance	f. Sunday to Wednesday 11.00 hrs to 01.15 hrs Thursday to Saturday 11.00 hrs to 03.15 hrs
g. Provide Facilities for Making Music	g. Sunday to Wednesday 11.00 hrs to 01.15 hrs Thursday to Saturday 11.00 hrs to 03.15 hrs
h. Provide Facilities for Dancing	h. Sunday to Wednesday 11.00 hrs to 01.15 hrs Thursday to Saturday 11.00 hrs to 03.15 hrs
i. Entertainment of a Similar Description to that falling within Making Music or Dancing	i. Sunday to Wednesday 11.00 hrs to 01.15 hrs Thursday to Saturday 11.00 hrs to 03.15 hrs
j. Provision of Late Night Refreshment	j. Sunday to Wednesday 23.00 hrs to 01.30 hrs Thursday to Saturday 23.00 hrs to 03.30 hrs
k. Supply of Alcohol - for consumption on the premises	k. Monday to Wednesday 11.00 hrs to 01.00 hrs Thursday to Saturday 11.00 hrs to 03.00 hrs Sunday 11.00 hrs to 01.00 hrs

Non Standard Timings

Regulated Entertainment

- **Christmas Eve** 11.00 hrs to 03.15 hrs
- **New Year's Eve** 11.00 hrs to 11.00 hrs the following day

Alcohol

- **Christmas Eve** 11.00 hrs to 03.00 hrs
- **New Year's Eve** 11.00 hrs to 11.00 hrs the following day

Late Night Refreshment

- **Christmas Eve** 23.00 hrs to 03.30 hrs
- **New Year's Eve** 23.00 hrs to 05.00 hrs

The opening hours of the premises

Sunday to Wednesday	11.00 hrs to 01.45 hrs
Thursday to Saturday	11.00 hrs to 03.45 hrs
Christmas Eve	11.00 hrs to 03.45 hrs
New Year's Eve	11.00 hrs to 11.00 hrs the following day

Name, (registered) address of holder of Premises Licence

**Constantine Leisure Ltd T/A Karma
17a Station Hill**

Post Town **Chippenham**

Post Code **SN15 1EQ**

Name of Designated Premises Supervisor where the Premises Licence authorises for the supply of alcohol

Karl Jonathan Frost

Personal Licence Number: **LN/005311**

Licensing Authority: **Wiltshire Council**

State whether access to the premises by children is restricted or prohibited

Yes - The provisions of Section 145 of the Licensing Act 2003 apply

Licence Commencement Date

24th November 2005

.....
Licensing Officer

Current Licence Date

2nd August 2010

.....
Licensing Officer

ANNEX 1 - MANDATORY CONDITIONS

Door Supervision

Individuals who are present to guard against a, b or c must be licensed by the Security Industry Authority:

- a. Unauthorised access or occupation (eg through door supervision)
- b. Outbreaks of disorder
- c. Damage

Supply of Alcohol

Where this Licence authorises the supply of alcohol:

No supply of alcohol may be made under this licence:

- a. At a time when there is no Designated Premises Supervisor in respect of it
- b. At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended"

Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a Personal Licence.

Exhibition of Films

Where this Licence authorises the exhibition of films:

The admission of children under the age of 18 to film exhibitions permitted under the terms of this licence shall be restricted in accordance with any recommendations made:

- a. By the British Board of Film Classification (BBFC,) where the film has been classified by that Board
- b. By the Licensing Authority where no classification certificate has been granted by the BBFC or, where the Licensing Authority has notified the licence holder that section 20 (3) (b) (74 (3) (b) for clubs) of the Licensing Act 2003 applies to the film.

To take effect from 06/04/2010

Irresponsible Promotions

3. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children:
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on:
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

Dispensing Alcohol Directly into the Mouth

4. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

Free Tap Water

5. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

To take effect from 01/10/2010

Age Verification Policy

6. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

- (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

Drink Volume Measures

7. The responsible person shall ensure that:
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) customers are made aware of the availability of these measures

ANNEX 2A - CONVERTED CONDITIONS

- Where the number of children attending the entertainment exceeds 100 the licensee shall ensure that the provisions of Section 12 of the Children and Young Persons Act 1933 are complied with.

PREVENTION OF PUBLIC NUISANCE

- Avoiding Noise Nuisance to Neighbours
 - (a) Noise generated on the premises shall be kept at such a level at the boundary of any occupied property that it shall not be a nuisance to the occupier of that property. The Premises Licence Holder or the Designated Premises Supervisor shall carry out observations from time to time in the vicinity of the nearby properties, between 23.00 hrs to closing time, to establish whether there is a noise break out from the premises.
 - (b) The Licensee shall take all necessary steps to prevent persons in the neighbourhood being unreasonably disturbed by noise made by persons waiting to enter and when leaving the premises.

PUBLIC SAFETY

- Supplies of Free Drinking Water

When dancing takes place after 2300 hours in any premises, the Licensee shall ensure that there is an adequately signed free potable water supply within at least one area of the premises, excluding the kitchen, and that free drinking vessels are available when necessary.

- Maximum Numbers

- (a) Overcrowding in such a manner as to endanger the safety of the public (even, if in the circumstances, this is less than the maximum permitted number) shall not be permitted in any part of the premises. The maximum number of persons permitted on the premises as stated in the licence is not to be exceeded at any time.
- (b) The Licensee or authorised representative shall record and control at the time, the numbers of the persons on the premises. The Licensee shall keep these records for 12 months. A suitable means of counting persons shall be provided, which must be acceptable to the licensing authority.

- Safety Provisions

- (a) Number of Exits

The premises shall be provided with an adequate number of exits to the satisfaction of the Licensing Authority so placed and maintained as to afford the public ready and ample means of safe egress.

- (b) Exit Signs

All such doors or openings approved by the Licensing Authority shall be clearly indicated.

- (c) Doorways

All doors leading from exits into passageways or to the outside of the premises shall be kept clear of obstruction at all times. When required by the Licensing Authority, doors shall be kept fastened in the open position by means of a padlock or other device. All chains and padlocks used to secure doors must be removed and hung on a "Chain Board" provided before the public are allowed on the premises.

- (d) Fire Precautions

The fire fighting equipment and the means of escape in case of fire as detailed in Annex 4 shall be provided and maintained at all times.

- (e) Doors to Allow Escape

All doors used for the purposes of exit must, if fastened during the time the public are in the building, be secured during such time only by panic bolts and latches complying with BS 5725 Part 1, or such fastenings as approved by the Licensing Authority. Doors fitted with panic bolts shall have an appropriate **PUSH BAR TO OPEN SIGN**. Doors shall open in the direction of escape, except where approved by the Fire Officer.

(f) Treads, Steps and Gangways

The edges including nosing of treads or steps and gangways on stairways shall be made conspicuous by means of a light coloured or reflective material. Where metal or other fixed nosing are fitted to steps or treads, these shall be maintained in good condition and free from any protrusions.

(g) Floor Coverings

Matting and other floor coverings shall be secured in such a manner as to prevent them creasing and be maintained in a safe condition. Mats shall be inset as to be flush with the floor, or provided with splayed fillets and secured in position.

(h) Provision for Disabled Persons

The premises shall be provided with suitable access facilities and means of escape for disabled persons wherever practically possible at the discretion of the Licensing Authority. This discretion does not absolve the Licensee from complying with the provisions of the Disabled Disabilities Act 1985.

(i) Fire Safety Signs

The premises shall be provided with such safety signs complying with current legislation, as required by the Fire Authority.

(j) Control of Waste

No rubbish or waste paper shall be stored or allowed to accumulate in any part of the building or in the immediate vicinity, unless a suitable container is provided and positioned so as not to cause a safety hazard.

• Safety/Emergency Lighting

- (a) All premises regularly open to the public shall be fitted with safety lighting to a minimum of one hour duration:
In the event of failure of the main lighting system the public should be instructed to leave the premises immediately if the safety lighting is only of one hour duration. If the safety lighting is of a type which operates for a longer period then the entertainment may continue until there is one hour remaining of the safety lighting at which point the entertainment shall be stopped and the public instructed to leave.
- (b) The premises shall be fitted with illuminated exit signs which shall be either of the maintained or non-maintained type.
- (c) The safety/emergency lighting shall be properly maintained in effective working order. Maintained or sustained lighting is to be illuminated whenever the premises are in use.
- (d) The licensee shall have in place a suitable system for dealing with contingencies or emergencies.

• Log Book

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

• Fire Alarms

The fire alarm (where provided) shall be properly maintained in effective working order. Weekly tests, using different call points for each test, shall be carried out. The results of such tests shall be recorded in the logbook. The person carrying out the test shall record his/her details in the logbook.

• Attendants/Stewards/Performances

- (a) At all times when a function is in progress, there shall be an adequate number of attendants on duty to assist persons entering or leaving premises. The number of attendants shall be: -
 - (i) Not less than 1 for every 250 or part of 250 persons present in the premises, or one steward per exit whichever is the highest number.
If the number of persons present on any floor or tier does not exceed 100, there shall be at least 1 attendant on duty on that floor or tier.
 - (ii) Where the number of persons present on any floor or tier exceeds 100, there shall be at least 2 attendants on that floor or tier.

(b) Fire Procedure

The licensee shall ensure that the person in charge, official attendants and himself are aware of the method of operating the fire extinguishers and the action to be taken in the event of a fire including evacuation of the premises, the method of calling the Fire Brigade and the location of the nearest available telephone.

(d) Special Lighting Effects

If special effects such as lasers, pyrotechnics, smoke machines, foam machines, strobe lighting effects and fog generators are being used at the premises, then

- (i) The relevant current guidelines/legislation appertaining to the special effect shall be complied with.
- (ii) Warning notices shall be displayed prominently at entrances and in the premises.
- (iii) The volume of smoke and/or fog shall be limited so that it does not seriously affect the means of escape or obscure escape route signs.

(e) Smoke Machines and Fog Generators

Smoke machines and fog generators shall be sited and controlled so that they do not obstruct exit routes or cause a hazard to surrounding curtains or fabrics.

The volume of smoke and/or fog shall be limited so that it does not seriously affect the means of escape or obscure escape route signs.

Warning notices shall be displayed stating that fog or smoke is used as part of the effects on the premises.

- Management

- (a) It is the personal responsibility of the Licensee to ensure that all conditions are complied with. The Licensee shall ensure that at all times when the licence applies, there is a person nominated by him/her who will have control of the premises, and will ensure that all licence conditions are adhered to.
 - (b) If the premises are hired out, the Licensee shall draw to the attention of the hirer, all of the above items and make effective arrangements to ensure that that are complied with.
- In all parts of the building to which the public are admitted, a means of illumination shall be provided capable of illuminating those parts clearly.
 - Adequate exits shall be provided from the both the stage and dressing room.

PROTECTION OF CHILDREN FROM HARM

- Obscene or Indecent Performances

The Licensee shall conduct the licensed premises in an orderly manner and shall not allow performances of an obscene or indecent nature.

PREVENTION OF CRIME AND DISORDER

- Where this Premises Licence permits the supply of alcohol between 23.00 hours to 06.00 hours all one pint/half pint glasses in the premises shall be made of toughened material.
- A CCTV system with recording or monitoring capability shall be installed to cover all floors of the premises used under the terms of the Licence and shall also cover all entrances, exits and external areas immediately around entrances. Tapes shall be kept for 28 days and be made readily available to any authorised Officer of the Council or Police Officer on duty.
- The CCTV system shall be maintained in full functioning order and used at all times when the premises are open.
- The Licensee or authorised representative shall record and control at the time the numbers of persons in the premises. The Licensees shall keep these records for 12 months. A suitable means of counting persons shall be provided. This may be mechanical, electrical or other approved method.

MAXIMUM NUMBER OF PERSONS PERMITTED IS:

Ground Floor	- 335 persons
Mezzanine Balcony	- 65 persons
First Floor	- 350 persons

ANNEX 2B - OPERATING SCHEDULE

PREVENTION PUBLIC NUISANCE

None.

PUBLIC SAFETY

None.

PROTECTION OF CHILDREN FROM HARM

- A recognised proof of age, which includes a photograph, is to be required for anyone who appears to be under the age of 18 and who wishes to purchase or consume alcohol.
- There shall be no admittance to persons under 18 except planned 'student nights' or private parties.

PREVENTION OF CRIME AND DISORDER

- At least one steward will be placed at the main entrance during trading hours and will remain there until the premises have ceased trading and the last guest has left the premises.
- All reasonable steps will be taken by staff to ensure that persons entering the premises are not carrying any illegal drug.
- Regular searches by staff of all areas of the premises will be undertaken during trading hours to ensure that drug use or excessive drinking is not taking place on the premises.
- Any person found in possession of illegal drugs, is excessively drunk or violent will be asked to leave the premises immediately.

ANNEX 3 - HEARING

All conditions should be fully implemented with 2 months from 28th August 2010.

- All security staff to wear clothing that clearly identifies them at all times (including outerwear).
- Door supervisors are to remain on duty outside the venue for not less than 30 minutes after the last customer has left the venue, to provide a visible presence and deter anti social and/or criminal behaviour.

- The Designated Premises Supervisor or another identified responsible person who holds a valid Personal Licence is to be present at the venue during all key trading times.
- The Designated Premises Supervisor is to undertake or to have undertaken training as approved by Wiltshire Police within 2 months.
- The Premises Licence holder is to develop, maintain and implement a detailed Management Plan which must include the chain of command and responsibilities, risk assessments, policies, procedures to enable the Premises Licence holder to comply with the four licensing objectives. Such plan to be available for inspection upon request by the Police and Licensing Authority and to be accessible to staff. To be fully implemented by 31st October 2010.
- All bar staff to be trained in the responsible sale of alcohol by a recognised training provider within 2 months.
- All staff (to include Management) to undertake induction/fresher training to include roles and responsibilities and the current Licensing Objectives within 2 months.
- Clear procedures are to be in place for the operation of private parties and under 18 events.
- An accurate and up to date incident log is to be maintained at all times.
- By 30th September 2010 only polycarbonate glasses are to be in use at **all** times throughout the venue, the venue is to operate a bottle decanting policy, no glass bottles are to be present in the public areas.
- The CCTV is to be reviewed and if necessary upgraded to standards required by Wiltshire Police Crime Reduction Officer.
- For a period of 6 months, from 28th August 2010, a record is to be kept of noise monitoring activity to include date, time and location.

ANNEX 4 - PLANS

See Attached.

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RECEIVED
 21 FEB 2011
 ENVIRONMENTAL
 HEALTH

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.

In the Licensing Act 2003, the term 'vicinity' is used with particular reference to those 'interested parties' who may lodge Representations to applications for Premises Licences and who may make Representations concerning existing Premises Licences. Although the Act does not define the term 'vicinity' it does define the term an 'interested party' as 'a person living in the vicinity, a body representing persons living in the vicinity, a person involved in a business in the vicinity, a body representing those persons' or a member of the relevant Licensing Authority (ie, elected Councillor).

Premises about which Representation is being made	KARMA NIGHTCLUB, STATION HILL, CHIPPENHAM		
Your Name	(AIF) CHRIS CASWELL		
Postal Address			
Contact Telephone Number	01249 822088		
Are you:	Yes	No	
• A person who lives in the vicinity?		<input checked="" type="checkbox"/>	
• A person who operates a business in the vicinity?		<input checked="" type="checkbox"/>	
• A person representing residents or businesses in the vicinity?		<input checked="" type="checkbox"/>	
• A member of the Relevant Licensing Authority (ie, elected Councillor of the Licensing Authority in which the premises is situated)?	<input checked="" type="checkbox"/>		
If you are representing residents or businesses in the vicinity please list those 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	
2. To prevent public nuisance	EXCESSIVE NOISE & DISTURBANCE, BOTH FROM THE PREMISES, AND CUSTOMERS LEAVING THE PREMISES LATE AT NIGHT

OBJECTIVES	EVIDENCE
3. To prevent crime and disorder	I SUPPORT THE POLICE'S CONCERNS
4. Public Safety	I SUPPORT THE POLICE'S CONCERNS

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

- o IMPROVED DOOR STAFF
- o IMPROVED SOUND PROOFING
- o EARLIER CLOSURE
- o MORE ATTENTION TO EXCESSIVE ALCOHOL CONSUMPTION
- o MOVING TO AN AREA WITH FEWER AFFECTED RESIDENTS

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.

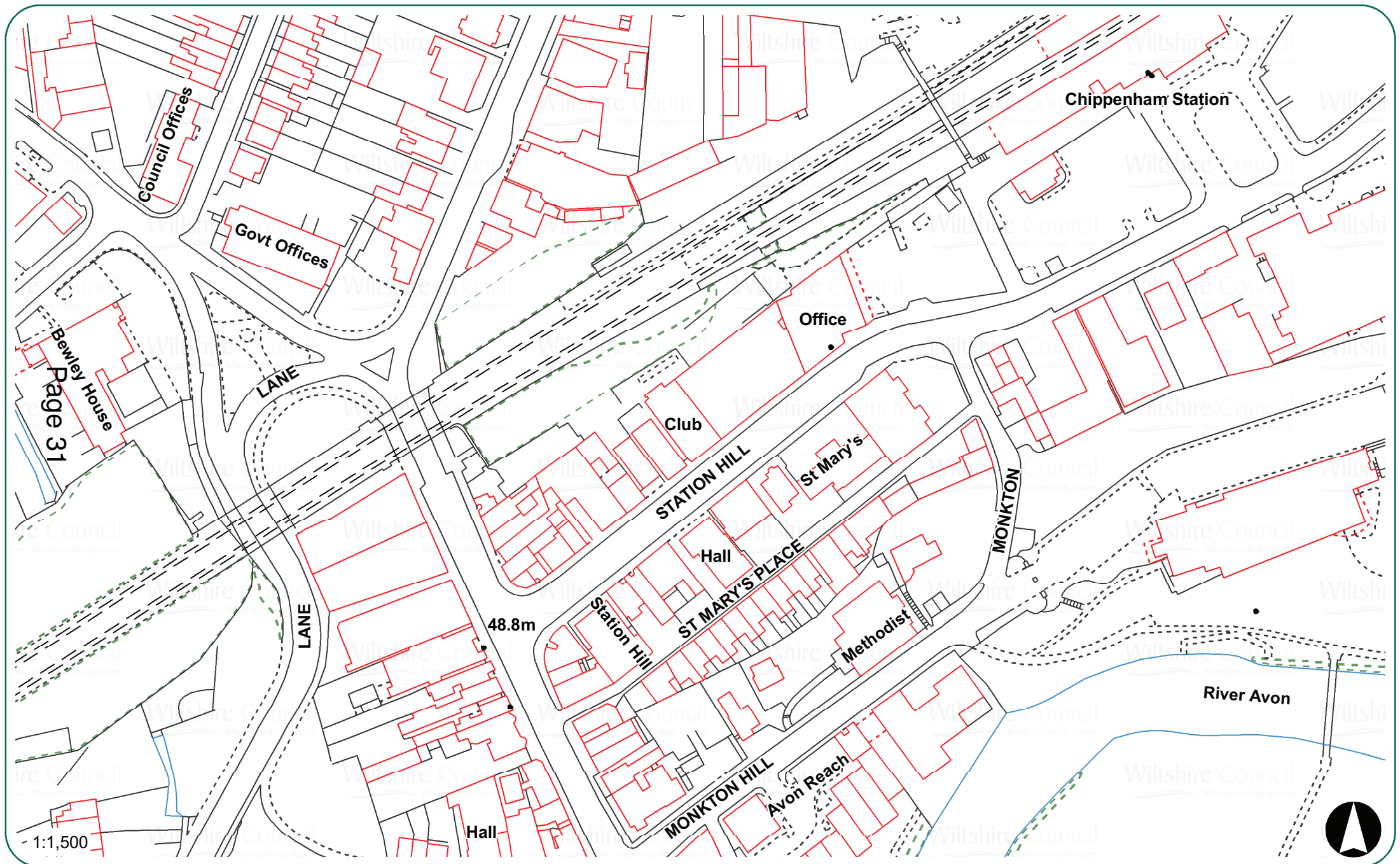
Signature

Date 21/2/2011

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):

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

Karma Night Club, Chippenham



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