

REPORT TO THE NORTHERN AREA LICENSING SUB COMMITTEE

Date of Meeting	2nd August 2010
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 sixteen relevant representations have 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>	
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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:

- Ongoing concerns in respect of the management of the premises that go back to the summer of 2009, the impact of poor practices has and continued to have a negative impact on the Licensing Objectives. Police find that unacceptable levels of crime and disorder are associated with the venue.
- Wiltshire Police find that the venue consistently features prominently in the statistical analysis of alcohol related arrests with the County.
- Heavily discounted drinks promotions encourage excessive consumption of alcohol which does lead to criminal and disorderly behaviour.
- Throughout the period since August 2009 Police have made continuous efforts to work with the management of the premises and to provide guidance and support to secure improvements.
- The operation of the venue has had a negative impact on the community and directly on public safety through harm to individuals.
- A recent escalation in incidents of crime and disorder leads Police to find that poor management practices at the venue are a significant contributory factor to the crime and disorder associated with the venue and represent a risk to public safety.

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) and 1(c)**.

(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. Options and Options Appraisal

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 to promote the Licensing Objectives.

3. 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.

A copy of the Premises Licence is attached to this report as **Appendix 2**.

4. 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 fifteen (15) relevant representations (two in support of the Premise Licence Holder) have been received from residents and business in the vicinity, and one (1) from a Member of the Licensing Authority.

Relevant representations were received from: -

Mr L A Smith	Leslie Gents Hairdressers	1 Station Hill Chippenham
Ms J Baker	The Flower Shop	6-8 Station Hill Chippenham
Mr Hooper		9 Station Hill Chippenham
Mr R Burford		11 Station Hill Chippenham
Mr & Mrs Harding	Note worthy Music	10 -14 Station Hill Chippenham
Mr S Heany	Phase Patch Craft	15A Station Hill Chippenham
Ms F Matthewman		15A Station Hill Chippenham
Canon J Millett		20 Station Hill Chippenham
W.J Turner	Stronghold	Cocklebury Road Chippenham
Mr D Powles		Flat 11A New Road Chippenham
S Evans		1 St Mary's Place Chippenham
Mrs B Holpin		4 St Mary's Place Chippenham
Mr I Keasey		8 St Mary's Place Chippenham
Mr A Clyde		12 St Mary's Place Chippenham
Ms R Simpson		14 St Mary's Place Chippenham
Councillor C Caswill		For Chippenham Monkton

Several of the parties who have made a representation have suggested actions the Premises Licence holder could take to address their concerns these include:

- Reduce operating hours of the premise
- Reduce the volume of music played at the premise
- Improve security on the entrance / exit doors
- Reduce cheap alcohol deals

- Notices asking customers to consider neighbours when leaving the club
- No Sunday opening
- Ensure doors and windows are kept closed and all sound insulation measures are effective
- Management of the area outside to premises to ensure revellers leave the area in an orderly manner.

Copies of relevant representations are attached to this report as **Appendix 3**.

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 information produced by the Police in support of their application, if it is provided to the Licensing Authority before the hearing. Such documentation may also be taken into account, even if presented at the hearing itself, after consultation with all parties and at the discretion of the sub-committee.

5. Legal Implications

It should be noted that the Premises Licence Holder, the Responsible Authority and interested parties may appeal the decision made by the Licensing Sub Committee in the magistrates court. In the event of an appeal being logged 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 and all interested parties have been informed of the date, time and location of the hearing and their right to be represented.

6. Risk Analysis

Not applicable.

<p>Appendices:</p>	<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 • 1(c) Folder 2 of supporting evidence from Wiltshire Police <i>(These two appendices are not attached but are available for viewing upon request – please refer to main report for details)</i> • 2. Current Premises Licence • 3. Copies of relevant representations received • 4 Location plan of the premises, and surrounding area
<p>Background Documents Used in the Preparation of this Report:</p>	<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