

AGENDA

Meeting: Northern Area Licensing Sub Committee
Place: Council Chamber - Council Offices, Monkton Park, Chippenham
Date: Tuesday 21 June 2011
Time: **3.00 pm**
Matter: 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

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 Trevor Carbin
Cllr Bill Moss

Cllr Nina Phillips

AGENDA

1. **Election of Chairman**

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

2. **Procedure for the Meeting**

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. **Licensing Application** (*Pages 1 - 32*)

To consider and determine 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

WILTSHIRE COUNCIL

NORTHERN AREA LICENSING SUB COMMITTEE

21 JUNE 2011

Police Objection Notice received in respect of Application to vary a Premises Licence to specify an individual as Designated Premises Supervisor (DPS)

1. Purpose of Report

- 1.1 To determine an application to vary a Premises Licence to specify an individual as Designated Premises Supervisor (DPS) in respect of Karma made by Constantine Leisure Limited.

2. Background Information

- 2.1 An application to vary the Premises Licence to specify Thomas Alistair Wickham as DPS in respect of Karma has been made by Constantine Leisure Limited. The Premises Licence holder duly notified Wiltshire Police of the application and Wiltshire Police have subsequently issued an Objection Notice.
- 2.2 Wiltshire Council, as the Licensing Authority, must hold a hearing to consider the Objection Notice. The Licensing Sub Committee is required in accordance with the Licensing Act 2003, Section 39(3) (b) to reject the application, if it considers it necessary for the promotion of the crime prevention objective to do so.
- 2.3 On 19 May 2011, an application to vary a Premises Licence for Karma, 17A Station Hill, Chippenham, Wiltshire, so as to specify Thomas Alistair Wickham, as the DPS, has been made by the holder of the Premises Licence, Constantine Leisure Limited. A copy of which is attached to this report as Appendix 1.
- 2.4 The application has been submitted in accordance with the provisions of Part 3 of the Act and associated Regulations.
- 2.5 The consent of individual to being specified as Premises Supervisor has been signed by Mr Wickham who is the holder of a Personal Licence, number LN 0005715 issued by Wiltshire Council on 19th May 2011. A copy of the consent is attached to this report as Appendix 2.
- 2.6 The application was signed by the Premise Licence holders' Authorised Agent Mr David Holley and dated 19 May 2011.

- 2.7 The applicants have also applied to have this application to take immediate effect in accordance with section 38 of the Licensing Act 2003. A copy of the current Premises Licence is attached to this report as Appendix 3.
- 2.8 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 and late night refreshment.
- 2.9 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.
- 2.10 The premises have been the subject to two reviews brought by Wiltshire Police. At the hearing held on 2 August 2010 additional conditions were applied by the Licensing Sub Committee to the Premises Licence. At the second review hearing held on 21 March 2011 and 11 May 2011 the Licensing Sub Committee revoked the Premises Licence. At the time of writing the report the decision of the Sub-Committee is still within the appeal period, the premise holder has indicated that an appeal is to be lodged. The decision of the Sub Committee to revoke the premises licence does not become effective until the end of the period for appealing against the decision or, where such an appeal is made, the date on which that appeal is finally determined by the Courts. The Premises Licence is, therefore, still in force as at the date of this report.

The decision notices are attached as Appendices 4 & 5.

- 2.11 Shortly after both review hearings the Premises Licence holder has submitted applications to vary the Premises Licence so as to specify an individual as Designated Premises Supervisor.

3. Objection Notice

- 3.1 Licensing Officer, Mrs J Gallimore on behalf of the Wiltshire Police, has submitted an Objection Notice stating that granting the application will undermine the crime prevention objective. A copy of the notice is attached to this report as Appendix 6.

4. Legal Implications

- 4.1 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.
- 4.2 Wiltshire Police and the Premises Licence holder - Constantine Leisure Limited have been informed of the date, time and location of the hearing and their right to attend and be represented.

4.3 At the hearing the Responsible Authority who have made the representation are entitled to address the Sub Committee and to ask questions of another party, with the consent of the Sub Committee.

5. Officer Recommendations

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

6. Right of Appeal

6.1 The Chief Officer of Wiltshire Police may appeal the decision of the Licensing Sub Committee.

6.2 In the event of an appeal being lodged, the decision made by the Licensing Sub Committee remains valid until any appeal is heard and any decision made by the Magistrates Court.

Report Author:

Linda Holland, Senior Licensing Officer, North and West
Date of report 7th June 2011

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 Application to vary Premises Licence to vary Designated Premises Supervisor**
- 2 Consent of proposed Designated Premises Supervisor**
- 3 Copy of existing Premises Licence**
- 4 Decision Notice Review Hearing 2 August 2010**
- 5 Decision Notice Review Hearing 21 March and 11 May 2011**
- 6 Police Objection Notice**

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Application to vary a premises licence to specify an individual as designated premises supervisor 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 / we CONSTANTINE LEISURE LTD

(full name(s) of premises licence holder)

being the premises licence holder, apply to vary a premises licence to specify the individual named in this application as the premises supervisor under section 37 of the Licensing Act 2003

Premises licence number

LN/003033 NL

Part 1 - Premises details

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

KARMA 17A, STATION HILL, CHIPPENHAM SN15 1EQ

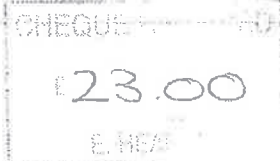
Post town
CHIPPENHAM

Post code (if known)
SN15 1EQ

Telephone number (if any)
01249 448 369

Description of premises (please read guidance note 1)

PRIMARILY A LATE NIGHT ENTERTAINMENT VENUE ON THREE FLOORS ON A MAIN ROUTE TO RAILWAY STATION WITH RESIDENTIAL AND BUSINESS NEIGHBOURS



Repix no: WAST00144-157

Part 2

Full name of proposed designated premises supervisor
THOMAS WICKHAM

Personal licence number of proposed designated premises supervisor and
issuing authority of that licence (if any)
LN-005715 WILTSHIRE COUNCIL

Full name of existing designated premises supervisor (if any)
KARL JOHNATHAN FROST

Please tick yes

I would like this application to have immediate effect under section 38 of the Licensing Act 2003

I have enclosed the premises licence or relevant part of it

(If you have not enclosed the premises licence, or relevant part of it, please give reasons why not)

Reasons why I have failed to enclose the premises licence or relevant part of it
This is an urgent request to vary, in agreement with the authority, the licence or certified copy will be posted to the authority today.

Please tick yes

- I have made or enclosed payment of the fee
- I will give a copy of this application to the chief officer of police
- I have enclosed the consent form completed by the proposed premises supervisor
- I have enclosed the premises licence, or relevant part of it or explanation
- I will give a copy of this form to the existing premises supervisor, if any
- 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 2)

Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 3). If signing on behalf of the applicant please state in what capacity.

Signature

.....

Date 19/05/2011

.....

Capacity AUTHORISED AGENT

.....

For joint applicants signature of 2nd applicant 2nd applicant’s solicitor or other authorised agent (please read guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature

.....

Date

.....

Capacity

.....

| | |
|--|-----------------------------|
| Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5) DAVID C HOLLEY 25 BROAD STREET, BATH BA1 5LW | |
| Post town BATH | Post Code BA1 5LW |
| Telephone number (if any) 01225 339004 | |
| If you would prefer us to correspond with you by e-mail your e-mail address (optional) David Holley <dholley_licensing@btinternet.com | |

Guidance notes

1. Describe the premises. For example the type of premises it is.
2. The application form must be signed.
3. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
4. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
5. This is the address which we shall use to correspond with you about this application.

Consent of individual to being specified as premises supervisor

I Thomas Wickham
[full name of prospective premises supervisor]

of 11 TIMBER STREET
CHIPPENHAM
SN14 3BS

.....
[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

VARY DPS PREMISES LICENCE

.....
[type of application]

by
CONSTANTINE LEISURE LTD

.....
[name of applicant]

relating to a premises licence LN/003033NL
.....
[number of existing licence, if any]

for
KARMA, 17A STATION HILL CHIPPENHAM

.....
[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made by

CONSTANTINE LEISURE LTD

[name of applicant]

concerning the supply of alcohol at

KARMA, 17A STATION HILL, CHIPPENHAM

[name and address of premises to which application relates]

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

LN 005 715 WILTS

[insert personal licence number, if any]

Personal licence issuing authority

[insert name and address and telephone number of personal licence issuing authority, if any]

Signed

Name (please print)

THOMAS WICKHAM

Date

17/05/11

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LICENSING ACT 2003

PREMISES LICENCE

| |
|--|
| PREMISES LICENCE NUMBER: LN/003033 NL |
|--|

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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DECISION NOTICE

Northern Area Licensing Sub-committee

Meeting held Monday 2 August 2010, in Respect of Review of a Premises Licence: Karma, 17a Station Hill, Chippenham, Wiltshire

The Northern Area Licensing Sub-committee has determined to amend the premises license for Karma by the addition of the following conditions;

1. All security staff to wear clothing that clearly identifies them at all times (including outerwear).
2. 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.
3. 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.
4. The Designated Premises Supervisor is to undertake or to have undertaken training as approved by Wiltshire Police within 2 months.
5. The Premises Licence holder 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.
6. All bar staff to be trained in the responsible sale of alcohol by a recognised training provider within 2 months.
7. All staff (to include Management) to undertake induction/fresher training to include roles and responsibilities and the current Licensing Objectives within 2 months.
8. Clear procedures to be in place for the operation of private parties and under 18 events.
9. An accurate and up to date incident log to be maintained at all times.
10. 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.
11. The CCTV is to be reviewed and if necessary upgraded to standards required by Wiltshire Police Crime Reduction Officer.

12. For a period of 6 months, from this date, a record is to be kept of noise monitoring activity to include date, time and location.

Informative

- 1 The venue is encouraged to continue to be active members of Pubwatch or any successor organisation that is responsible or the promotion of the Licensing Objectives.

In reaching their decision the Sub-committee took into account the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 52); the guidance issued under Section 182 of the Act and the Wiltshire Council Statement of Licensing Policy.

The Sub-committee also took into account the written application for review submitted by Wiltshire Police and the supporting evidence, the 16 written representations by Interested Parties and the information submitted on behalf of the Premises Licence holder.

The application for the Review was presented by Mr. R. Light. At the start of the hearing Mr. Holley, representing the Premises Licence holder, agreed to accept the police incident reports as presented at items 1 - 100 in the Appendices to the police evidence. As well as referring to the written submissions, Mr. Light called evidence from witnesses.

The main points of the oral evidence presented by the police were:-

- There was concern about the promotion of what was considered to be irresponsible cheap drinks promotions, in particular the sale of shots of spirits for 50p,
- The Facebook page for the Club appeared to condone excessive drink and, in relation to some of the entries, possibly also violence
- The entries on the Club's Facebook page also indicated that there had been underage drinking in the club, although there had been no evidence of this during visits by officers
- There appeared to be some confusion as to what use of the premises was permitted by under 18s and how such events should operate
- Whilst there had been discussions with the Club about improving the levels of disorder, there were still a number of issues that needed to be resolved
- There were concerns that the maximum capacity of the club may have been exceeded on occasions and that the systems for monitoring the number of people in the Club did not seem to be robust
- There were also concerns that door staff were not sufficiently easily identifiable
- Whilst representatives of Karma had attended meetings of Pubwatch, they had not been putting forward sufficient numbers names of persons

- to be banned, given the number of incidents that had occurred at the Club. Only 4 of the current banned list of 15 had originated from Karma
- Whilst there had been some improvement in the numbers of incidents involving Karma, this improvement had not been sustained and the number of incidents had increased in April and May.
 - There was no visible leadership by the DPS. Most staff there did not seem to know what his role was
 - There was need for a long-term sustained improvement and a change of culture
 - Two of the door staff had been charged with obstruction of the police and one with assault of a police officer.
 - If the licensing hours were reduced, as requested, this would mean that closing time would not coincide with the end of police shifts, which would reduce the need for overtime

In response to these points, Mr. Holley, on behalf of Karma, called evidence from management and employees of the club and made the following points:

- He accepted that the incidents in the submissions from the Police had occurred. However, he said that the Club could not always prevent violent incidents from occurring
- Every time the Club had been asked to make changes they had sought to do it
- There were other licensed premises in the town that had drinks promotions and Karma needed to compete with them.
- They did have arrangements for dealing with people considered to be intoxicated
- They had a procedure for checking numbers of people going into and leaving the Club. They had never exceeded the maximum number allowed
- The Club had appointed a consultant to audit the procedures at the Club and to develop and implement new policies and training
- Very few of the reported incidents took place before 3.00 a.m., so reducing the Club's hours would not assist. In fact, the situation may be made worse, as there would be people leaving several premises at the same time.

Cllr Caswill, as local member for the area commented on the complaints he had received about noise from local residents, which had also been mentioned in the representations from other Interested Parties. He commented that the Club could do more to reduce the problems caused by excessive noise.

In their deliberations, the Sub-committee considered each of the proposed conditions that had been submitted by Wiltshire Police as part of their review with a view to deciding whether those conditions were necessary to meet the licensing objectives and also whether any other conditions should be applied, in view of the representations that had been made and the evidence

presented. As regards the proposed conditions put forward by the police, the Sub-committee came to the following views on each of them:-

- i. Whilst there had been weaknesses with the current security staffing arrangements, the Sub-committee felt that progress was being made towards improving these and did not consider that these weaknesses necessitated the replacement of the current security provider;
- ii. This was felt to be a useful additional condition to help prevent any acts of violence in the vicinity of the Club and to encourage patrons to leave the area, thereby reducing the levels of nuisance to neighbouring residents and businesses
- iii. The Sub-committee did not consider that a reduction in opening hours was necessary. Whilst the current hours did cause difficulties for the police, given their current shift arrangements, there was insufficient evidence that a reduction in hours would lead to a reduction in the levels of crime and disorder and that these problems were better addressed by improved management arrangements
- iv. As iii above
- v. As iii above
- vi. The Sub-committee felt that it was important that a personal licence holder was present at the venue during all key trading times. It had been accepted by the parties that it was not reasonable for the DPS to be on site at all time, but that there should be an identified responsible person. The proposed condition would be amended accordingly
- vii. This was considered to be beneficial and to contribute to the good management of the Club and the promotion of the licensing objectives
- viii. The Sub-committee felt that the key to addressing the problems at the Club and to promoting all of the licensing objectives was to get improved management practices and procedures that were understood and implemented by all staff. In addition to the management structure information requested by the police, the Sub-committee felt that there should be a detailed Management Plan which also included, risk assessments, policies and procedures to enable the Premises Licence holder to comply with the four licensing objectives
- ix. This was agreed to be appropriate for the same reasons as viii above
- x. It had been accepted by the police that it was not necessary to bar all under 18s and that properly managed events for under 18s should not be prevented. Again, the Sub-committee felt that there should be clear procedures for the operation of such events for the protection of children
- xi. This was felt to be appropriate as it would reduce the likelihood of harm, in the event of incidents at the club, thereby promoting public safety

- xii. This was also felt to be appropriate for the promotion of the licensing objectives and it would help detect and deter acts of crime and disorder and public nuisance.
- xiii. The Sub-committee felt that, whilst active participation in Pubwatch was to be encouraged, it was not appropriate to impose this as a condition
- xiv. As stated in viii above, the Sub-committee felt that the required improvements to the club were best addressed through management training and the development of proper policies. It was not felt necessary for there to be a period of closure to enable these changes to be implemented.

In addition to the above, the Sub-committee took account of the concerns about noise that had been raised by Interested Parties. They noted that the current conditions required noise observations to be carried out in the vicinity of the premises. They felt that this needed strengthening by a record of this monitoring to be maintained.

The Sub-committee also noted that the Club had stated during the hearing that they either had produced or were developing policies and procedures to address the concerns that had been raised by the police. The Sub-committee therefore felt that the amended conditions should all be fully implemented within two months.

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DECISION NOTICE

NORTHERN AREA LICENSING COMMITTEE

In respect of an application by Wiltshire Police for a Review of a Premises Licence at Karma, 17a Station Hill, Chippenham – Constantine Leisure Limited

Dates of Hearing:- 21 March and 11 May 2011

Decision: The decision of the Sub-Committee is that the Premises Licence LN/003033NL in respect of Karma, 17a Station Hill, Chippenham SN15 1EQ be revoked

In reaching its decision, the Sub-Committee took account of the representations that had been made on behalf of the review applicant, Wiltshire Police; the Licence Holder, Constantine Leisure Limited and the Interested Party, Cllr. Chris Caswill. This included the written representations and the oral and audiovisual evidence given on both days of the hearing. The Sub-Committee also took account of relevant Government guidance and the Council's licensing policy.

Reasons for the Decision: The Sub-Committee found that the Licence-holder had failed to comply with its obligations in respect of the following licensing objectives:-

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance.

The Sub-Committee also found that the Licence holder had failed, within the required timescales, to comply with a number of the conditions imposed on the Premises Licence at the Review hearing on 2 August 2010, in particular those relating to:-

- the provision of an adequate CCTV system
- the maintenance of adequate records relating to noise monitoring and incident logs
- the production of a Management Plan

In view of this, the Sub-committee concluded that they had no confidence in the ability of the Licence-holder to adequately address its failings in respect of the licensing objectives. The Sub-Committee, therefore, concluded that the imposition of additional licence conditions, or the temporary suspension of the Licence would not result in the required improvements and that revocation of the licence was the only practical option and was one which was both proportionate and necessary to meet the licensing objectives.

Review Application

The Review application was made by Wiltshire Police on 25 January 2011 in relation to the following licensing objectives:-

- The prevention of crime and disorder
- Public safety
- The protection of children from harm.

Following advertisement of the Review, a relevant representation was received from Cllr. Chris Caswill, in relation to the prevention of public nuisance.

In their review application, the police raised the following main concerns:-

- Crime and disorder associated with the premises
- Three members of staff at the premises had been charged with offences against the police in respect of offences alleged to have taken place at or in the vicinity of the premises
- Breaches of the premises licence and inadequate policies and procedures
- The licence holder did not promote the licensing objectives and had a disregard for the licensing legislation
- Persons frequenting the premises consumed alcohol to excess, leading to criminal and disorderly behaviour, which had a negative impact on the community and on public safety
- The premises did not actively engage with Chippenham Pubwatch
- Children were not adequately protected when frequenting the venue

It was the view of the Police that the only way that the serious problems associated with the premises could be addressed was by revocation of the licence. The Police did not consider that any further conditions that might be imposed on the licence would be complied with.

Concerns raised by Police

In their representations the Police raised the following main issues in support of their application.

1. Failure to comply with licence conditions

A review of the Licence had previously been sought by the Police in 2010, which had been considered by the Licensing Authority at a hearing on 2 August 2010. At that hearing, the Authority had imposed a number of additional conditions on the licence intended to address the identified problems at Karma. It was the view of the police that these conditions had not been complied with and that the Licence-holder had shown a blatant disregard for its obligations to comply with them. In particular, the Police referred to failings in respect of the following conditions that had been added to the licence in August 2010:-

a. Door supervisors to remain on duty outside the venue for not less than 30 minutes after the last customer has left the venue.

When questioned by the Police's advocate, Mr. Frost, the DPS for Karma, admitted that

this condition was not always complied with, as, in his view, it was not always necessary for there to be door supervisors on duty in this way after the club closed. He considered that it was a matter for his judgement whether this was necessary.

b. The CCTV to be reviewed and if necessary upgraded to standards required by Wiltshire Police Crime Reduction Officer

The police produced evidence from Sgt. George and from the Licensing Authority's inspection visit, to show that this condition had not been complied with within the required timescale and that on a number of occasions Karma had not been able to provide CCTV footage when requested by the Police to assist in their investigations of alleged incidents. In response Mr. Frost for Karma stated that there had been problems with the previous inadequate CCTV system but that the club had not had the funds to replace it. The Sub-Committee concluded that there had been a failure to comply with this condition.

c. Maintenance of Adequate Records

Examples of the date incident log and the noise monitoring log were produced and discussed. It was accepted by the Sub-Committee that these were inadequate for their purposes and that the Licence-holder had not made appropriate efforts to improve them

d. Development and implementation of Management Plan

This was considered to be a particularly important means of addressing the concerns that had been raised at the previous review hearing. The Sub-Committee accepted that the Plan had not been produced within the time required by the condition and that the current document was inadequate.

2. Impact on Local Businesses

The police produced evidence from local traders of the problems that they were experiencing from persons leaving Karma, particularly with urinating and vomiting. This was supported by evidence from police records and was accepted by the Sub-Committee.

3. Violence and Disorder associated with the Premises

Evidence was presented of incidents of violence and disorder that had occurred either at the premises, in the vicinity of the premises or that involved people who had recently been at the premises. The Police also presented CCTV footage showing several such incidents. This evidence was not contradicted by Karma and was accepted by the Sub-committee

4. The Response of Staff to Disorder at or immediately outside the Premises

The police produced evidence, both written and oral, of a number of incidents where they considered that the Club's staff had failed to act appropriately. They also presented CCTV footage showing several such incidents. In response, Karma presented video footage showing doorstaff dealing appropriately with an intoxicated customer who was being aggressive. The Sub-committee appreciated that doorstaff did face difficult situations, but accepted the evidence of the police that there had been a number of

incidents where staff had not acted appropriately.

5. Misuse of alcohol tolerated at the Premises

The police presented details from their records of a large number of incidents where there had been problems caused by persons who had consumed excessive amounts of alcohol in the premises. CCTV footage was also shown showing people leaving the club in an extremely intoxicated state, and concerns were expressed for the welfare of these people. In response Mr. Frost and Mr. Wikham, the bar manager, had explained the procedures that the club operated to prevent intoxicated people gaining entry to the club and to try to ensure that people who were drunk did not continue to be served with alcoholic drink. Nevertheless, the Sub-Committee considered that these measures were insufficient as there was a clearly identified problem with intoxication associated with the premises.

Concerns raised by Interested Party

Cllr. Caswill raised concerns about the level of nuisance to neighbouring residents arising from the activities of the premises. He considered that the Licence holder was failing to comply with the conditions requiring it to prevent a nuisance being caused. He considered that the noise monitoring records and procedures were inadequate. In response, Mr. Frost stated that the Club had recently purchased noise monitoring equipment and that a considerable amount of money had been spent on soundproofing the premises. He also stated that there were other licensed premises in the vicinity that created a lot of noise. Representations had been made by persons living next to the premises, stating that they did not find the noise from the club to be a problem.

The sub-committee accepted that there was some degree of annoyance to local residents from the club, but noted that no other residents had made representations about noise.

Conclusions

Having heard all of the evidence, the Sub-Committee concluded that there remained serious problems associated with the premises, particularly in respect of drunkenness and its consequences for crime and disorder and public safety. The Sub-committee also felt that there remained some issues with public nuisance. The Sub-Committee did not consider that there were any particular issues relating to the protection of children from harm, as the Club no longer held events for under 18s and there were no proven problems with under-age drinking.

The Sub-Committee felt that responsibility for compliance with the conditions that had been imposed at the previous review hearing rested entirely with Constantine Leisure Ltd. and appreciated the difficulty experienced by the day-to-day management in effecting any significant change.

Options and Decision

The Sub-committee considered the options available to it to address the concerns that they had found to be established. They did not feel that there was any merit in removing the designated premises supervisor or in excluding a licensable activity from the scope of the licence.

The Sub-committee then considered whether to impose further conditions on the licence, with a period of suspension to allow time for the Club to address the problems that had been found with its operation. However, the Sub-committee felt that this would not be effective, given the failure of the club to comply with the additional conditions imposed at the previous review hearing.

The Sub-Committee therefore concluded, on the basis of the evidence presented, that revocation of the licence that the only option available and that such revocation was reasonable, proportionate and necessary to promote the licensing objectives.

Effective date of Decision

This decision will not take effect until the end of the period within which an appeal can be made or, if such an appeal is made , until that appeal has been finally determined.

Any appeal must be made to a Magistrates' Court within 21 days of the date of notification of this decision

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WILTSHIRE POLICE



Mrs Linda Holland
Senior Licensing Officer
Public Protection Services
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Chippenham,
Wilts SN15 1ER

Divisional Licensing Officer
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Date 2nd June 2011

Your ref

Our ref

Reply contact name is **Jacqueline Gallimore**

Dear Mrs Holland,

Ref: Contantine Leisure – Karma 17a Station Hill Chippenham

The Wiltshire Police have received an application from Constantine Leisure to vary the licence at Karma Nightclub by changing the Designated Premises Supervisor from Mr. Jack Frost to Mr. Thomas Wickham.

The Police are aware that the previous DPS has moved on since the recent Licensing Review hearing and understand that the premises would wish to continue trading throughout the period pending any appeal process.

Police are also aware that exceptional and compelling circumstances are required when making a formal objection to the variation of a licence to change the Designated Premises Supervisor. In this case those circumstances are:

The police at the recent hearing provided a significant amount of evidence relating to heavy intoxication and consequent crime and disorder. Mr. Wickham has held the position of Bar Manager at the premise during the period in which evidence was provided. There is a concern that should Mr. Wickham take on the role of Designated Premises Supervisor the prevention of crime and disorder will be undermined.

Evidence was also provided that showed the management infrastructure in terms of policy and procedure to maintain public safety was insufficient. The police do not have confidence that Mr. Wickham holds the necessary knowledge and experience to enable public safety to be promoted.

During the recent hearing Mr. Wickham appears to have misled the Committee. He advised the hearing that he was a personal licence holder. This was in fact not the case.



Mr. Wickham held the position of Bar Manager at his previous place of employment, The Weir Lounge in Bath. This premise was also taken to Licensing review for issues of concern by the police in relation to crime and disorder.

In view of these matters the police object to Mr. Wickham's application to become the Designated Premises Supervisor at Karma Nightclub.

Yours sincerely,

JG Jacqueline Gallimore

Licensing Officer
Wiltshire Police