

WILTSHIRE COUNCIL

NORTHERN AREA LICENSING SUB COMMITTEE

23 SEPTEMBER 2014

**Application for a Variation of a Premises Licence; E11evn, 11 The Bridge,
Chippenham, SN15 1HA**

1. Purpose of Report

- 1.1 To determine an application for a variation of a Premises Licence in respect of E11evn, 11 The Bridge, Chippenham, SN15 1HA made by Claudio Viveiros.

2. Background Information

- 2.1 An application for a variation of a Premises Licence in respect of E11evn has been made by Claudio Viveiros for which three relevant representations have been received.

- 2.2 Wiltshire Council (as the Licensing Authority) must hold a hearing to consider the application having regard to the representations. In accordance with Section 35(3) of The Licensing Act 2003 the Licensing Sub Committee is required to take such of the steps listed in 2.4 below as it considers appropriate for the promotion of the licensing objectives. In considering the application and the relevant representations, the Sub Committee must also have regard to relevant Government guidance and the Council's Licensing Policy.

- 2.3 The licensing objectives are:

- i) The Prevention of Crime and Disorder;
- ii) Public Safety;
- iii) The Prevention of Public Nuisance; and
- iv) The Protection of Children from Harm.

- 2.4 Such steps are:

- i) To modify the conditions of the licence
- ii) To reject the whole or part of the application.

- 2.5 On 30 July 2014 an application for a variation to the premises licence at E11evn, 11 The Bridge was received and accepted as a valid application.

2.6 The variation amends both the current layout of the premises (plans attached as **Appendix 1a and 1b**), and the licensable activities. The licensable activities applied for are summarised as follows:

Licensable Activity	Current Days and Timings	Proposed Days and Timings
Provision of facilities for dancing	Sunday 11.00 – 02.00 Monday to Saturday 11.00 – 03.00	Sunday to Thursday - <i>no change</i> Fri to Sat 11.00–04.00
Provision of late night refreshment	Sunday 11.00 – 02.00 Monday to Saturday 11.00 – 03.00	Sunday to Thursday - <i>no change</i> Friday to Saturday 11.00 – 03.30
Sale by retail of alcohol for consumption both on and off the premises	Sunday 11.00 – 02.00 Monday to Saturday 11.00 – 03.00	Consumption on the premises only (removal of off sales). Sunday to Thursday - <i>no change</i> Friday to Saturday 11.00 – 03.30
Opening Hours	Sunday 12.00 – 02.30 Monday to Thursday 11.00 – 03.30 Friday to Saturday 11.00 – 04.30 Christmas Eve 11.00 – 04.30 New Years Eve 11.00 – 04.30 Bank Holidays 11.00 – 04.30	Sunday 11.00 – 02.30 Monday to Thursday <i>No change</i> Friday to Saturday <i>No change</i> Christmas Eve and Boxing Day 11.00 – 04.30 New Years Eve <i>No change</i> Bank Holidays <i>No change</i>

All other licensable activities remain the same as on the current license **Appendix 2**. A copy of the application from Claudio Viveiros is attached as **Appendix 3**.

- 2.7 The premise has been licensed under the Licensing Act 2003 since 2006.
- 2.8 The premise operates as a Night Club on a main road through Chippenham. The Location Plan of the premises is attached as **Appendix 4**.
- 2.9 There are a number of other licensed premises nearby (List as Attached **Appendix 5**).
- 2.10 Since the licence was first issued there have been four variations to the original licence. Including a transfer of the licence from joint owners Claudio Viveiros and a partner to solely Claudio Viveiros on 24 August 2012.

Date of Variation	Nature of Variation
13 June 2007	<p>To allow the consumption of alcohol and provide an area to smoke outside in a small enclosed beer garden during trading hours.</p> <p>To have removed 'Happy Hour' and 'Buy One Get One Free' promotions conditions.</p> <p>To vary hours permitted for licensable activities and opening hours.</p>
1 November 2007	To extend licensing hours on Friday and Saturday nights and all Bank Holidays.
16 January 2009	<p>To change the shape and size of outside Smoking area and Beer Garden.</p> <p>To change statements made under licensing objectives.</p>
30 January 2013	<p>To change the layout inside the property by swapping toilets with a downstairs seating area.</p> <p>To change the summer/winter clock change hours.</p>

- 2.11 There have been a number of incidents and concerns regarding the management of the premises, since the premises has been licensed under the Licensing Act 2003, which have required interventions by Wiltshire Police and the Licensing Authority. A copy of correspondence from Wiltshire Council and Police Licensing Officers to the Premises Licence Holder is attached as **Appendix 6**.

3. Consultation and Representations

- 3.1 The application 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, Wiltshire, SN15 1ER. During the consultation period three relevant representations have been received from one Responsible Authorities and two other persons.

3.2 Responsible Authorities

On 21 August 2014 Wiltshire Police made a representation in connection with this application.

3.3 Other Persons

- Marian Day – 6 Kingsmead Square, Bath, BA1 2AB
- Councillor Chris Caswill – 19 The Street, Cherhill, SN11 8XP

3.4 A summary of the representations made is detailed in the table below:

Representation	Licensing Objective	Accepted
Noise Nuisance	Public Nuisance	Yes
Anti Social Behaviour in the area	Public Nuisance	Yes
Damage to property	Prevention of Crime and Disorder	Yes
Fighting in the streets	Public Safety and Crime & Disorder	Yes
Inability of management to effectively reduce incidents.	Prevention of Crime and Disorder/Public Nuisance/ Public Safety	Yes
Anticipated increased levels of intoxication and alcohol related incidents.	Public Safety/ Crime & Disorder/ Public Nuisance	Yes

3.5 The relevant representations are attached as **Appendix 7a, 7b and 7c**.

3.6 Since the representations were made there have been discussions between the Applicant, Wiltshire Police and the Licensing Authority. These discussions had not been concluded at the time of publication of the Agenda. If there are revised proposals these will be circulated when they are available.

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 The Applicant and all Responsible Authorities and other persons who have made representations 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 all those who have made representations 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 It should be noted that the Premises Licence Holder, the Responsible Authority and other persons who have made representations may appeal the decision made by the Licensing Sub Committee to the Magistrates Court. The appeal must be lodged with the Magistrates Court within 21 days of the notification of the decision.
- 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.
- 6.3 A Responsible Authority or any person may apply to the Licensing Authority for a Review of a Premises Licence. Whether or not a Review Hearing takes place is in the discretion of the Licensing Authority, but, if requested by a person other than a Responsible Authority will not normally be granted within the first 12 months except for the most compelling circumstances.

Report Author: Jemma Price, Public Protection Officer (Licensing)
Date of report 09/09/2014

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 a Current Plan of Layout of Premises
b Variation of Layout of Premises**
- 2 Current Licence**
- 3 Application Form for Variation of Premises Licence**
- 4 Location Plan of Premises**
- 5 List of other Premises in Area**
- 6 Correspondence from Officers to Premises Holder**
- 7 a Wiltshire Police Representation
b Marian Day Representation
c Councillor Chris Caswill Representation**