

## REPORT TO THE NORTHERN AREA LICENSING SUB COMMITTEE

<b>Date of Meeting</b>	<b>21 March 2011</b>
<b>Title of Report</b>	<b>Application for Review of a Premises Licence; Karma 17a Station Hill, Chippenham Wiltshire</b>
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><b>Summary of Report</b></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"> <li>▪ To modify the conditions of the licence</li> <li>▪ To exclude a licensable activity from the scope of the licence</li> <li>▪ To remove the designated premises supervisor</li> <li>▪ To suspend the licence for a period not exceeding three months</li> <li>▪ To revoke the licence</li> <li>▪ To determine that no steps are necessary</li> </ul> <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><b>Officer Recommendations</b></p> <p><b>None. Officers are not permitted to make a recommendation – the decision is to be reached by members of the Licensing Sub Committee.</b></p>	
<b>Contact Officer</b>	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 18<sup>th</sup> 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.

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