

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**