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3rd November 2014

Your ref:

Our ref: DT/SN15 Leisure Ltd.

Reply contact name is: Ms D Trethowan

Dear Mrs Holland

Application for a new premises licence by SN15 Leisure Ltd for premises at 17a Station Hill, Chippenham

I provide legal services to the Chief Constable of Wiltshire Police and enclose with this letter the representations of Wiltshire Police in respect of the above application for a full premises licence.

I note that a provisional statement was granted in respect of these premises on 12th April 2013.

In making these representations, my client would wish to bring to the Licensing Authority's attention the fact that, whilst representations are restricted in accordance with section 32 Licensing Act 2003 following the grant of a provisional statement in respect of premises, those representations are only excluded by virtue of section 32(2) where both the conditions set out in section 32(3) are satisfied. Those conditions are:

- (a) *given the information provided in the application for the provisional statement, the relevant person could have made the same, or substantially the same,*

representations about that application but failed to do so, without reasonable excuse, and

(b) there has been no material change in circumstances relating either to the relevant premises or to the area in the vicinity of those premises since the provisional statement was made.

My client therefore submits that it is self-evident that where representations rely on information or circumstances arising and/or becoming available since the application for the provisional statement, section 32(3)(a) cannot apply.

Consequently, my client's representations about, for example, the new Designated Premises Supervisor proposed for the premises and the present capacity of SN15 Leisure Ltd, whose function(s) in respect of the proposed operation has been radically differently described to police in meetings during 2014, to meet the mandatory section 16(1)(a) criteria and to satisfactorily comply with its own business plan, fall into this category.

Furthermore, those representations fall outside the section 32(2)(b) condition in any event, as they concern important changes to the circumstances relating to the premises. The identity of a Designated Premises Supervisor is expressly material to the grant of a provisional statement (section 31)(2)(b)) and the power to refuse to specify a person as Designated Premises Supervisor).

So far as my client's representations are about the history of the premises prior to the application for the provisional statement and its impact on the licensing objectives are concerned, these representations were made in respect of that application and accordingly do not fall within the category of excluded representations, which are defined by section 32(2)(3).

If however, notwithstanding the points that I have raised in this letter, the Licensing Authority is minded to exclude any part of the enclosed representations, my client would be grateful for (a) an indication of the potential basis for such a decision, and (b) the opportunity to make full representations, orally and/or in writing, to the Licensing Authority.

If I may be of any further assistance to you in respect of this matter, please let me know. Otherwise, I understand from my client that you will be forwarding copies of this letter to the Applicant and its solicitors.

Yours sincerely



**Dilys Trethowan
Force Solicitor
Wiltshire Police**

Enc.

Application for a new premises licence by SN15 Leisure Ltd for premises at 17a Station Hill, Chippenham

Following the receipt of an application for a full premises licence, made further to the grant of a provisional statement on 12th April 2013, Wiltshire Police make the following representations:

1. Police made a representation in respect of the application for a provisional statement in relation to concerns about the levels of crime associated with the presence of a late night venue at this location. The presence and operation of such a late night venue has historically resulted in a significant increase in alcohol related crime, in particular violent crime, public disorder and anti-social behaviour with a resultant negative impact on the community. The concerns held at the time of the provisional hearing remain unchanged and to support this further representation Police will provide data showing the reduction in reported violent crime, alcohol related arrests and numbers of police incident (Storm) logs following the licensing reviews of the Karma Nightclub and its subsequent closure in October 2011.

2. It is the assessment of the police that there have been significant changes in the management structure of the operation since the provisional application was granted, in particular, (a) the identity of the proposed Designated Premises Supervisor (DPS) has changed; (b) doubts have been raised about whether or not the proposed corporate premises licence holder intends to carry out a business involving the provision of licensable activities at the premises; and (c) the police now have serious concerns about Paul Shayegan, who is apparently the active director of the applicant. The DPS has an extremely important function in respect of this (as with any) licensed premises. The police have serious concerns in respect of the intended incumbent (James Lever) as outlined below:

(a) Craig Meikle was named as the person who would perform the role of DPS and had provided the provisional hearing panel with detailed information in respect of how he intended to run the premises. However, on the 24th of June 2014 Police and a Council Officer met with Paul Shayegan. At this meeting it was learned that he intended to appoint a different DPS, a James Lever. Mr Shayegan stated he had found Craig Meikle to be unreliable.

On the 4th of July 2014 the Police Licensing Officer met with James Lever and Tom French, his business partner. The purpose of the meeting was to assist in the assessment of James Lever as the potential DPS of SN15. Mr Lever stated that he would not be working for Paul Shayegan and that his own company was in fact the proposed operator of the venue. He stated that Paul Shayegan was simply a mediator between his company and the lease holders, Michael Rosser and Peter Beckenham, who were previously involved in running the Karma nightclub at the premises until its

licence was revoked in 2011. James Lever had no knowledge of the provisional statement and the conditions attached to it.

Enquiries into the Licensing history of venues managed by James Lever has raised serious concerns, most recently at Tiger Bills, Swindon which, following crime and disorder, was closed by the landlord of the building after Police intervention. James Lever left the premises owing thousands of pounds to suppliers. Other premises in which James Lever has had an interest were also subject to similar difficulties. Police will provide detailed information to support this. During meetings with James Lever, Police questioned the validity of documents produced by him including a curriculum vitae and a financial plan; he was not able to offer any satisfactory answer to those queries. Financial enquiries revealed that James Lever was not able to sustain the level of investment promised and could offer no information as to where additional funds may be secured.

(b) and (c) Police find that there have been changes in the management structure of the operation since the provisional application was granted, namely, the Managing Director (Paul Shayegan) and have serious concerns as outlined below:

Paul Shayegan appeared before the Sub-Committee for the provisional hearing. He gave evidence of his experience within the industry and stated that he was responsible for the operation of premises known as the Blue Rooms (a nightclub located in Bath). He had previously provided this information to the police and council licensing officers. Indeed, both made a visit to the premises at the invitation of Mr Shayegan in order to make an assessment. The premises were found to be in a very poor state of repair and were not the vibrant well run business Paul Shayegan had described.

In June 2013 information came to light regarding the Blue Rooms. An application for Summary Review had been made by Avon and Somerset Police. The review application outlined their serious concerns following a covert operation at premises which resulted in four persons being charged with and subsequently convicted of possession with intent to supply – class A drugs, including a member of staff. In addition, concerns were raised and evidenced in relation to levels of violent crime and disorder. Bath and North East Licensing Sub Committee imposed further conditions on the licence.

On the 13th of June 2013 Paul Shayegan was invited to attend a meeting to discuss the Blue Rooms operation. The Police Licensing Officer and Inspector Staynings (Wiltshire Police) were present. During the meeting Paul Shayegan denied any link to the Blue Rooms stating his brother and his nephew ran the premises. He would not confirm or deny that he had misled the Licensing Committee on the 12th of April 2013 when he stated he ran the Blue Rooms.

Police believe that the applicant has been inconsistent in his approach through these changes and are not satisfied that a robust management team is in place, which is absolutely critical given the history of the premises.

In summary, Police have concerns regarding the anticipated levels of crime, the proposed management; specifically the ability to run a late night town centre venue and fully promote the Licensing objectives.

At this time Police are not satisfied that the application promotes the licensing objectives, and therefore make these formal representations in respect of this application relating to the licensing objectives, prevention of crime and disorder; public safety and prevention of public nuisance.

Date: 3rd November 2014

