

Representation form regarding SN15 (Karma) nightclub, Station Hill, Chippenham

Premises about which representation is being made	SN15 Station Hill Chippenham
Your name	Ian Keasey
Postal address	8 St Mary's Place Chippenham Wiltshire SN15 1EN
Contact telephone number	██████████
	Individual
Residents requesting to be represented	Residents in St Mary's Place, Station Hill and New Road (Hard copy signatures available on request)

The residents of St Mary's Place, Station Hill and surrounding areas as well as many of the business premises wish to make it very clear to the applicant and the appropriate authorities that the potential disturbance is very much a priority issue that we feel must be addressed as part of the application with appropriate and sufficient remedies put into place before any licence application can be considered. (Hard copies of signatures are available on request)

There is a range of historical evidence available ranging from call logs to minutes of Council meetings that indicate the level of concern regarding noise disturbance. These should be part of the Local Authority archive but many residents retain this information too. There is clear evidence from the residents adjacent to the premises of the levels of noise disturbance that completely disrupts their lives.

It is widely researched in the USA, Australia, Canada, Europe and the UK with numerous academic studies available on the internet that interrupted sleep has a critical negative impact upon the development of children, young people and adolescents as well as an undue impact upon adults in the form of increased fatigue, increased likelihood of accident, reduced life expectancy, increased exposure to illnesses and disease and greater incidence of mental health issues.

It cannot be stressed too strongly that the relative peace and quiet enjoyed by local residents since the closure of the night club has been a great benefit to family life and living in an urban residential area. To anticipate the levels of disturbance historically suffered is very unsettling, especially for those residents whose homes have been built and occupied since the closure.

Paragraph 1.5 of s.182 Guidance states that the key aims of the local licensing strategy should be to reflect the needs of the local community and these should be contained in the local licensing strategy. The need for people to drink/dance can be delivered anywhere in Chippenham whereas safeguarding wellbeing of the residents close to Station Hill can only be delivered in the vicinity of Station Hill. We would ask the Licensing authority whilst recognising the need for balance to consider what is appropriate for the local area and what do the local residents want? See R (on the application of Hope and Glory Public House Ltd) v City of Westminster Magistrates' Courts & Ors 2011

In England nine million adults currently drink at levels that may pose some risks to their health. Of these:

- 2.2 million drink at higher risk levels for harm
- 1.6 million have some degree of alcohol dependence
- 7 million adults binge drink

Alcohol misuse is linked to a number of harms including violent assaults, accidents and a range of health disorders including high blood pressure, heart disease, stroke, liver disease, some cancers and depression. There were around 1.2 million alcohol-related hospital admissions in England in 2010-11 and close to 15,500 people died from alcohol-related causes in 2010. Alcohol related harm costs the NHS in England £3.5bn a year. The 2014 Alcohol Liver Disease report by Professor Julia Verne (PHE) clearly links the relaxation of the licensing laws to direct harmful health impacts.

Alcohol impacts on families and communities in many ways:

- Almost half of violent assaults
- Domestic violence and marital breakdown
- 27% of serious case reviews (when abuse or neglect of a child is known or suspected)
- Physical, psychological and behavioural problems for children of parents with alcohol problems
- 16% of road fatalities
- The annual cost of alcohol related crime in England is £11bn
- Consumption is influenced by availability

OBJECTIVES	EVIDENCE
<p>1. The prevention of harm to children</p>	<p>There are a number of children resident in St Mary's Place and the local area ranging from pre-school to secondary school age.</p> <p>Since the closure of Karma the area around St Mary's Place has been generally peaceful and a pleasant place for children to grow and develop.</p> <p>Home Office guidance issued in 2014 to supplement the s.182 Guidance clearly states the intent of the Act is to protect children from moral, physical and psychological harm.</p>

	<p>We would contend that the opening of the night club could 'normalise' excessive drinking behaviour for these children and could harm them in the ways as stated above.</p> <p>Children may be frightened or harmed emotionally potentially arresting their social development or giving them a false impression of 'normal' behaviour and having a negative impact on their social development as well as 'glamourising' drinking and intoxication</p> <p>The children may now be exposed to the noise levels generated by a night club and the range of swearing that customers exiting or queuing for the premises utter when intoxicated, the historically high levels of fighting and resultant damage to property/premises and the increase in vomit on the streets, the aftermath of intoxication.</p> <p>We would ask what are the thoughts of the child protection bodies in Wiltshire to the opening of another nightclub in the vicinity of where children live? We would refer you to The Joseph Rowntree Foundation document 'Young People, Alcohol and Influences' 2011 for more detail. Also see R (Copeland) v Tower hamlets London Borough Council 2010</p>
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OBJECTIVES	EVIDENCE
<p>2. To prevent public nuisance</p>	<p>Since the closure of Karma the area around St Mary's Place has been generally peaceful and a pleasant place to live once more.</p> <p>S.182 Guidance clarifies that public nuisance includes low-level nuisance, perhaps affecting a few people living locally, as well as major disturbance affecting the whole community. It also includes the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance can also arise where its effect is prejudicial to health. (see comment above)</p> <p>The potential for excessive noise disturbance with the opening of a night club is very high especially as the application is for seven days a week until 03:00. Historically the</p>

phased exit from the night club does not happen and customers tend to exit en mass which may lead to intoxicated antics and confrontation which prolongs the noise disturbance considerably beyond the closing point.

Both St Mary's Place and the residences on Station Hill have families and adults in employment to whom sleep is a valuable commodity to enable them to function appropriately in their learning and employment. There are now a considerable range of studies that highlight the impact of sleep deprivation and interruption on health and general wellbeing citing loss of life expectancy and exposure to illnesses earlier than the general population and increased mental health symptoms.

Since the closure of Karma the levels of vomit on the streets have decreased significantly but we would, from previous experience, expect these to increase massively having an undue impact on the local area (especially for the local businesses) in terms of extra cleansing, a negative view of the local area by visitors (both residents of Chippenham and beyond), remembering that Station Hill is a gateway to Chippenham; the potential of negative impact on those wishing to sell/let their homes in an area consistently marred by vomit.

It should be noted that the area of St Mary's Place has many poorly lit areas where previously intoxicated customers of the nightclub have chosen to defecate, take drugs, engage in intercourse and have loud arguments and fights.

The vicarage too reports previous occasions of intoxicated customers of the nightclub entering the garden to urinate and vomit.

It should also be noted that St Mary's Place is in a conservation zone and not all residents therefore have been able to install double glazing and are therefore more exposed to any noise disturbance.

The higher incidence of litter may also have a negative impact on how the area is viewed by others as well as increasing costs for

	clearance and attracting rodents and other vermin to the area.
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OBJECTIVES	EVIDENCE
<p>3. To prevent crime and disorder</p>	<p>Since the closure of Karma the incidences of fights have been minimal and we have not observed any people using the more dimly lit areas of St Mary's Place to conduct illicit activity.</p> <p>The incidences of broken glass for the local business premises has fallen dramatically since the closure of the nightclub.</p> <p>It is inevitable, based on previous experience, that these incidences would increase massively impacting on local residents and premises as well as the need for additional policing.</p> <p>If the applicant does not vet customers appropriately illegal activity may take place. We are also concerned about the use of appropriate ID – there are growing incidences of lost or stolen passports associated with night time economy venues which may support serious crime or terrorism activity.</p>

OBJECTIVES	EVIDENCE
<p>4. Public Safety</p>	<p>License holders have a responsibility to ensure the safety of those using their premises including the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption.</p> <p>The safety of customers, intoxicated or not must be a paramount concern of the premises and will need to be managed as will the safety of any other person using Station Hill.</p> <p>With large numbers of intoxicated people leaving the nightclub into an area of continual traffic use the potential for pedestrians to be injured by vehicles or a road traffic collision must be higher than at present.</p> <p>The potential for disturbance may lead local</p>

	residents to 'see' what is happening and then become involved in any altercation or disturbance receiving harm to themselves.
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We would wish to work in partnership with the applicant and licensing authority (s.182 8.40) but we would contend that the applicant needs to demonstrate how they are an exception to the licensing conditions and suggest the following actions that would support the application if put into place

1. Opening times to be limited to minimise potential for disturbance – suggest no more than three days per week and closing by 00:01 with public holidays to be cherished as an opportunity for local residents to enjoy their homes.
2. Appropriate and adequate sound insulation to be fitted to the premises to ensure that minimal noise energy escapes as this represents the most common cause of complaint amongst residents.
3. That all doors and windows are kept closed at all times to prevent the by-passing of the sound insulation allowing escape of noise energy and that where a door is required to be open occasionally that noise baffles are in place to supplement the insulation.
4. That customers leave the premises in a phased manner to avoid the excessive disturbance created when leaving in large groups. The applicant should consider installing CCTV camera.
5. That customers are escorted from the local area in a timely manner to avoid any lingering and potential for disturbance, anti-social behaviour and illicit use of local area.
6. The applicant operate a Challenge 25 policy which will be clearly advertised and staff trained with regards to the challenge 25 policy and the acceptable forms of ID
7. Customers are tested for intoxication upon entry and barred from entry if found to be intoxicated.
8. That customers property is searched upon entry to ensure no illicit substances/items are present.
9. That the applicant consider applying a minimum unit price so as to address excessive alcohol consumption and binge drinking. We would suggest 50p per unit.
10. That customers are refused alcohol if found to be intoxicated on the premises and a record of such refusals is maintained and available for inspection by the relevant authorities. Staff should be trained in how to recognise and refuse service to customers who are intoxicated and how to handle potential troublemakers and defuse difficult situations.
11. That alcohol consumption on the premises be actively managed at safe levels including the provision of seating to enable the proportion of vertical drinking to be 25% of that of seated drinking and/or the provision of waiter service to customers rather than customers buying directly from bars.
12. That there are sufficiently trained first aider with access to appropriate first aid equipment
13. That customers are pro-actively assessed upon exit to ensure that anyone severely intoxicated is held in a safe place until medically assessed and/or collected by a sober, responsible person.
14. That the workforce have current work permits and these are checked regularly.
15. That the applicant ensures that the local area is cleared of vomit and other rubbish

associated with their customers each night of opening in time for the opening of the local businesses.

16. That use of liquid nitrogen on the premises is regulated
17. That the applicant refrains from disposing of rubbish and recyclable material between the hours of 00:00 and 07:00 which causes undue noise.
18. That the applicant provides a substantial bond (in the area of £100,000 or greater) to the Local Authority to ensure that compensation and/or remedial action can be undertaken immediately upon appropriate cause.
19. That the applicant supplies approved devices for measuring noise to local residents and the results are regularly submitted to the Local Authority to determine the level of impact the venue is having.
20. That the applicant agrees to cover the cost to all local residents of appropriate sound insulation in the form of double/triple glazing etc and funding for such is placed in an identified bank account separate from the business accounts of the venue and managed by a qualified trustee/accountant.

Additional information not covered by the Representation Form

Licensing objectives and aims

The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken.

The licensing objectives are:

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

Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.

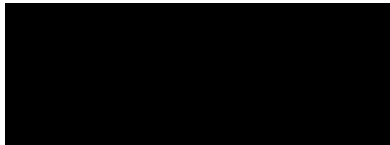
However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work.

They include:

- protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
- giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are

causing problems;

- recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
- providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and
- encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.



Ian Keasey

31/10/2014