

NORTHERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE NORTHERN AREA LICENSING SUB COMMITTEE MEETING HELD 21 JUNE 2011, IN RESPECT OF AN OBJECTION BY WILTSHIRE POLICE IN RESPECT OF A VARIATION TO A PREMISES LICENCE TO SPECIFY AN INDIVIDUAL AS DESIGNATED PREMISES SUPERVISOR BY CONSTANTINE LEISURE FOR KARMA, CHIPPENHAM

Present:

Cllr Trevor Carbin, Cllr Bill Moss and Cllr Nina Phillips

Also Present:

Ms P Denton – Democratic Services Officer
Ms J Gallimore – representing Wiltshire Police
Mrs L Holland – Senior Licensing Officer
Mr D Holley – representing Constantine Leisure
Ms K Phillips
Mr P Taylor – Senior Solicitor
Mr T Wickham – Designated Premises Supervisor

17. **Election of Chairman**

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

Resolved:

To elect Councillor Bill Moss as Chairman for this meeting only.

18. **Procedure for the Meeting**

The Chairman explained the procedure to be followed at the hearing.

19. **Chairman's Announcements**

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

20. **Declarations of Interest**

There were no interests declared.

21. **Licensing Application**

Objection by Wiltshire Police in respect of a variation to a Premises Licence to specify an individual as Designated Premises Supervisor by Constantine Leisure for Karma, Chippenham

The Licensing Officer introduced the purpose and scope of the objection and the key issues for consideration.

In accordance with the procedure detailed in the agenda, the Applicant was given the opportunity to address the Sub Committee.

Key points raised by Ms Jackie Gallimore on behalf of the Wiltshire Police were:

- The appointment of Mr Wickham would undermine the Crime and Disorder Objectives.
- The previous Licensing Sub Committee had revoked Karma's license due to serious problems of drunkenness and anti-social behaviour. Mr Wickham had been the bar manager at Karma at that time and as such he had day to day control alcohol of sales.
- Mr Wickham had no experience of managing a well-run venue.
- Mr Wickham had misled the previous Sub Committee when he said that he had a personal license when in fact he did not have one.

Key points raised by the Mr David Holley representing Mr Wickham were:

- Although Mr Wickham had been the Bar Manager at Karma he had not had any managerial control.
- There was no intention on Mr Wickham's behalf to mislead the previous Sub Committee as he had believed that he did in fact own a license. When he realised his mistake he rectified it straight away.
- Mr Wickham had already made some improvements at Karma.

The parties were given the opportunity to ask questions of the Applicant, Interested Parties and Wiltshire Council Officers.

The Sub Committee members sought clarification on some points before retiring to consider the application and were accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officer.

The Sub Committee then retired to consider the application.

Following the deliberations of the Sub Committee Members, the Solicitor for the Council made a statement of material legal advice given in closed session.

The Sub Committee considered all of the 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 Sub Committee resolved to grant the application to vary the premises licence to specify Thomas Alistair Wickham as Designated Premises supervisor of Karma.

Having regard to the Police notice the Sub Committee does not consider it necessary for the promotion of the crime prevention objectives to reject the application.

Reasons:

The reasons for this were:

History

Whilst recognising that Mr Wickham was employed as Bar Manager at the time of some of the incidents referred to in the previous Review, the Sub Committee do not believe that he was sufficiently responsible in his role as Bar Manager to justify refusing this application.

Qualification

Whilst accepting the Police points, although Mr Wickham does not have the experience of managing premises of the same size or issues as Karma, the Sub Committee felt that any lack of experience was not sufficient to justify rejection of the application. However, the Sub Committee noted that he did have 8 years experience in the licensed trade and was undergoing training to improve his qualifications.

Personal Licence Holder

The Sub Committee accepts that Mr Wickham did not deliberately seek to mislead the Review Hearing about his status as a Personal Licence Holder.

(Duration of meeting: 3.00 - 5.20 pm)

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