

**IN THE MATTER OF AN APPLICATION FOR A PREMISES LICENCE FOR SN15,  
17A STATION HILL, CHIPPENHAM, WILTSHIRE.**

**STATEMENT OF JACQUI GALLIMORE**

I, **JACQUI GALLIMORE**, Licensing Officer, Licensing Department, Trowbridge Police Station, Polebarn Road, Trowbridge, Wiltshire BA14 7EP will say as follows:

1. The proposed SN15 nightclub is situated on Station Hill, within the town centre area of Chippenham. The building fronts directly onto the road. The area provided for entertainment and the sale of alcohol ranges over two floors. A 'garden area' is provided for smokers which is contained within the perimeter of the building at the rear. The previous occupiers – Constantine Leisure Limited operated the building as a nightclub known as Karma from September 2008. Entertainment included a range of guest DJ's, student nights and foam parties, the premises operated with a capacity of 700 persons.
2. During the summer of 2009 police found that unacceptable levels of crime and disorder were associated with the club, and a period of consultation began with the venues owners, managers and door staff to secure improvements. Regular meetings

were held to address specific issues. Although some improvement was seen during this period the premises continued to be associated with unacceptable levels of crime and disorder and during the spring of 2010 the shift pattern of the response officers covering Chippenham and the surrounding towns was adjusted to take account of the club's impact within the town on a Thursday night into a Friday morning.

On June 3<sup>rd</sup> 2010 an incident at the premises resulted in the arrest of three members of door staff from the club, for assault police and obstructing police. Two members of door staff appeared in court, and on 29/03/11 changed their plea from not guilty to guilty, for the offence of obstructing a police officer in the execution of his duty. They were both given a conditional discharge and ordered to pay CPS costs. One of the males was also ordered to pay compensation.

- 3 On the 10<sup>th</sup> of June 2010 review papers were served by Wiltshire Police on Constantine Leisure Limited, known as Karma Chippenham. The designated premises supervisor was at the time a Peter Beckenham, the club was owned by Mr. Beckenham and a Michael Rosser. The premises were at the time managed on a day to day basis by a Karl Frost. Door supervisors were supplied by Steve Dunn as Director of Nightlife Security.

At a hearing on the 2<sup>nd</sup> of August 2010, the Licensing Sub Committee imposed a number of conditions on the premises licence designed to reduce the levels of crime and disorder and improve the management of the premises. The levels of crime and disorder associated to the premises continued at an unacceptable level. The extreme levels of intoxication of some persons frequenting the premise continued to be a cause for concern. The number of injuries sustained by persons frequenting or leaving the

premises also continued to be a cause for concern. On the 25<sup>th</sup> of January 2011 police made a further application for review, requesting the revocation of the licence.

At a hearing in May 2011 the Licensing Sub Committee heard evidence from police and local residents, and revoked the licence. The premises licence holder appealed the decision to the Magistrates Court, at a hearing in October 2011 at North West Wiltshire Magistrates. The decision of the Licensing Sub Committee was upheld and the nightclub closed.

- 4 In the Spring of 2012, Police and the Licensing Authority were approached by a Paul Shayegan regarding the former Karma Building. A number of meetings were held to discuss the proposals. Police outlined to the applicant the previous licensing history of the premises, and the concerns regarding the management of the premises. The applicant stated that there was no connection between him and the previous regime. Paul Shayegan stated that he was an experienced night club operator citing premises in Bath; the Blue Rooms, which he stated he was responsible for running. At the invitation of the applicant Police and Council Licensing Officers visited the Blue Rooms during performance on the 11<sup>th</sup> of August 2012. The premises were found to be very quiet on the night but it was apparent that the club was in a very poor state of repair and was not the vibrant well run business Paul Shayegan had described to me at our initial meet. Enquiries were made with licensing colleagues from Avon and Somerset Police, the Licensing Officer described the Blue Rooms as a problem premise, that required monitoring and some intervention by Police, but that at that time there was insufficient evidence to warrant enforcement action. In subsequent meetings with me Paul Shayegan fully admitted that the Bath premises needed some work. He was advised by Police that a much higher standard in terms of venue presentation would be required to ensure that the premises attracted the clients Paul

Shayegan stated he wished to frequent the club i.e. over 25's seeking a safe, well run venue. He gave me assurances that significant investment would be available to refurbish the building to a high standard.

Following the initial consultation a number of applications were made in relation to the premises, each one being rejected by the Licensing Authority due to technical matters.

## **5 Provisional Statement**

An application was made by SN15 Leisure Limited in March 2013 for a provisional statement in respect of the former Karma Nightclub, and the Designated Premises Supervisor (DPS) was named as Craig Meikle. This application was properly made and accepted by the Licensing Authority. The application included a 'management plan' for the site and a document produced by Craig Meikle which covered the following key points –

- (a) There was no connection between the applicant and the 'old Karma regime'.
- (b) Independent specialists had been employed to deal with specifically noise and fire matters.
- (c) Paul Shayegan's (Director SN15 Leisure Ltd) experience within the industry, stating 20 years.
- (d) Craig Meikles's experience within the industry and his role within Chippenham Pubwatch.
- (e) Plans to refurbish the building including outside areas.
- (f) Plans to reduce capacity, improve CCTV and numbers of door staff to be deployed including naming the door staff provider.

(g) Recognition of the difficulties experienced on Station Hill and in the town centre during the period Karma was trading.

(h) Written commitment to work with Police.

6 In considering the application, Police reviewed previous meetings with Paul Shayegan, the attached documents and the character and experience of the proposed DPS Craig Meikle. Meikle was well known to the Police Licensing Department as the former DPS at another Chippenham late night venue – Bar 11. Craig had several years experience running the club and was formerly the Chair of Chippenham Pubwatch. He had proactively worked with other representatives of the Chippenham Late Night Economy and Police to improve the town centre. Police considered Craig Meikle to be sufficiently experienced to promote the licensing objectives as DPS of the proposed operation.

However concerns remained regarding the anticipated return of in particular violent crime levels associated with the re-emergence of this late night venue. Police data revealed on average a consistent 25% drop in violent crime since the closure of the club. A representation was made by Police on that basis.

7 At a hearing on the 12<sup>th</sup> of April 2013, Police and local residents made written and oral representation, Police presented data which detailed the violent crime levels in the town centre during the period Karma operated, and after its closure. The data showed very significant drops in violent crime and associated activity for example arrests this data has been updated to the current date exhibited as (JMG 1).

During the hearing Paul Shayegan confirmed his experience within the nightclub industry citing the Blue Rooms Bath by way of example to the Sub Committee. Craig

Meikle gave evidence as to his operational experience within the Chippenham night time economy and his proposed management plan.

A provisional statement was granted by the Northern Area Licensing Sub Committee, in its decision notice the Sub Committee noted that they had taken account of the management proposals and the evidence including the oral evidence presented by the applicant, a number of conditions were imposed – Decision Notice exhibited as (JMG 2)

Following the grant of the provisional statement a number of applications for a full premises licence were submitted by the applicant and were again rejected by the Licensing Authority on technical grounds.

#### **8 Blue Rooms Bath**

In June 2013 information came to light regarding the Blue Rooms, Bath an application for Summary Review had been made by Avon and Somerset Police in January 2013. The review application outlined the serious concern following a police 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 increasing levels of violent crime and disorder, the application is exhibited as (JMG 3) Bath and North East Licensing Sub Committee refused the Police application to close the premises but imposed further conditions.

9 On the 13<sup>th</sup> of June 2013 Paul Shayegan was invited to attend a meeting to discuss the Blue Rooms operation. Inspector Staynings and I presented the newly acquired information regarding the club. During the meeting Paul Shayegan denied having any link to the Blue Rooms stating his brother a Kambiz Shayegan and his nephew ran the premises. His nephew being one of the four persons arrested was sentenced to one

year in prison for possession of cocaine and intending to supply cocaine. He would not confirm or deny that he had misled the Licensing Committee on the 12<sup>th</sup> of April 2013 when he stated that he ran the Blue Rooms.

10 During consultation with Wiltshire Council it was agreed that Paul Shayegan may have committed the offence of - making a false statement in or in connection with an application contrary to section 158 Licensing Act 2003; no further action was taken at the time.

#### **11 Application for a premises licence**

An application was made on the 19<sup>th</sup> of June 2014 and accepted by the Licensing Authority a number of documents were attached, this application was made in the name of SN15 Leisure Ltd; the application was signed by Paul Shayegan.

On the 24<sup>th</sup> of June 2014 the Police and Council Licensing Officer met with Paul Shayegan and his son at County Hall, Trowbridge. The applicant had requested the meeting to update both the Police and Council in relation to the proposed night club operation.

He explained that improvements had been made to the building and that a noise test had been carried out to the satisfaction of an independent sound engineer. He confirmed that fire safety works had been carried out to the satisfaction of the Fire Officer.

He went onto explain that he had found a new Designated Premises Supervisor (DPS) a James Lever, as he had found Craig Meikle to be unreliable. He stated that he still intended to employ a team of local door supervisors.

During the meeting I requested further details of the proposed DPS, for example, his previous experience. I was very surprised when Paul Shayegan was unable to provide any further information, other than to say that he thought James Lever was a part

owner in another business. In my experience I would have expected an operator to have some knowledge of the proposed DPS, given the importance of the role. I would have expected Paul Shayegan to know where James Lever had previously worked and in what capacity. Paul Shayegan stated that he still intended to supervise the new venue, but that the day to day running would be left to James Lever. I agreed to contact James Lever to arrange to meet with him to discuss his role as DPS at the new venue.

During the course of the conversation Paul Shayegan explained that he still did not hold the lease for the building 17A Station Hill and that the owners were still Michael Rosser and Peter Beckenham. He stated that Michael Rosser paid for the sound proofing and fire safety work, the intention being that, on securing the premises licence, Paul Shayegan would take on a 15 year lease of the premises.

12 On the 4<sup>th</sup> of July 2014 I met with James Lever at Monkton Park Police Station Chippenham, also present was Inspector Hobman and a Tom French. James Lever explained that Tom French was his business partner. I explained that the purpose of the meeting was to assess James Lever's ability as the potential DPS at the new venture. As a Police Licensing Officer I regularly carry out meetings with new DPS's to establish their previous experience within the their chosen sector of the licensed trade to ensure that they are suitably experienced to carry out the role and promote the licensing objectives. These meetings also offer an invaluable opportunity to build a working relationship between the DPS and police. I was very surprised when James Lever stated 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 he had no links to the previous management, referring to the Karma management. He stated that Paul Shayegan was simply a mediator between his company and the lease holder. I



explained that confirmation would be required from the applicant SN15 Leisure Ltd that this was the current position, Tom French advised that he was incorporated as a Director of SN15 Leisure Ltd in December 2013 and as such he was authorised to speak on behalf of the company. Companies House searches confirm his directorship.

I expressed some confusion and concern that the proposed management structure seemed to have undergone a wholesale change in a period of less than two weeks.

During the meeting it became clear that James Lever had no knowledge of the provisional statement and the conditions attached to it, and I explained the process to him. James Lever explained in some detail the proposed operation, there was a discussion surrounding the night time economy in Chippenham. He stated that he was visiting Chippenham on that evening to assess the town. He stated that he viewed the first meeting as a preliminary meeting and that he was happy to provide further information to any of the responsible authorities.

13 Between the 4<sup>th</sup> and 11<sup>th</sup> of July 2014 there were a number of email exchanges between Police, Wiltshire Council and the applicant, James Lever. On the 11<sup>th</sup> of July 2014 James Lever advised Wiltshire Council that all previous submitted documents should be disregarded.

14 A revised application was received on the 11<sup>th</sup> of July 2014 a number of documents were attached, this application was made in the name of SN15 Leisure Ltd; the application is signed by a James Lever. The contact details provided were however those of Paul Shayegan.

15 Enquiries into the licensing history of venues managed by James Lever raised serious concerns, most recently at Tigerbills, 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 had an interest were also subject to similar difficulties. This led me to test further the claims made by James Lever as to his experience within the night time economy, I was also concerned given the financial difficulties experienced at Tigerbills that James Lever and his business partner may not have sufficient funds to refurbish the venue to the required standard. I requested a number of documents during an email conversation on the 11<sup>th</sup> of July 2014 exhibited as (JMG 4)

16 During a meeting on the 18<sup>th</sup> of July 2014 with James Lever and his business partner Tom French, 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. Financial enquires 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. This matter is dealt with in more detail by my colleague Sian Kalyinka in her statement dated 16<sup>th</sup> November 2014.

17 On the 22<sup>nd</sup> of July 2014 Police made formal representation to the application citing –

- a) The negative impact on the levels of violent crime at the location previously seen when the venue was poorly managed.
- b) The material change in the management structure and the lack of confidence in the management.
- c) The management plan was not venue specific.
- d) The aspirational nature of the plan - no finances in place.

The application was withdrawn by the applicant and a fresh application was made on the 4<sup>th</sup> of October 2014; this application, made in the name of SN15 Leisure Limited, named James Lever as DPS and the applicant's representative being TLT Solicitors,

Bristol. The application and documentation attached being as per the provisional statement.

18 On the 22<sup>nd</sup> of October 2014 I attended a meeting at the former Karma building to inspect the premises. Present were Paul Shayegan and his Solicitor Matthew Phipps – TLT and a number of Council Officers. The purpose of the meeting was to inspect the premises. Having viewed the building it was clear that other than the noise and fire works required there had been no further improvements to the building, which is now in a poor state of repair. During the meeting I advised the applicant and his representative that it was the police's position that – each application was considered on it's own merits and a number of key factors guided the decision making process, including the experience of the proposed operators and key staff, the previous history of the venue and the nature of the proposed operating style, hours and the ability of the operators to deliver a standard of venue which would fully promote the licensing objectives. I also advised that the current application relied upon the provisional statement; material submitted both written and given in oral evidence by Paul Shayegan and Craig Meikle formed part of the decision making of the Committee hearing the application for the provisional statement. The current application again submits the same written evidence which is now clearly out of date in relation to the management structure and in relation to Paul Shayegan's evidence found to be false. Police considered that a 'material change' had taken place which would have significant impact up on the licensing objectives and that the matter was being considered further.

In addition I advised that the application relies on James Lever as DPS; concerns were raised as to his capability. Paul Shayegan asked why he was not told about Police concerns; he was advised that we were not in a position to do so given that the July

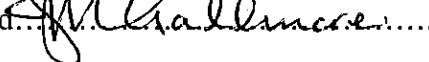
application was dealt with by James Lever and Tom French (Director SN15) who advised us that he - Paul Shayegan was no longer concerned in the application.

- 19 The application in its current format does not I believe fully promote the licensing objectives. There is still confusion regarding the operator's role within the application and there is concern that those concerned in the company SN15 Leisure Ltd do not have the necessary operational experience to properly run a 700 capacity night club. There are a number of concerns regarding the suitability of the proposed DPS as detailed in my colleague's statement. I was the licensing officer that prepared the review applications made by police in 2010 and 2011 and during that time I collated hundreds of pages of evidence to support the review applications. The content of these documents often being crime reports and details of injuries sustained, I also reviewed hours of CCTV and witnessed numerous images of very intoxicated people leaving the Karma club leaving themselves vulnerable to accident or becoming victims of crime. During the period I was aware that entire shifts of police were re rostered to cope with the increasing demand on resource. I was also aware that Karma had significantly higher levels of violent crime attributed to its operation than any other premises in Wiltshire (excluding Swindon). Throughout the review and appeal period one theme remained consistent, the high levels of crime and disorder could be almost entirely attributed to poor management practices, and this was evidenced by the Sub Committees decision to impose conditions in 2010. The revocation of the licence in 2011 also recognises the failings of the management. I have been a Police Licensing Officer for over 11 years, and through experience and having considered all the evidence to date I am not satisfied that the current applicant and management have the necessary experience or expertise in this area of business. I have also considered the proposals for the building. Through my experience of working with and

understanding the licensed trade I have an understanding of the significant levels of investment required to bring buildings up to a standard that promote the licensing objectives – that is to say provide an environment which sets a standard and creates an atmosphere which is enjoyed and respected by customers. I note that in recent press reports Paul Shayegan quotes an investment of approximately £25,000. Having viewed the building in the last three weeks I not sure the aspiration of a high class venue serving cocktails is achievable on such a small investment.

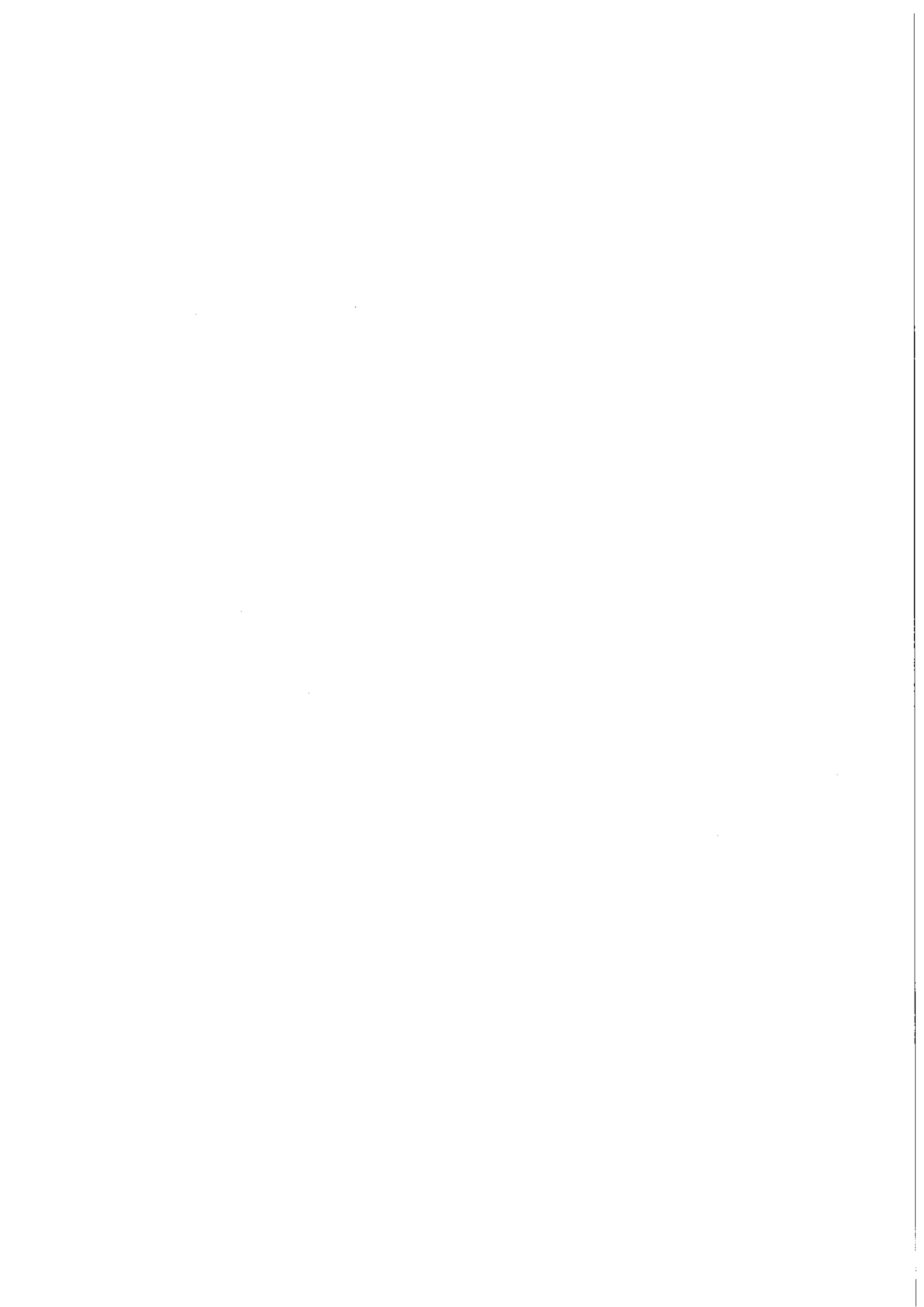
Statement of Truth

I confirm that the contents of this statement are true to the best of my knowledge and belief.

Signed... .....

Dated 18<sup>th</sup> November 2014

**JACQUI GALLIMORE**



JMG 1.

# Karma Closure Data Summary – Refresh November 2014

## Key Dates

- August 2010 – Karma review, conditions set
- March 2011 – 2<sup>nd</sup> Karma review (postponed)
- May 2011 – Review held, licence suspended - premises appealed
- October 2011 – Appeal hearing, licence revoked

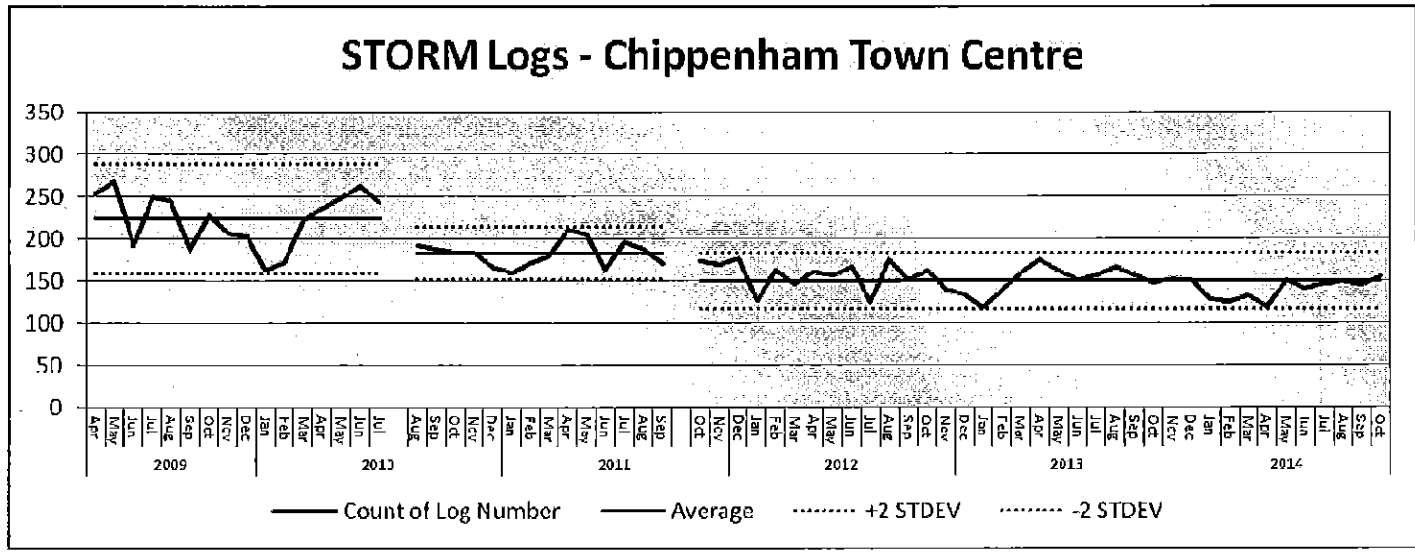
The data in this summary seeks to provide an impact assessment of the closure of Karma. This assessment looks at the volume of STORM logs created in the Chippenham Town Centre (EP11), Station Hill and SN15 1EQ, along with the number of violence against the person offences (VAP) and the number of arrests made.

## STORM Logs

In terms of the number of STORM logs created for EP11, we see a 33% reduction in the average monthly volume from the period before the Karma review compared with the period since the licence was revoked. We also see greater stability in the monthly volume of created logs with less fluctuation in volumes.

The graph below demonstrates the three periods;

1. Pre review (Apr 2009 – July 2010)
2. Period with conditions set (Aug 2010 – Sep 2011)
3. Period once licence revoked (Oct 2011 – Jun 2014)

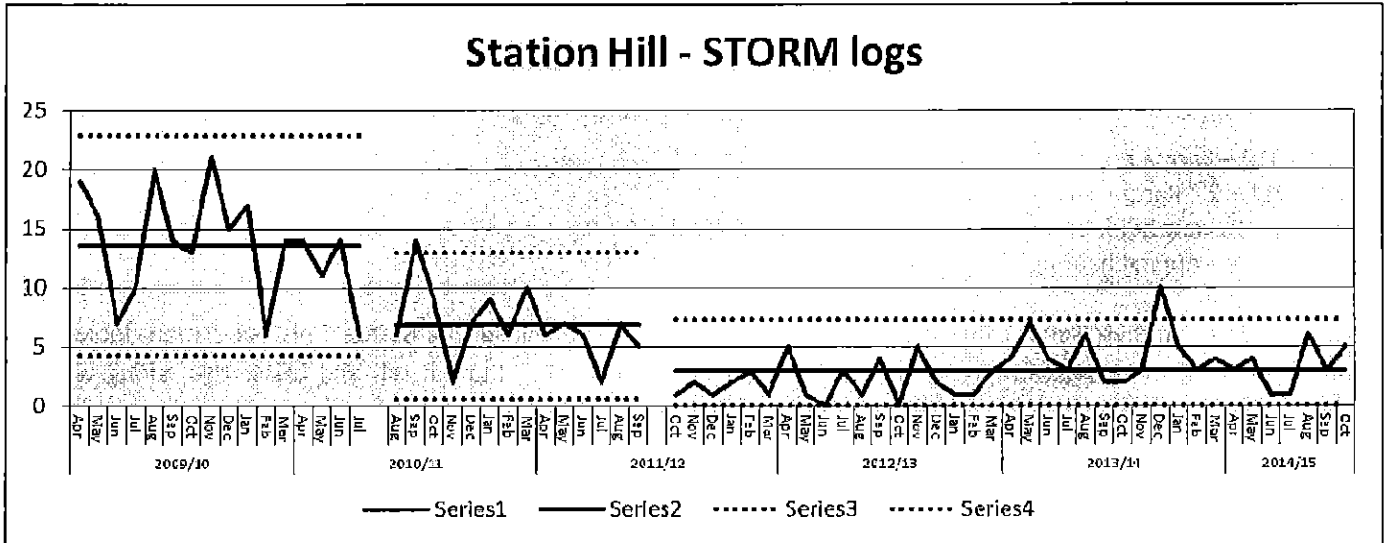


Source: STORM

By comparison, a reduction in STORM logs has been seen in ET11 (Trowbridge Town Centre), however this reduction is 15% and does not follow the same stepped reduction pattern as that seen in EP11.

In the smaller location area of Station Hill we continue to see this stepped pattern of reduction in STORM logs and greater stability in monthly volume that coincides with the conditions set and closure of Karma.

In comparison to the period before conditions were set, we see a 78% reduction in the average monthly volume of STORM logs in this location.



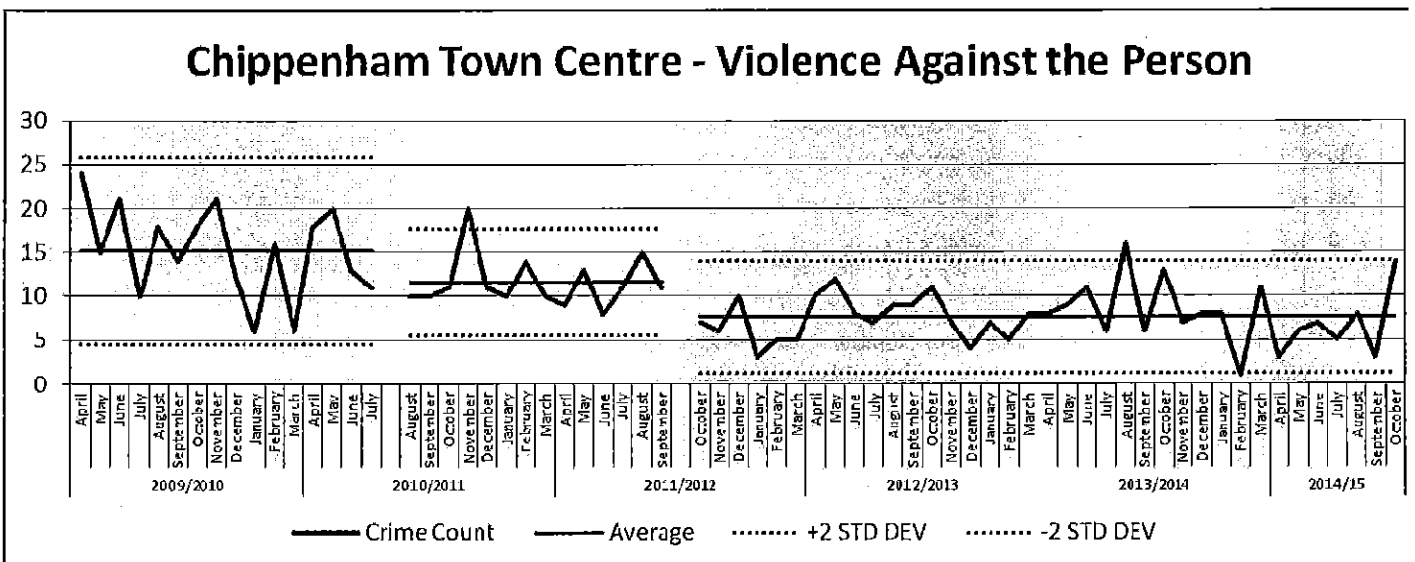
Source: STORM

During the period between April 2009 and September 2011, there are 145 STORM logs that are assigned to the specific postcode SN15 1EQ. Of the 145 STORM logs 72% (105) are specifically related to the Karma premises.

This represents an average of 3.5 STORM logs per month, compared to 1.3 STORM logs related to other premises within this postcode area. Since the closure of Karma we have recorded an average of 1.1 STORM logs per month for this postcode.

### Violence against the Person

Recorded offences of violence against the person have seen a reduction in the monthly average of 50% when comparing the period before the conditions were placed on Karma, to the period where the licence was revoked.



Source: Niche

When this is compared to the average reduction in the same time period across the force we see a 6% reduction in violence against the person offences, and again this reduction does not show the same stepped pattern as that seen in EP11. Greater stability is seen in the volume VAP with fluctuations monthly volume reduced.



A comparison with ET11 shows a 6% reduction in the average volume of VAP offences in the same time period with relative stability in this volume since April 2009.

**Cost of Violence against the Person**

In terms of cost savings we are able to draw an approximation of the cost of VAP Offences from the Home Office Research Study 217 (HORS 217)<sup>1</sup> which published estimated unit costs of a range of crime types for 2003/04. These estimates are composed of three elements: costs incurred in anticipation of crime (such as security expenditure), as a consequence of crime (such as property stolen and emotional or physical impacts), and in response to crime (costs to the criminal justice system). A revision of cost was provided in 2010.

Based on VAP only (excluding harassment offences) in EP11, the average monthly cost of violence offences in the period between April 2009 and July 2010 was £112,525. This compares to an average monthly cost of £92,022 during the period where conditions were set and £53,854 in the period following the closure of Karma.

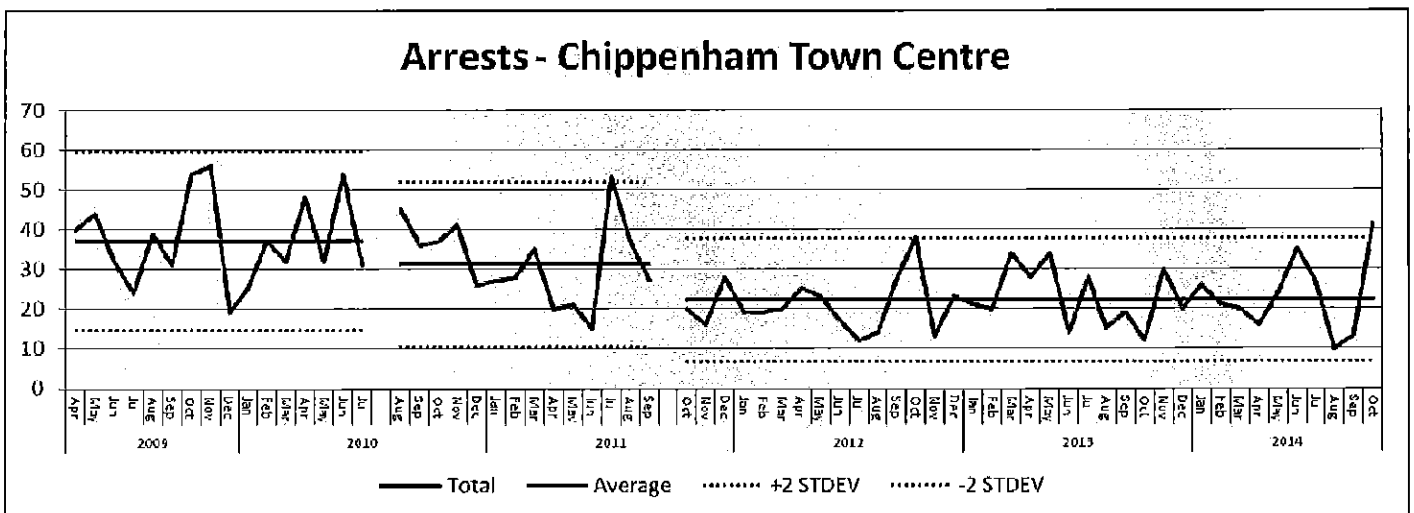
This represents a cost reduction for violence against the person offences of 52% - an annual reduction of £704,046.

These costs do not represent the full picture of actual cost as they do not take into consideration the cost of responding to anti social behaviour and other criminal offence types linked with the night time economy.

**Arrest Volume**

The volume of arrests in EP11 follows a similar pattern to that of STORM logs and VAP volume, with a stepped reduction in the monthly averages which coincide with key dates.

The chart below demonstrates the 40% reduction in arrests in EP11 from the period before conditions to the period after closure. Again this also demonstrates that the volume of arrests has become more stable and less subject of large fluctuations in volume.



Source: Niche

By comparison ET11 saw a 10% reduction in arrests in the same time period.

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## Summary

All indicators highlighted above would suggest that the closure of Karma has had a positive impact on volume of incidents dealt with, volume and cost of violence against the person offences, and the volume of arrests made in EP11.

- The monthly average STORM log volume for EP11 has reduced by 33%
- The monthly average STORM log volume for Station Hill has reduced by 78%
- The monthly average of violence against the person offences has reduced by 50%
- The volume of arrests in EP11 has reduced by 40%
- The approximate annual cost reduction of violence against the person offences in EP11 is £704,046

Greater stability has been seen across all measures and stepped reduction corresponding with significant dates has also been noted.

Comparison with another sector and with force volumes where available, indicate that these reductions are not reflected elsewhere and as such not influenced by a force wide process change.

## Recommendations

Gather observations of the impact that the closure of Karma on the night time economy in EP11 from those that police the area. This will enable us to draw comparisons of the before and after in order to give a front line perspective, giving the balance of volume and supporting verbatim commentary and will assist with giving the picture of how that time/resource saving can be invested elsewhere.

Understand the resourcing impact that we are likely to see should we be in a position where the Karma premises reopens.

Nicola Calway  
Senior Business Intelligence Analyst  
Business Improvement

## DECISION NOTICE

### Northern Area Licensing Sub Committee

**Decision made on 12 April 2013**

**In respect of an application for a Provisional Statement made by  
SN15 Limited for premises at 17A Station Hill, Chippenham**

**Decision:**

The Northern Area Licensing Sub-Committee have considered an application by SN15 Ltd for a provisional statement for premises at 17A Station Hill, Chippenham in relation to the following proposed licensable activities:

	<b>Timings</b>	<b>Days</b>
<u>Provision of regulated entertainment</u>		
Films	11:00 to 03:00	Daily
Live music	11:00 to 03:00	Daily
Recorded music	11:00 to 03:00	Daily
Performance of dance	11:00 to 03:00	Daily
Anything of a similar description	11:00 to 03:00	Daily
Sale by retail of alcohol on sales only	11:00 to 02:30	Daily
Hours Premises Open to the Public	11:00 to 03:00	Daily

The Sub-committee having taken note of the management proposals by SN15 Limited has issued the following provisional statement:

The applicants are required to produce a proper schedule of works to bring the property into a satisfactory condition, which is fit for purpose, implementing all of the recommendations in the acoustic report by Ian Sharland Limited dated 10<sup>th</sup> November 2012 and the Fire Precautions Survey Report by Roger Tombs dated 7<sup>th</sup> November 2012 to the satisfaction of the Licensing Authority. On completion of the works and the installation of any PA system a commissioning exercise is to be undertaken to establish sound levels to the satisfaction of the licensing authority.

If the premises were altered in the way proposed in the schedule of works as described above and if a premises licence were sought for those premises in the terms set out in

this application, then the Authority would consider it appropriate for the promotion of licensing objectives to modify the application and attach further conditions as follows:

The closing time of the premises on Sunday to Wednesday nights to be 02.00 hours the following morning with the terminal hours of licensable activities to be adjusted accordingly in particular supply of alcohol to cease at 01.30 hours on those days.

The external amenity area, as described in the acoustic report, is only to be used for smoking after 23.00 hours and is to be restricted to a maximum of 40 persons. The smoking area shall be restricted to the upper patio area. This area is to be appropriately managed by the applicant to ensure compliance

No rubbish or recyclable material is to be disposed of from the premises between the hours of 02.00 and 07.00

The Authority would also impose conditions consistent with those set out in the management plan and the operating schedule, as submitted with the application, and those previously applied to the premises licence for 17A Station Hill, held by Constantine Leisure Limited as at the time of its revocation in October 2011, as attached.

**Reasons:**

The Sub-Committee consider the proposed modifications and conditions would meet the licensing objectives in particular the prevention of public nuisance and the prevention of crime and disorder.

**Evidence:**

In reaching its decision the Sub Committee has considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 31); the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

The Sub Committee have also considered the written evidence presented in the agenda, together with the oral evidence given at the hearing on behalf of the applicant, the responsible authorities and other persons who had made representations.

The applicant had explained that it was his intention to create an atmosphere in the club where patrons would have respect for the premises. They would not have any cheap drinks promotions and would seek to educate patrons that unsociable behaviour was not acceptable. They were aware of the issues that had led to the previous premises licence being revoked and would work hard with the relevant authorities to ensure that similar problems did not recur.

The representatives of the licensing and public protection authorities explained that their main concerns were that the works set out in the acoustic and fire prevention reports were implemented in full, to reduce the impact of noise from the premises and that, in particular, the use of the outside area be restricted.

The police's representative referred to the problems that had existed when the premises had previously operated as a nightclub and drew attention to the reduction in

the number of recorded incidents in the area, since the previous nightclub had closed. They noted that the type of operation being proposed was similar to that which had led to problems of nuisance and crime and disorder in the past.

Cllr Caswill and the other persons who gave evidence, also referred to the problems that they and their neighbours had experienced in the past from the premises and stated that they did not consider this to be an appropriate location for a nightclub.

Having taken into account all of the representations, the Sub-committee felt that there were not sufficient grounds to state that a premises licence application would be refused. They were concerned at the inadequacies in the schedule of works, but considered that, if a proper schedule of works were implemented, then the concerns about noise from the premises would be addressed. They also felt that it would be appropriate to impose similar conditions to those that had been previously applied to the premises, to address the other concerns that had been raised, in particular those about nuisance caused by persons leaving the premises.

### **Right to Appeal**

All parties have the right to appeal to the Magistrates Court against the terms of this statement. Any such appeal must be made within 21 days of receipt of this statement.



## NORTHERN AREA LICENSING SUB COMMITTEE

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**DRAFT MINUTES OF THE NORTHERN AREA LICENSING SUB COMMITTEE  
MEETING HELD ON 12 APRIL 2013 AT COUNCIL CHAMBER - COUNCIL  
OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER IN RESPECT OF AN  
PROVISIONAL STATEMENT - SN15, STATION, HILL, CHIPPENHAM**

**Present:**

Cllr Desna Allen, Cllr Ernie Clark and Cllr Jonathon Seed

**Also Present:**

**SN15 Ltd**

Mr P Shayegan  
Mr C Meikel  
Mrs B Daniels

**Responsible Authority**

Linda Holland – Senior Licensing Officer  
Paul Taylor – Senior Legal Officer  
Richard Francis – Senior Environmental Health Officer  
Kate Golledge – Public Protection Manager

**Persons who made Representation**

Cllr Chris Caswill  
Mr R Burford  
Ms M Croucher  
Mr I Keasey

**Wiltshire Police**

Ms J Gallimore  
Roger Bull  
John Brixey

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**1 Election of Chairman**

Nominations for a Chairman of the Licensing Sub Committee were sought and it was

**Resolved:**

**To elect Councillor Jonathon Seed as Chairman for this meeting only.**

2 **Procedure for the Meeting**

The Chairman explained the procedure to be followed at the hearing, as contained within the "Wiltshire Licensing Committee Procedural Rules for the Hearing of Licensing Act 2003 Applications" (Pages 1 – 8 of the Agenda refers).

3 **Chairman's Announcements**

The Chairman gave details of the exits to be used in the event of an emergency.

4 **Declarations of Interest**

There were no interests declared.

5 **Licensing Application**

**Application by SN15 Ltd for a Provisional Statement for SN15 17a Station Hill Chippenham**

The Licensing Officer introduced the purpose and scope of the application, the premises to which it related and the key issues for consideration.

In accordance with the procedure detailed in the agenda, the Applicant, the Responsible Authorities and persons who had made relevant representations were given the opportunity to address the Sub Committee.

Key points raised by Mr Shayegan, the applicant, were:

- He had been in the business for 30 years and owned clubs in Bath.
- He had always been interested in opening a business in Chippenham.
- He recognised that the club had had problems in the past but believed that was due to bad management.
- He wanted a club where people would be treated with respect, could dress up and have a good time without getting drunk and fighting.
- They would work with the customers to build up a good relationship with them.
- Drugs would not be tolerated.
- Security would be comprehensive.
- There had been a noise report which had been agreed to. Regarding noise on the street – people would be asked to leave at 02.30 and security would ensure that people left the premises quietly and safely. Security would patrol until 03.30. There would also be CCTV to check the street.
- A taxi firm would be available to ensure that taxis were available all the time.
- Litter etc would be cleaned up the next day.



Mr Shayegan then introduced Mr Craig Meikle who would be the Designated Premises Holder.

Mr Meikle explained that he had been the manager of Club 11 for three and a half years and had been Chair of Pubwatch. He was aware of the issues at the previous nightclub in the premises. The proposed club would be a respectable venue and be a safe environment.

Mr Shayegan introduced Mrs Barbara Daniels who would provide security to the proposed nightclub. Mrs Daniels explained that she has been operating in Chippenham for nine years and supplied security to other premises in the town. The security men would ensure that people who were intoxicated would be placed in taxis. There would be CCTV and door to door radios.

The Sub Committee then asked questions of the applicant:

- How any behavioural issues would be addressed by security?

*We will have more than one doorman and others can be called if necessary. We also have CCTV.*

- How many security staff will be on duty at any time.

*There be will 10 SIA staff both men and women.*

- What connection was there between the old management and SN15 Ltd.

*Nothing other than they are the landlord.*

Questions from the Responsible Authority (Mrs Kate Golledge of Wiltshire Council) were:

- We would question Area Global Management's acoustic qualifications.

*We have told them I have a standard to meet. They have met with Ian Sharland and an agreement has been reached and they will comply with the noise report.*

- What is the chill out area to be used for and will you have a cut-off point.

*It will be like a Moroccan area with hubbly bubbly. It is just for people to sit and enjoy drinking quietly. We propose to use sound abating materials. We will close it at 2am.*

- Our policy states that residents shall not be prevented from sleeping from 11pm to 6am. There are residences within 10m of the club – how do you propose to control the noise in the yard?

After a short recess it was agreed that that use of the outside area would cease at 11pm for drinking and then only be in use for up to 40 smokers at any one time until closing time.

Questions raised by the Police were:

- What are the leasehold arrangements?

*The lease is for one year. The intention is to buy the freehold.*

- What are the estimated costs for refurbishment?

*I estimate about £25000*

- So no quotes just a guess?

*Correct.*

Questions raised by Persons who made Relevant Representations were:

- The sound consultant's reports states that you advised him that there had been no complaints about noise in the past.

*I had no information from the previous owners, I did not know there had been issues with noise.*

- On page 77 of the acoustic report that closing time is given as 2am not 3am will that affect the recommendations?

*That is a mistake.*

- Can we have your assurance that the acoustic report covers a 3am close?

*Yes*

- Feel that the drugs policy is inadequate – can we have assurances that more detail and fuller measures will be taken?

*We can make random searches and if we are suspicious we will call the Police. We have zero tolerance of drugs.*

- We need to be reassured that noise suppression is adequate and noise barriers will not be disengaged.

*The sound measures will address these issues.*

Key points raised by Ms Gallimore of Wiltshire Police were:

- The Police position was that the application broadly met all the Police requirements.
- Police would work closely with the applicant.
- Police were satisfied with Mr Meikle and also with Mrs Daniels.
- Would question the applicant's financial commitment to this venture.

The Police then drew attention to the agenda supplement which detailed incidents in Chippenham when the old Karma Club was open and after it had closed. Police had been able to assess what was normal without the club being open.

Questions raised by the Sub Committee were:

- Could your statistics be influenced by other premises?

*The data is location specific. We can't attribute it to just one location but there is a correlation between the statistics and the constant presence of the nightclub.*

- Crime rates have dropped in all of Chippenham anyway?

*Yes however the drop was so dramatic it could only be attributed to one incident, that is the closure of Karma.*

Key points raised by Persons who made Relevant Representations were:

- This is not the right place for a nightclub.
- The sound consultant has made some assumptions.
- Previous owners have the potential to be associated with the premises.
- There is not a clear schedule of works.
- Resident's lives were blighted when Karma was open.
- Concerned about the level of damage that has been done to properties in the past

There was a recess for lunch at 1.05pm.

The Hearing reconvened at 1.40pm.

The parties were then given the opportunity to sum up.

The Sub Committee then retired to consider the application and were accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officer.

Following the deliberations of the Sub Committee Members, the Solicitor for the Council made a statement of material legal advice given in closed session.

The Sub Committee considered all of the submissions made to it and the written representations together with the Licensing Act 2003, Statutory Guidance and Regulations and the Licensing Policy of the Council

**Resolved:**

That the Northern Area Licensing Sub Committee have considered an application by SN15 Ltd for a provisional statement for premises at 17A Station Hill, Chippenham in relation to the following proposed licensable activities:

	<b>Timings</b>	<b>Days</b>
<u>Provision of regulated entertainment</u>		
Films	11:00 to 03:00	Daily
Live music	11:00 to 03:00	Daily
Recorded music	11:00 to 03:00	Daily
Performance of dance	11:00 to 03:00	Daily
Anything of a similar description	11:00 to 03:00	Daily
Sale by retail of alcohol on sales only	11:00 to 02:30	Daily
Hours Premises Open to the Public	11:00 to 03:00	Daily

The Sub Committee having taken note of the management proposals by SN15 Limited has issued the following provisional statement:

The applicants are required to produce a proper schedule of works to bring the property into a satisfactory condition, which is fit for purpose, implementing all of the recommendations in the acoustic report by Ian Sharland Limited dated 10<sup>th</sup> November 2012 and the Fire Precautions Survey Report by Roger Tombs dated 7<sup>th</sup> November 2012 to the satisfaction of the Licensing Authority. On completion of the works and the installation of any PA system a commissioning exercise is

to be undertaken to establish sound levels to the satisfaction of the licensing authority.

If the premises were altered in the way proposed in the schedule of works as described above and if a premises licence were sought for those premises in the terms set out in this attached application, then the Authority would consider it appropriate for the promotion of licensing objectives to modify the application and attach further conditions as follows:

The closing time of the premises on Sunday to Wednesday nights to be 02.00 hours the following morning with the terminal hours of licensable activities to be adjusted accordingly in particular supply of alcohol to cease at 01.30 hours on those days.

The external amenity area, as described in the acoustic report, is only to be used for smoking after 23.00 hours and is to be restricted to a maximum of 40 persons. The smoking area shall be restricted to the upper patio area. This area is to be appropriately managed by the applicant to ensure compliance

No rubbish or recyclable material is to be disposed of from the premises between the hours of 02.00 and 07.00

The Authority would also impose conditions consistent with those set out in the management plan and the operating schedule, as submitted with the application, and those previously applied to the premises licence for 17A Station Hill, held by Constantine Leisure Limited as at the time of its revocation in October 2011, as attached.

**Reasons:**

The Sub Committee consider the proposed modifications and conditions would meet the licensing objectives in particular the prevention of public nuisance and the prevention of crime and disorder.

**Evidence:**

In reaching its decision the Sub Committee has considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 31); the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

The Sub Committee have also considered the written evidence presented in the agenda, together with the oral evidence given at the hearing on behalf of the applicant, the responsible authorities and other persons who had made representations.

The applicant had explained that it was his intention to create an atmosphere in the club where patrons would have respect for the premises. They would not

have any cheap drinks promotions and would seek to educate patrons that unsociable behaviour was not acceptable. They were aware of the issues that had led to the previous premises licence being revoked and would work hard with the relevant authorities to ensure that similar problems did not recur.

The representatives of the licensing and public protection authorities explained that their main concerns were that the works set out in the acoustic and fire prevention reports were implemented in full, to reduce the impact of noise from the premises and that, in particular, the use of the outside area be restricted.

The police's representative referred to the problems that had existed when the premises had previously operated as a nightclub and drew attention to the reduction in the number of recorded incidents in the area, since the previous nightclub had closed. They noted that the type of operation being proposed was similar to that which had led to problems of nuisance and crime and disorder in the past.

Cllr Caswill and the other persons who gave evidence, also referred to the problems that they and their neighbours had experienced in the past from the premises and stated that they did not consider this to be an appropriate location for a nightclub.

Having taken into account all of the representations, the Sub Committee felt that there were not sufficient grounds to state that a premises licence application would be refused. They were concerned at the inadequacies in the schedule of works, but considered that, if a proper schedule of works were implemented, then the concerns about noise from the premises would be addressed. They also felt that it would be appropriate to impose similar conditions to those that had been previously applied to the premises, to address the other concerns that had been raised, in particular those about nuisance caused by persons leaving the premises.

### **Right to Appeal**

All parties have the right to appeal to the Magistrates Court against the terms of this statement. Any such appeal must be made within 21 days of receipt of this statement .

The Officer who has produced these minutes is Pam Denton of Democratic Services

Press enquiries to Communications, direct line (01225) 713114/713115

## Bath & North East Somerset Council

MEETING: Licensing (Gambling and Licensing) Committee

AGENDA  
ITEM  
NUMBER

MEETING  
DATE: 15 January 2013

TITLE: **Licensing Act 2003 – Interim Steps** following service of Summary Review application in respect of Blue Rooms, Royal York Hotel, 1 York Buildings, George Street, Bath BA1 2EB

WARD: Abbey

### LIKELY TO BE HELD IN EXEMPT SESSION

#### List of attachments to this report:

- Annex A Application for the Summary Review of a Premises Licence and Certificate
- Annex B Copy of Current Premises Licence
- Annex C Copy of Home Office Summary Review Guidance

## 1 THE ISSUE

- 1.1 An application has been received from the Chief Officer of the Police calling for a Summary Review of the premises licence in respect of **Blue Rooms, Royal York Hotel, 1 York Buildings, George Street, Bath BA1 2EB**.

Section 21 Violent Crime Reduction Act 2006 amended the Licensing Act 2003 to make provision for a fast track licence review procedure aimed at tackling serious crime and/or serious disorder.

Applications for Summary Review made under s.53(a) Licensing Act 2003 must be determined no later than 28 days after the day received by the Licensing Authority. Part of this procedure allows for **interim steps** to be taken prior to the determination of the review application.

Powers provided under the Licensing Act 2003 only apply to premises authorised to sell alcohol by virtue of a premises licence.

Only the Chief Officer of the Police may apply for a Summary Review of the premises licence and the application **MUST** be accompanied by a signed certificate, issued by a senior police officer of rank Superintendent or above, stating that he believes the premises to be associated with serious crime, serious disorder or both.

#### **The Role of the Licensing Authority**

On receipt of a Summary Review application from the Police the Licensing Authority **MUST within 48 hours:**

- Consider whether it is necessary to take interim steps to prevent serious crime, serious disorder or both occurring at the premises.

**Within 28 days** (starting the day after the application is received by the Licensing Authority) a hearing must take place to determine the review application.

The Licensing Authority must advertise the application for at least **7 consecutive days** starting the day after receipt, inviting representations from "any persons" within **10 working days** of the advertisement appearing.

## **2 RECOMMENDATION**

- 2.1 That the Sub Committee considers any **interim steps** necessary to prevent serious crime, serious disorder or both from occurring at the premises in the period prior to the review hearing.

## **3 FINANCIAL IMPLICATIONS**

- 3.1 There are no financial implications arising from this report.

## **4 THE REPORT**

- 4.1 An application for a Summary Review (accompanied by signed certificate) has been received from the Chief Officer of the Police in respect of the premises licence for Blue Rooms, Royal York Hotel, 1 York Buildings, George Street, Bath BA1 2EB (Annex A).

The grounds for review relates to serious crime at the premises.

- 4.2 The Licensing Authority may, having had regard to the application and supporting certificate, take any of the following steps (if any) as it considers necessary for the promotion of the licensing objectives and to prevent serious crime, serious disorder or both from occurring at the premises in the period leading up to the review hearing.

- a) Modify the conditions of the Licence
- a) Exclude the sale of alcohol from the scope of the Licence
- b) Remove the Designated Premises Supervisor
- c) Suspend the Licence until the review hearing

**Any determination made by the Licensing Authority in respect of interim steps will have immediate effect.**

- 4.3 The Licensing Authority will also have regard to the Council's Licensing Policy, the Statutory Guidance issued under Section 182 of the Licensing Act 2003 (Annex C), the Licensing Act 2003 and the Home Office Summary Review Guidance dated 2012
- 4.4 No appeal can be made to interim steps made by a licensing authority. The premises licence holder may however make representations, at any time prior to the review hearing, and the Licensing Sub Committee would be required to re-consider such representations within 48 hours.



**The subsequent full review of the premises licence is to be conducted in accordance with the review provisions specified in s.51 Licensing Act 2003.**

- 4.5 The current Premises Licence is attached at Annex B.
- 4.6 The Home Office Guidance published is attached at Annex C.
- 4.7 This report has not been sent to the Trades Union because they would have no involvement in this application.

**5. RISK ASSESSMENT**

A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management.

**6. EQUALITIES**

There are no adverse or significant issues relating to this report.

**7. ISSUES TO CONSIDER WHEN REACHING A DECISION IN RESPECT OF INTERIM STEPS**

When reaching a decision the Licensing Authority must carry out its functions with a view to promoting the four licensing objectives under Section 4 of the Licensing Act 2003. In doing so it must consider whether it is necessary to take interim steps prior to the review hearing which must be held within 28 days following the day the application for Summary Review was served on the Authority.

<b>Contact person</b>	Terrill Wolyn, Licensing Officer, 01225 396939
<b>Background papers</b>	The Licensing Act 2003 Violent Crime Reduction Act 2006 Guidance issued under s.182 of the Licensing Act 2003 dated 2012 Summary Review Guidance issued by the Home Office dated 2012 BANES Licensing Policy



Sevedant W@  
14:30 14.01.2013

Avon and Somerset Constabulary

**ANNEX**

**CERTIFICATE UNDER SECTION 53A(1)(b) OF THE LICENSING ACT 2003**

I hereby certify that in my opinion the premises described below are associated with serious crime / ~~serious disorder~~ / ~~both serious crime and serious disorder~~.

Blue Rooms  
Royal York Hotel  
1 York Buildings  
George Street  
Bath  
BA1 2EB

Premises licence number: 10/01224/PAPRE

Name of premises supervisor: Blair Damian Ruddick

I am Chief Superintendent Geoff Spicer in the Avon and Somerset Constabulary.

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case, because:

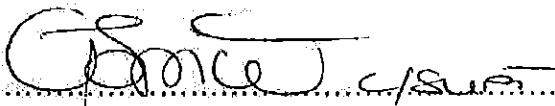
Immediate action is required in relation to the management and use of the premises, which a standard review cannot speedily address.

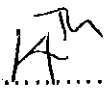
Technov Ltd is the Premises Licence Holder and Blair Damian Ruddick is the Designated Premises Supervisor of Blue Rooms.

A police operation has taken place over two months and has identified the premises as associated with serious crime, as defined by the Regulation of Investigatory Powers Act 2000, namely the supply of controlled substances, commonly referred to as Class A drugs.

A summary review is deemed appropriate at this stage due to the seriousness of the suspected offences and that it will allow the premises to be closed immediately or subject to whatever interim measures the Licensing Committee considers appropriate.

Criminal charges have been brought as part of this operation, however, the criminal investigation may take some considerable time to finalise and therefore the summary review is a necessary step in promoting the Licensing objectives as prescribed by the Licensing Act 2003.

  
(Signed)



ENVIRONMENTAL SERVICES	
Jan 2013	
(Date)	11 JAN 2013
Post Log No.	.....
Receipt No.	.....
CH/CA	.....

## FORM FOR APPLYING FOR A SUMMARY LICENCE REVIEW

(Insert name and address of relevant licensing authority and its reference number (optional))

Bath and North East Somerset Council  
3-4 Manvers St. Bath. BA1 1 JQ

**Application for the review of a premises licence under section 53A of the Licensing Act 2003 (premises associated with serious crime or disorder)**

## PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing the form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. **Use additional sheets if necessary.**

I Ch/Superintendent Geoff Spicer (on behalf of ) the chief officer of police for the Avon And Somerset Constabulary apply for the review of a premises licence under section 53A of the Licensing Act 2003.

**1. Premises details**

Postal address of premises, or if none or not known, ordnance survey map reference or description:

Blue Rooms, 1 York Buildings, George St, Bath BA1 2 EB

**2. Premises licence details:**

Name of premises licence holder (if known): Technov Ltd, George St, Bath.

Number of premises licence holder (if known):

**3. Certificate under section 53A(1)(b) of the Licensing Act 2003 [Please read guidance note 1]:**

I confirm that a certificate has been given by a senior member of the police force for the police area above that is his opinion the above premises are associated with serious crime or disorder or both, and the certificate accompanies this application.

(please tick the box to confirm)

ENVIRONMENTAL SERVICES

14 JAN 2013

Post Log No: .....

Receipt No: .....

#### 4. Details of association of the above premises with serious crime, serious disorder or both:

[Please read guidance note 2]

A covert policing operation was run at the Blue rooms Nightclub between November 2012 and December 2012.

The objective of the operation was to:

- Destroy and dismantle organised Crime Groups affecting BANES communities
- Secure evidence in relation to the supply of controlled drugs – by arrest, prosecution and conviction of offenders.
- To adopt a multi agency preventative approach to re-offending and reduction of anti-social behaviour attributed to drug use and licensing breaches.
- Through joint partnership working, provide drug treatment opportunities to drug users

During this operation, a considerable number of deals of Class A drugs were made to covert police officers. As a result of this operation five people have been arrested and 4 charged to court relating to the supply of Class A drugs. Those charged have been remanded in to custody pending trial. These premises appear to be habitually used for the purpose of Class A drug supply and use.

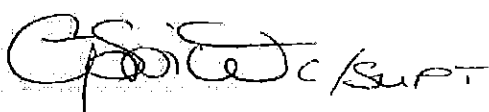
The criminal investigation may take some considerable time to finalise and therefore the summary review is a necessary step in promoting the Licensing objectives as prescribed by the Licensing Act 2003.

It appears there has been a gross failure to promote the licensing objectives in respect of the prevention of crime and disorder.

Since February 2012 there have been numerous incidents of disorder, including serious assaults, public disorder, drunkenness, antisocial behaviour associated with the premises. These incidents have had a major impact on both victims, visitors to the city and residents living nearby.

Police evidence suggests that there is a disproportionate amount of serious violence positively linked to the premises.

Serious concerns exist with regard the overall management structure of the premises, and the failure to promote the licensing objectives in respect of the prevention of crime and disorder.

  
Signature of applicant:

14 Jan 2013

ENVIRONMENTAL SERVICES	
14 JAN 2013	
Post Log No:	.....
Receipt No:	.....
CH/CA £	.....

Date: 14<sup>th</sup> Jan 2013

Capacity: District Commander

**Contact details for matters concerning this application:**

Address:

Inspector Steven Mildren,  
Bath Police Station,  
Manvers Street. Bath.

Telephone Number(s): 012258462475.

Email: Steven.Mildren@avonandsomerset.police.uk

Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or

- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.

<b>ENVIRONMENTAL SERVICES</b>
14 JAN 2013
Post Log No. ....
Receipt No. ....
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**Schedule 12  
Part A**

**Regulation 33, 34**

**Premises Licence**

<b>Premises Licence Number</b>	10/01224/LAPRE
--------------------------------	----------------

**Part 1 – Premises Details**

**Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code**

Blue Rooms  
Royal York Hotel  
1 York Buildings  
George Street  
Bath  
BA1 2EB

**Telephone number**      01225 470040

**Where the licence is time limited the dates**    Not applicable

**Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities**

**Sale of Alcohol**

Monday	10:00 - 00:00
Tuesday to Saturday	00:00 - 00:00
Sunday	00:00 - 23:30

**Performance of Dance (Indoors only)**

Monday	10:00 - 00:00
Tuesday to Saturday	00:00 - 00:00
Sunday	00:00 - 23:00

**Exhibition of a Film (Indoors only)**

Monday	10:00 - 00:00
Tuesday to Saturday	00:00 - 00:00
Sunday	00:00 - 23:00

**Performance of Live Music (Indoors only)**

Monday	10:00 - 00:00
Tuesday to Saturday	00:00 - 00:00
Sunday	00:00 - 23:00

10/01224/LAPRE

**Performance of Recorded Music (Indoors only)**

Monday	10:00 - 00:00
Tuesday to Saturday	00:00 - 00:00
Sunday	00:00 - 23:00

**Other Entertainment within Act (Indoors only)**

Monday	10:00 - 00:00
Tuesday to Saturday	00:00 - 00:00
Sunday	00:00 - 23:00

**Late Night Refreshment (Indoors only)**

Monday to Saturday	23:00 - 05:00
--------------------	---------------

Sale of Alcohol - From normal activity start time on New Year's Eve until normal activity finish time on New Year's Day.

Performance of Dance - From normal activity start time on New Year's Eve until normal activity finish time on New Year's Day.

Other Entertainment within Act - From normal activity start time on New Year's Eve until normal activity finish time on New Year's Day. Other Entertainment is competitions, cultural, comedy and magic performers and provision of facilities for making music, dancing and entertainment of a similar description.

Late Night Refreshment - From normal activity start time on New Year's Eve until normal activity finish time on New Year's Day.

**The opening hours of the premises**

Monday	10:00 - 00:00
Tuesday	00:00 - 00:00
Wednesday	00:00 - 00:00
Wednesday	00:00 - 00:00
Thursday	00:00 - 00:00
Thursday	00:00 - 00:00
Friday	00:00 - 00:00
Friday	00:00 - 00:00
Saturday	00:00 - 00:00
Saturday	00:00 - 00:00
Sunday	00:00 - 23:00

From normal opening time on New Year's Eve until normal opening time on 1 January.



**Where the licence authorises supplies of alcohol whether these are on and/or off supplies**

Alcohol is supplied for consumption both on and off the premises

**Part 2****Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Technov Ltd  
George Street  
Bath  
BA1 2EB  
01225 339004 (agent)  
info@bluerooms.net

**Registered number of holder, for example company number, charity number (where applicable)**

Registered Business Number - Not applicable

**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Mr Blair Damian Ruddick  
21 Camden Crescent  
Bath  
BA1 5HY  
01225 470040

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

B&NES/08/02975/LAPER  
Bath & North East Somerset Council

This licence is issued by Bath & North East Somerset Council as licensing authority under Part 3 of the Licensing Act 2003 and regulations made thereunder.

Signed for and on behalf of  
Bath & North East Somerset Council:

Dated 2 November 2012

10/01224/LAPRE

**ANNEX B**

**Annex 1 – Mandatory conditions**

No supply of alcohol may be made under the premises licence:

- a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

---

Any individual employed to carry out a security activity must be licensed by the Security Industry Authority.

---

Substantial food and non-alcoholic beverages, including drinking water to be available throughout the permitted hours when the sale of alcohol is permitted.

There shall be no discounted prices on alcoholic drinks and no 'happy hour'.

The supervision enhanced CCTV system currently installed at the premises shall be maintained in working order and provided with recording facilities with tapes being retained for 30 days and made available to the police for investigative and evidential purposes.

A copy of the premises licence and conditions attached thereto to be prominently displayed at the entrance to the premises for persons entering the premises.

---

From 6 April 2010:

Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010

1. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children: (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or (ii) drink as much alcohol as possible (whether within a time limit or otherwise); (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act); (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less; (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on (i) the outcome of a race, competition or

10/01224/LAPRE

other event or process, or (ii) the likelihood of anything occurring or not occurring; (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner. NB THIS CONDITION DOES NOT APPLY TO OFF SALES.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability). NB THIS CONDITION DOES NOT APPLY TO OFF SALES.

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available. NB THIS CONDITION DOES NOT APPLY TO OFF SALES.

From 1 October 2010:

4. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol. (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

5. The responsible person shall ensure that (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures (i) beer or cider: ½ pint; (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and (iii) still wine in a glass: 125 ml; and (b) customers are made aware of the availability of these measures. NB THIS CONDITION DOES NOT APPLY TO OFF SALES.

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**Annex 2 – Conditions consistent with the Operating Schedule**

The existing CCTV system shall be maintained, including retention of recordings for 31 days and be produced for evidential reasons to any Police Officer who has reasonable grounds to so request.

A capacity limit of 300 persons will be maintained with no more than 100 persons using the sub-basement area.

Upon leaving the premises all persons shall be advised to do so quietly.

A phone service to local taxi services will be offered and persons will be asked to remain in the foyer of the premises until the taxi arrives.

Regulated entertainment on the Basement Floor (entry level) shall cease at 23.30 hours each day.

The Premises shall be a member of any organisation that exists locally to assist in safer bars, clubs and the circulation of information from one Premises to another.

---

**ANNEX 8**

**Annex 3 – Conditions attached after a hearing by the licensing authority**

On days that the premises trades for the sale of alcohol after 12 midnight a minimum of two SIA doorstaff will be on duty from 30 minutes before the premises are open to the public until closure, one of whom shall be positioned at the top of the steps leading to the main entrance in George Street. Communication to exist between door staff and the duty manager.

Subject also to the following times for opening, sale of alcohol, provision of regulated entertainment and late night refreshment, namely -

**Opening hours -**

Monday 10:00 - 00:00 (Midnight)

Tuesday - Saturday 24 hours

Sunday 00:00 (Midnight) - 23:30

**Sale of Alcohol -**

Monday 10:00 - 00:00 (Midnight)

Tuesday - Saturday 24 hours

Sunday 00:00 (Midnight) - 23:00

**Provision of Regulated Entertainment (by way of Films, Live and Recorded Music, Performance of Dance, Entertainment of a Similar Description, and provision of facilities for making music, dancing and entertainment of a similar description, indoors) -**

Monday 10:00 - 00:00 (Midnight)

Tuesday - Saturday 24 hours

Sunday 00:00 (Midnight) - 23:00

**Provision of Late Night Refreshment -**

Monday - Saturday 23:00 - 05:00

Sunday N/A

The above times shall be in addition to the seasonal variations as applied for and set out in the Operating Schedule.

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**ANNEX 8**



**Annex 4 – Plans**

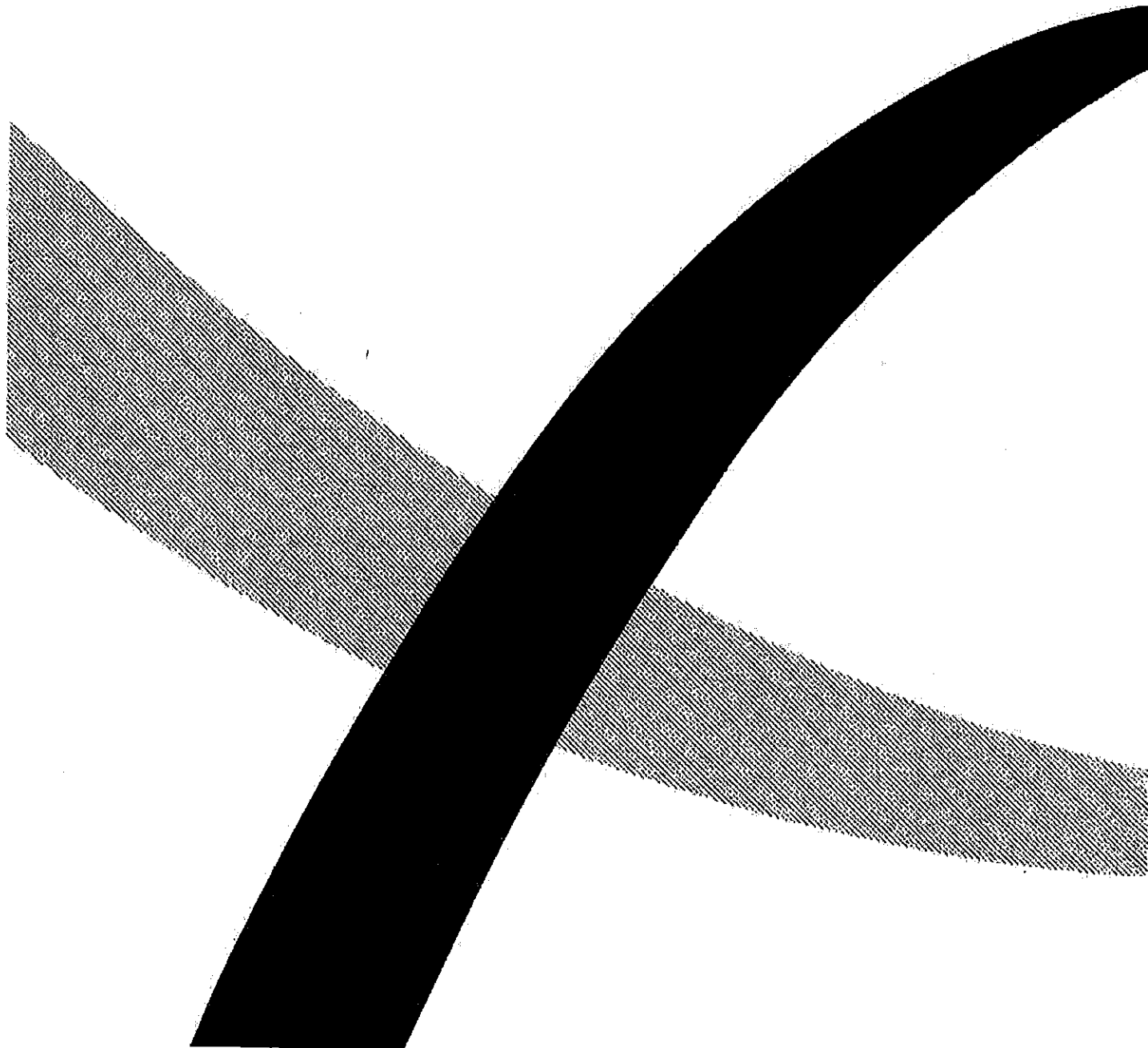
As submitted with application.

**ANNEX 8**



Home Office

**Section 53A Licensing Act 2003**  
Summary Review Guidance



## **CONTENTS**

- 1. Introduction**
- 2. The Steps – Summary Review**
- 3. The Licensing Authority and the Interim Steps**
- 4. Making representations against the Interim Steps**
- 5. The Review of the Premises Licence**
- 6. Right of Appeal**

## **ANNEX A**

- 1. Certificate Under section 53A(1)(b) of the Licensing Act 2003**

## **ANNEX B**

- 2. Application for the review of a premises licence under section 53A of the Licensing Act 2003 (premises associated with serious crime or disorder)**

## INTRODUCTION

- 1.1 This guidance explains how to use the provisions in the Licensing Act 2003 ("the 2003 Act"), inserted by section 21 of the Violent Crime Reduction Act 2006, which allow a quick process for attaching interim conditions to a licence and a fast track licence review when the police consider that the premises concerned is associated with serious crime or serious disorder (or both).
- 1.2 This guidance has no statutory basis but is intended to assist police forces and licensing authorities when considering using the procedures.
- 1.3 The powers are set out in sections 53A to 53C of the 2003 Act and apply only where a premises licence authorises the sale of alcohol. They do not apply in respect of other premises licences, or to premises operating under a club premises certificate. The purpose of these powers is to complement existing procedures in the 2003 Act for tackling crime and disorder associated with licensed premises. Existing powers in Part 8 of the 2003 Act provide for the instant closure of premises by the police in some circumstances (in essence, disorder or nuisance) and the consequent review of premises licences by the licensing authority. The powers under sections 53A to 53C, which are in Part 3 of the 2003 Act, are aimed at tackling serious crime and serious disorder, in particular (but not exclusively) the use of guns and knives.
- 1.4 The powers allow:
- the police to trigger a fast track process to review a premises licence where the police consider that the premises are associated with **serious** crime or **serious** disorder (or both); and
  - the licensing authority to respond by taking interim steps quickly, **where appropriate**, pending a full review.
- 1.5 In summary, the process is:
- the chief officer of police for the area in which the premises are situated may apply to the licensing authority for an expedited review of a premises licence where a senior police officer has issued a certificate stating that in his/her opinion the premises are associated with serious crime or serious disorder (or both);
  - on receipt of the application and the certificate, the licensing authority must within 48 hours of the time of its receipt consider whether it is necessary to take interim steps pending determination of the review of the premises licence – the authority must in any event undertake a review within 28 days after the day of receipt of the application.
- 1.6 The options open to the licensing authority at the interim steps stage include:
- modification of the conditions of the premises licence;
  - the exclusion of the sale of alcohol by retail from the scope of the licence;
  - removal of the designated premises supervisor from the licence; and

- suspension of the licence.

1.7 Following the full licence review, the licensing authority may do any of the above or may revoke the licence.

1.8 The purpose of this guidance is to:

- set out the circumstances where the power can be used; and
- outline the process and the steps at each stage.

## **THE STEPS**

### **2. Triggering the expedited review**

2.1 Section 53A of the Licensing Act 2003 sets out who may apply for an expedited review and the circumstances in which it can be used.

#### **Application for expedited review**

2.2 The chief officer of police for the area in which the premises are situated may apply to the relevant licensing authority for an expedited licence review if a **senior member** of the force has issued a **certificate** that in his/her opinion a licensed premises is associated with **serious crime or serious disorder (or both)**.

2.3 The key definitions used above are:

- **Senior member of the force:** This must be an officer of the rank of superintendent or above.
- **Certificate:** This is a formal note which identifies the licensed premises and includes a signed statement by a senior officer that he believes the premises is associated with serious crime, serious disorder or both. **This form is not prescribed in legislation. However, a sample form which forces may wish to adopt is attached at annex A to this guidance.**
- **Serious crime:** The tests to determine the kinds of conduct that amount to serious crime are set out in section 81(2) and (3) (a) and (b) of the Regulation of Investigatory Powers Act 2000. Those tests are that the conduct:
  - (a) constitutes an offence for which a person who is 21 years of age or over with no previous convictions could reasonably be expected to be sentenced to imprisonment for 3 years or more; and
  - (b) involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.
- **Serious disorder:** There is no definitive list of behaviours that constitute serious disorder, and the matter is one for judgment by the local police. The phrase should be given its plain, ordinary meaning, as is the case under section 12 of the Public Order Act 1986 in which it is also used.
- **The application for a summary or expedited review:** this is an application made by, or on behalf of, the Chief Officer of Police under section 53A of the

2003 Act. The application must be made in the form which is set out in Schedule 8A to the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 (SI 2005/42). The completed application must be accompanied by the certificate issued by a senior officer. The form which must be used is reproduced in annex B of this guidance.

2.4 In deciding whether to sign a certificate, the senior officer will want to consider the following (as applicable):

- The track record of the licensed premises concerned and whether the police have previously had cause to give advice about serious criminal or disorderly conduct (or the likelihood of such conduct) attributable to activities taking place on the premises – it is not expected that this power will be used as a first response to a problem.
- The nature of the likely crime and/or disorder – is the potential incident sufficiently serious to warrant using this power?
- Should an alternative power be deployed? Is the incident sufficiently serious to warrant use of the powers in sections 161 to 165 of the 2003 Act to close the premises? Or could the police trigger a standard licence review to address the problem? Alternatively, could expedited reviews be used in conjunction with other powers (for example, modifying licence conditions following the use of a closure power).
- What added value will use of the expedited process bring? How would any interim steps that the licensing authority might take effectively address the problem?

2.5 It is recommended that these points are addressed in the chief officer's application to the licensing authority. In particular, it is important to explain why other powers or actions are not considered to be appropriate. It is up to the police to decide whether to include this information in the certificate or in section 4 of the application for summary review. The police will also have an opportunity later to make representations in relation to the full review.

2.6 In triggering the process, the police will wish to take into account the fact that an intended use of the power is to tackle the use of dangerous weapons and the violence they fuel. For example, in appropriate circumstances the police might want to make representations to the licensing authority suggesting that they modify the conditions of the premises licence to require searches of customers for offensive weapons upon entry. Under the powers in sections 53A to 53C, this could be done on an interim basis pending a full hearing of the issues within the prescribed 28-day timeframe.

2.7 Similarly, the power could, where appropriate, be used to reduce the risk of injury caused by glass by requiring the adoption of a safer alternative (but see paragraphs 3.6 and 3.7 below).

2.8 However, it should continue to be borne in mind that these are selective measures. It is not the aim to require all licensed premises to undertake these searches or use toughened glass. Rather, the policy aim is to provide a selective

tool, to be used proportionately, to limit this condition to those pubs that are at risk either because police intelligence shows there is a risk of knives/guns being carried or because crime and disorder has occurred on the premises.

### **3. The Licensing Authority and the interim steps**

3.1 Within 48 hours of receipt of the chief officer's application, the licensing authority must give the premises licence holder and responsible authorities a copy of the application for review and a copy of the certificate, and must also consider whether it is necessary to take interim steps. When calculating the 48 hour period any non-working day can be disregarded.<sup>1</sup>

3.2 The licensing authority may want to consult the police about the steps that it thinks are appropriate, pending the determination of the review, to address the immediate problems with the premises, in particular the likelihood of serious crime and/or serious disorder. The licensing authority may consider the interim steps without the holder of the premises licence having been given an opportunity to make representations. This does not, of course, mean that the licensing authority *cannot* afford such an opportunity if it thinks it appropriate and feasible to do so in all the circumstances.

3.3 The determination of interim steps is not a matter that may be delegated to an officer of the licensing authority. The relevant decisions are likely to be taken by a licensing sub-committee. It should also be noted that there is no requirement for a formal hearing in order to take interim steps. This means that the relevant sub committee members can communicate by telephone or other remote means in order to reach a decision. A written record should always be produced as soon as possible after a decision is reached.

3.4 The interim steps that the licensing authority must consider taking are:

- the modification of the conditions of the premises licence;
- the exclusion of the sale of alcohol by retail from the scope of the licence;
- the removal of the designated premises supervisor from the licence; and
- the suspension of the licence.

Modification of the conditions of the premises licence can include the alteration or modification of existing conditions or addition of any new conditions, including those that restrict the times at which licensable activities authorised by the licence can take place. Further examples of possible licensing conditions, including those aimed at tackling crime and disorder, can be found in the amended guidance issued under section 182 of the 2003 Act (available at: [www.homeoffice.gov.uk/publications/alcohol-drugs/alcohol/guidance-section-182-licensing](http://www.homeoffice.gov.uk/publications/alcohol-drugs/alcohol/guidance-section-182-licensing) ).

3.5 If the licensing authority decides to take steps at the interim stage:

<sup>1</sup> This means that, for example, if the application was received at 3pm on a Friday, the 48 hour period would cover the remaining 9 hours on that Friday and the remaining 39 hours starting on the Monday morning (provided it was not a bank holiday). In this case the licensing authority would have to decide on interim steps by 3pm on the Tuesday.



- the decision takes effect immediately, or as soon after it as the licensing authority directs; but
- the licensing authority must give immediate notice of its decision and its reasons for doing so to the holder of the premises licence and the chief officer of police who made the application. The 2003 Act does not specify that the immediate notice has to be in writing. However, in an individual case the licensing authority may consider that the need for immediate communication at least initially requires a non-written approach, such as a telephone call. This may happen when, for example, the authority decides that the decision should have immediate effect. In such a case, the decision and the reasons for it should be explained clearly and in full to the licence-holder (or someone who may properly act for the licence-holder), and the call followed up as soon as possible with a written version of the decision and the reasons (for example, by email or fax) which is identical to, or not significantly different from, the version given by telephone.

3.6 The licensing authority, in deciding when its decision on interim steps should take effect, should consider the practical implications of compliance in relation to the premises. For example to comply with a modification of the conditions of a licence that requires employment of door supervisors, those running the premises may need some time to recruit appropriately qualified and accredited staff.

3.7 In addition, very careful consideration needs to be given to interim steps which would require significant cost or permanent or semi-permanent adjustments to premises which would be difficult to remove if the outcome of the subsequent full review was to withdraw or modify those steps. For example, making structural changes, installing additional CCTV or replacing all glassware with safer alternatives may be valid steps, but might be disproportionate if they are not likely to be deemed necessary following the full review (or any subsequent appeal). The focus for interim steps should be on the immediate measures that are necessary to prevent serious crime or serious disorder occurring. In some circumstances, it might be better to seek suspension of the licence pending the full review, rather than imposing a range of costly conditions or permanent adjustments.

#### **4. Making representations against the interim steps**

4.1 The premises licence holder may make representations against the interim steps taken by the licensing authority. There is no time limit for the premises licence holder to make representations on the interim steps, although in practice this would at some point be superseded by the full review which would have to be completed within 28 days of the application being received by the licensing authority. On receipt of such representations, the licensing authority must (if the representations are not withdrawn) hold a hearing within 48 hours of their receipt. When calculating the 48 hour period, any non-working day can be disregarded.

4.2 The licensing authority must give advance notice of the hearing to the premises licence holder and the chief officer of police. Given that these measures are designed to deal with serious crime and serious disorder on an interim basis only, the process is designed to avoid delay and, as such, significant portions of the Licensing Act 2003 (Hearings) Regulations 2005 (SI 2005/44) (which set out the usual processes governing the conduct of licensing authority hearings) do not apply in order to streamline the hearing process. One result of this is that licensing authority cannot adjourn the hearing to a later date if the licence holder fails to attend

at the scheduled time, as is the case under the normal review procedure. And as is the case with that procedure, the licence holder does not have to be present for the hearing to take place. In addition, there is no timescale for notifying the licence holder of the hearing under the modified process, providing the notification takes place before the hearing is held. However, it is imperative that the licence holder be given as much notice as is possible in the circumstances to afford the holder a maximum practicable opportunity to prepare for and attend the hearing. Licensing authorities should bear in mind that the usual principles of public law decision-making will apply to interim determinations, in a form that has regard to the statutory context of an expedited process.

**4.3** At the hearing the licensing authority must:

- consider whether the interim steps are appropriate for the promotion of the licensing objectives; and
- determine whether to withdraw or modify the steps taken.

**4.4** When considering the case the licensing authority must take into account:

- the senior officer's certificate that accompanied the application;
- the chief officer's representations (if any); and
- any representations made by the premises licence holder.

**4.5** There is no right of appeal to a magistrates' court against the licensing authority's decision at this stage.

**5. The review of the premises licence**

**5.1** The licensing authority must hold a review of the premises licence within 28 days after the day of receipt of the chief officer's application. This must take place even if the chief officer asks to withdraw his application or representations. At the hearing, the licensing authority must:

- consider what steps it considers appropriate for the promotion of the licensing objectives; and
- decide which interim steps (if there are any) cease to have effect altogether or become the subject of any steps which it considers are appropriate when making its determination on the review.

**5.2** The steps the licensing authority can take are:

- the modification of the conditions of the premises licence;
- the exclusion of a licensable activity from the scope of the licence;
- the removal of the designated premises supervisor from the licence;
- the suspension of the licence for a period not exceeding 3 months; and
- the revocation of the licence.

Modification of the conditions of the premises licence can include the alteration or modification of existing conditions or addition of any new conditions, including those that restrict the times at which licensable activities authorised by the licence can take place. Further examples of possible licensing conditions, including those aimed at tackling crime and disorder, can be found in the amended guidance under section 182 of the 2003 Act.

5.3 The licensing authority must:

- advertise the review inviting representations from any persons for no less than seven consecutive days, by notice as described in regulation 38 of the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 (SI 2005/42) and, if applicable, on the licensing authority's website (see regulation 38(1)(b) of the above). The relevant notices should be published on the day after the day of receipt of the chief officer's application.
- advertise that any representations made by the premises licence holder, responsible authority and any other persons should be submitted to the licensing authority within 10 working days of the advertisement of the review appearing.
- give formal notice of the hearing no later than five working days before the day or first day on which the hearing is to be held to the premises licence holder and to every responsible authority<sup>2</sup>.

5.4 A party shall give to the authority a notice no later than two working days before the day or the first day on which the hearing is to be held stating –

- whether he intends to attend or be represented at the hearing;
- whether he considers a hearing to be unnecessary.
- whether he would like permission for any other person (other than the person he intends to represent him at the hearing) to appear at the hearing and, if so, explain on which points that person will be able to contribute.

5.5 The regulations relating to hearings are set out in the Licensing Act 2003 (Hearings) Regulations 2005 (S.I. 2005/44). They apply to final hearings under the section 53A(2)(b) in a similar way to hearings following closure orders under section 167 of the 2003 Act (it should be emphasised that the truncated version of the hearings regulations described in paragraph 4.2 above applies to interim hearings only). The issues they address include who can make representations and what those representations can be about. It is therefore possible for responsible authorities or any other persons to make representations in relation to any of the licensing objectives, not just crime and disorder. Similarly, where it is in the public interest, the regulations relating to the exclusion of individuals from hearings, or conducting the hearing in private, will apply.

5.6 The licensing authority must take into account any relevant representations made. Relevant representations are those that:

<sup>2</sup> Responsible authorities are defined under sections 13(4) and 69(4) of the 2003 Act.

- relate to one or more of the licensing objectives;
- have not been withdrawn; and
- are made by the premises licence holder, a responsible authority or any other person (who is not also a responsible authority).

5.7 The licensing authority must notify its decision and the reasons for making it to:

- the holder of the premises licence;
- any person who made relevant representations; and
- the chief officer of police who made the original application.

#### **6. Right of Appeal**

6.1 An appeal may be made to the magistrates' court within 21 days of the licence holder being notified of the licensing authority's determination on the review. An appeal may be made by the premises licence holder, the chief officer of police and/or any other person who made relevant representations.

6.2 The decision of the licensing authority, following the review hearing, will not have effect until the end of the period allowed for appeal, or until the disposal of the appeal.

[insert name and address of police force]

Example Form

Annex A

**CERTIFICATE UNDER SECTION 53A(1)(b) OF THE LICENSING ACT 2003**

I hereby certify that in my opinion the premises described below are associated with serious crime / serious disorder / both serious crime and serious disorder<sup>3</sup>.

Premises<sup>4</sup>:

Premises licence number (if known):

Name of premises supervisor (if known):

I am a <sup>5</sup> in the police force.

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case, because<sup>6</sup>:

---

<sup>3</sup> Delete as applicable.

<sup>4</sup> Include business name and address and any other relevant identifying details.

<sup>5</sup> Insert rank of officer giving the certificate, which must be superintendent or above.

<sup>6</sup> Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned.

60000 C

(Signed) \_\_\_\_\_ (Date) \_\_\_\_\_  
Statutory Form For Applying For A Summary Licence Review

Annex B

[Insert name and address of relevant licensing authority and its reference number (optional)]

**Application for the review of a premises licence under section 53A of the Licensing Act 2003 (premises associated with serious crime or disorder)**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing the form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. **Use additional sheets if necessary.**

I \_\_\_\_\_ [on behalf of] the chief officer of police for  
the \_\_\_\_\_ police area apply for the review  
of a premises licence under section 53A of the Licensing Act 2003.

**1. Premises details:**

Postal address of premises, or if none or not known, ordnance survey map reference or description:
Post town:
Post code (if known):

**2. Premises licence details:**

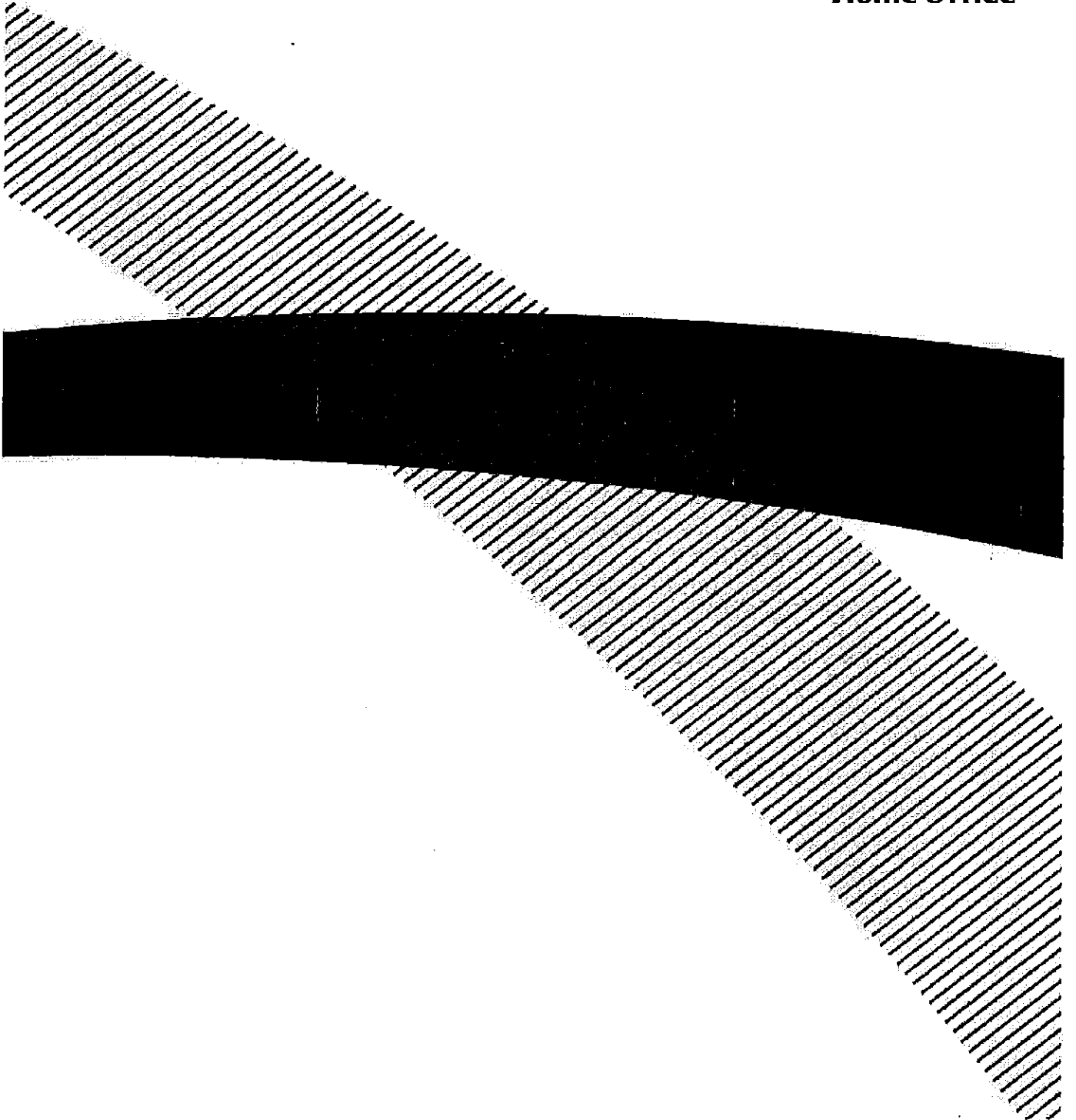
Name of premises licence holder (if known):
Number of premises licence holder (if known):

**3. Certificate under section 53A(1)(b) of the Licensing Act 2003 [Please read guidance note 1]:**

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or disorder or both, and the certificate accompanies this application.

*(Please tick the box to confirm)*





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any information about them. Mr Shayeganzadeh insisted that the drug deals that had triggered today's hearing were atypical; they had not happened before and had not happened since.

A Member asked why, despite the preventative measures in place, the offences had occurred. Did he agree that there had been a gross failure to promote the licensing objectives, as the Police had stated? Mr Holley replied that he understood that the five arrests for drug offences had taken place at various addresses. Inspector Mildren emphasised that all the arrests related to offences committed at the Blue Rooms.

A Member suggested that there was a discrepancy between Mr Shayeganzadeh's statement that there had been previous problems with drugs at the premises with Mr Ruddick's statement that he had not been aware of any drug problems during his five years as DPS. Mr Ruddick replied that what Mr Shayeganzadeh had actually said was that some time ago an individual involved with drugs had tried to enter the premises, not that there had previously been problems with drugs on the premises. Mr Shayeganzadeh confirmed this. Members expressed scepticism that a large number of incidents occurring in George Street were erroneously being attributed to the Blue Rooms. Mr Shayeganzadeh insisted that this was the case and that was why he had written to the Police. Mr Ruddick said that more steps were now being taken to increase the management's awareness of any potential problems with drugs.

The Chair asked whether body searches would be carried out on customers. Mr Ruddick replied that there would not be body searches, but searches of handbags etc. Mr Smith asked whether the first time that management at the Blue Rooms was aware of problems with drugs was when they had been served with the application for today's hearing.

Mr Shayeganzadeh replied that the first time he had been aware of any problems with drugs was when the local paper had contacted him after arrests had been made.

Replying to further questions from Mr Smith, Mr Shayeganzadeh and Mr Ruddick stated that;

female members of door staff were employed

on the busiest night 6 security staff were employed, but usually 4; 2 at the top of the stairs and the rest circulating inside the premises

toilet attendants were not employed

CCTV was monitored constantly; 8 cameras had been added because re "blind spots" had been identified in the premises ; the installation of the additional cameras had commenced in October 2012 and had been completed in December; the monitoring of CCTV was shared between Mr Ruddick and other staff

Mr Purchase said that the improvements in CCTV had been done at the request of the Police following incidents at the premises.

The parties were invited to sum up.

Mr Holley said that that communication between the premises and the Police was continuing. The management felt bitter disappointment at what had happened. The licensee was offering to have the improvements in anti-drug measures, such as random searches, frequent checks of the toilets and frequent radio checks, to be made licence conditions. The Police were invited to re-inspect the CCTV system. The CCTV system now covered the car park. It was important that the premises should be able to provide proof of searches and checks carried and it was best that such they should be registered electronically. The first time that management became aware of issues relating to drugs was in November 2012 and no complaint about drugs had ever been received from the Police. The licence holder was sure that the additional measures that had been introduced would allow effective control of any potential problems.

Inspector Mildren stated that the summary review application had been made solely because of the drug offences. Information received had led to a covert investigation. However, the premises were associated with a high level of other serious crime and disorder problems, evidence of which would be submitted for full review hearing.

The Sub-Committee adjourned and then reconvened to ask the licence holder which was the busiest night at the premises. Mr Ruddick replied that Thursday was the busiest night with 300-350 customers. Fridays and Saturdays were the next busiest with 180-220 customers.

Following a further adjournment, the Sub-Committee **RESOLVED** that it was necessary to take interim steps to prevent serious crime from occurring on the premises by the imposition of the following additional conditions on the licence with immediate effect:

1. All persons entering the premises will be searched for drugs, weapons or other illegal items on both entry or re-entry.
2. Any persons refusing to be searched will not be permitted to enter the premises.
3. A female Door Supervisor will be employed at all times the premises are open to the public.
4. A minimum of 8 Door Supervisors on Thursdays and 6 Door Supervisors on all other days, from opening to closing, will be employed at all times the premises are open to the public.
5. CCTV monitors will be watched at all times the premises are open. The person monitoring the CCTV will be in radio contact at all times the premises are open with a member of Door Staff and will report any illegal activities they see to the Door Supervisor.
6. The premises licence holder will invite the Crime Prevention Officer, from Avon and Somerset Constabulary, to the premises to advise on any measures needed regarding the supply, use and prevention of drugs.
7. Checks will be made of the male and female toilets on the premises every 15 minutes by Door

Supervisors while the premises are open.

Whilst it is not possible to impose the following as a condition, the premises licence holder was informed that it would be expected that 3 Door Supervisors would be present at the entrance to the premises at all times the premises are open to the public.

## REASONS

Members have today determined interim steps to be taken following an application made by the Avon and Somerset Constabulary for a summary review of a premises licence of The Blue Rooms, 1 York Buildings, Bath.

In doing so they have taken into consideration the Licensing Act 2003, Statutory Guidance, the Home Office Guidance on Summary Reviews, the Council's Policy and the Human Rights Act 1998.

The application was made on the basis of concerns of serious crime in respect of drug dealing on the premises and a number of arrests had been made and charges laid in the Magistrates' Court.

The Members listened carefully to the representations made by the Police, the premises licence holder and his agent and manager.

Members did only what was necessary to promote the licensing objectives in light of the representations made to them today. They decided that it was necessary and proportionate to take interim steps in the form of imposing conditions on the licence in order to ensure that the management and operation of the premises could be immediately improved in light of the representations made by the Police on serious crime.

Members noted that the premises licence holder had not been made aware of the supply, use and possession of drugs prior to the service of the review and had made genuine attempts to improve matters.

They decided not to suspend the licence but do want to send a strong message that the supply, use and possession of drugs will not be tolerated.

### Supporting documents:

VM-CAN-UF2\_Canon MPS C5030 GNM54227\_2865\_001, item 7.  PDF 1 MB

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### Representation Form

**Responsible Authority.** (Please delete as applicable.)

Police / Fire / EP (noise) / Health and Safety / Child Protection / Weights and Measures / Planning Authority / Marine Agency.

Your Name	Steven Mlildren
Job Title	Police Inspector
Postal and email address	Bath Police Station Manvers St. Bath.
Contact telephone number	01225842425

Name of the premises you are making a representation about.	Blue Rooms
Address of the premises you are making a representation about.	1 York Buildings George Street, Bath. BA1 2EB

Which of the four licensing objectives does your representation relate to? Please state yes or no.	Yes or No	Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary.
To prevent crime and disorder	yes	The Blue Rooms Night club is situated within the North of the City Centre in George St. This area is a hot spot for crime disorder and anti social behaviour; following intelligence that drug dealing was taking place at the Blue Rooms part of that intelligence suggested the owner's son may be involved. Between 2006 to date there have been 143 intelligence reports submitted which have been directly linked to the premises on guardian. Of these 75 ( over 50% ) have been submitted in the last 6 months.21 of the recent intelligence reports are concerning the supply of classA drugs , cocaine at the premises.. Some are about individuals arrested as part of the operation and others are about known criminals involved in drug supply who frequent the premises. There is also intelligence concerning both the door staff and management being aware of drug dealing at the premises.as a result a covert policing operation was run at the Nightclub between 1st November 2012 and 20 <sup>th</sup> December 2012. During the course of this operation other premises were observed for drug

41.  
39

dealing.

The objective of the operation was to:

- Destroy and dismantle organised Crime Groups affecting BANES communities
- Secure evidence in relation to the supply of controlled drugs – by arrest, prosecution and conviction of offenders.
- To adopt a multi agency preventative approach to re-offending and reduction of anti-social behaviour attributed to drug use and licensing breaches.
- Through joint partnership working, provide drug treatment opportunities to drug users

During this operation, a considerable number of deals of Class A drugs were made to covert police officers. As a result of this operation

Offender 1 Charged 2 counts of supply controlled drugs (Class A) and 1 count of being concerned in offer to supply drugs (Class A) Remand in to custody until 11/2/13

Offender 2 Charged 2 counts of supply controlled drugs (Class A) Remand in to custody until 11/2/13.

Offender 3 Charged 6 counts of supply controlled drugs ( Class A) Remand in to custody until 11/2/13

Offender 4 Charged 1 count of supply controlled drugs ( Class A) Remand in to custody until 11/2/13

Offender 5 Arrested on suspicion of 1 count of supply controlled drugs (Class A) and 1 count of being concerned in offer to supply drugs (Class A) Currently on police bail. / Investigations ongoing.

Offender 6 Arrested on suspicion of 1 count of supply controlled drugs ( Class A ) Currently on police bail. Investigation ongoing. 12 separate charges plus three charges pending ( at time of writing). These premises appear to be habitually used for the purpose of Class A drug supply The evidence is attached at FIG 1 by way of a summary. Bath has not experienced drug dealing in a licensed premises on this scale.

The criminal investigation may take some considerable time to finalise. A summary review is a necessary step in promoting the Licensing objectives as prescribed by the Licensing Act 2003. It appears there has been a gross failure to promote the licensing objectives in respect of the prevention



of crime and disorder.

Since February 2012 there have been a number of incidents of disorder, including serious assaults, public disorder, drunkenness, antisocial behaviour associated with the premises. These incidents have had a major impact on both victims, visitors to the city and residents living nearby.

Police evidence suggests that there is a disproportionate amount of serious violence positively linked to the premises, in the scoping profile at Fig 2 Between July and December 2012 31% of all Violent offences in Bath Nightclubs were attributed to The Blue Rooms.

The incident profile for February 2012 to September 2012 is attached at Fig 3. and Fig 4 DVD evidence.

On 7<sup>th</sup> September 2012 I met in company with Martin Purchase ( Police Licensing Officer) with Mr Kambiz SHAYEGAN he was in company with his daughter Isabelle SHAYEGAN who he stated was assisting in the management of the premises. I pointed out to him the incidents within the club and immediately outside, also that there were persons frequenting his club that he would not wish to be there, also the levels of drunkenness. Discussion took place re the measures he proposed taking.

Written correspondence followed.( Fig 4)

I had previously spoke with him on 8<sup>th</sup> September 2010 re concerns about the no of incidents ( letter attached)( Fig 4)

The Licensing officer met with him on 28<sup>th</sup> March 2011 re the need for the CCTV system to be updated, this he agreed to do as a matter of urgency.

Serious concerns exist with regard the overall management structure of the premises, and the failure to promote the licensing objectives in respect of the prevention of crime and disorder.

Drug dealing within licenced premises on this scale brings with it high levels of serious and violent crime. The nature of patrons using such premises and their dealings often causing conflict and goes hand in hand with organised crime. The premises need a period of closure to purge itself of this type of activity and habitual drugs activity. There are no measures that can alter the culture of the club, other than a period of closure. or measures that are appropriate to such serious activity.

Public safety		
To prevent public nuisance		
The prevention of harm to children		
<p>Suggested conditions that could be added to the licence to remedy your representation you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.</p>	<p>There are no measures the Police consider other than a period of closure .or such measures that are appropriate for such serious activity.</p>	

N.B. If you do make a representation you will be expected to attend the Licensing Panel and any subsequent appeal proceeding.

**Signed:**

**Date:**

Please return this form along with any additional sheets to:

Bath and North East Somerset Council

43.  
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Licensing Services  
9-10 Bath Street  
Bath  
BA1 1SN

E-mail address: [licensing@bathnes.gov.uk](mailto:licensing@bathnes.gov.uk)

***This form must be returned within 28 consecutive days of the application being made to the Licensing Authority.***



**Gallimore, Jacqueline**

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**From:** Gallimore, Jacqueline  
**Sent:** 15 July 2014 14:32  
**To:** 'James Lever'  
**Subject:** RE: SN15 Licence application [NOT PROTECTIVELY MARKED/UNCLASSIFIED]

**NOT PROTECTIVELY MARKED/UNCLASSIFIED**

James

We have a number of questions arising from the application and the operating plan. In addition at present we do not have sufficient information regarding the financing of the planned refurbishment.

I would also like to talk through some of your previous experience within the licensing trade, I can be available from 14.00 hours at Monkton Park would that suit?

Regards

Jacqui Gallimore  
Licensing Officer  
**Wiltshire Police**

Direct dial - 01225 794628

---

**From:** James Lever [mailto:james@ilovebakerstreet.com]  
**Sent:** 15 July 2014 11:54  
**To:** Gallimore, Jacqueline  
**Cc:** 'Tom French'  
**Subject:** RE: SN15 Licence application [NOT PROTECTIVELY MARKED/UNCLASSIFIED]

Hi Jacqui

Yes we can be there from 1.30pm if convenient.

What will you require so that I can ensure that I have relevant information for you? Would you also like to meet the director of the security company, if he is able?

Kind Regards

**James Lever**

**Direct email:** [james@ilovebakerstreet.com](mailto:james@ilovebakerstreet.com)

**Website:** [www.ilovebakerstreet.com](http://www.ilovebakerstreet.com)

**Direct fax:** 0844 504 4378



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**From:** Gallimore, Jacqueline [<mailto:Jacqueline.Gallimore@wiltshire.pnn.police.uk>]  
**Sent:** 15 July 2014 11:45  
**To:** 'James Lever'  
**Subject:** RE: SN15 Licence application [NOT PROTECTIVELY MARKED/UNCLASSIFIED]  
**Importance:** High

**NOT PROTECTIVELY MARKED/UNCLASSIFIED**

James

Thank you for the response, I would like to invite you to attend a further meeting to discuss the current application, would you be available this Friday afternoon?

Regards

Jacqui Gallimore

---

**From:** James Lever [<mailto:james@ilovebakerstreet.com>]  
**Sent:** 12 July 2014 08:45  
**To:** Gallimore, Jacqueline  
**Cc:** 'Tom French'  
**Subject:** RE: SN15 Licence application [NOT PROTECTIVELY MARKED/UNCLASSIFIED]

Good Morning Jacqui

In response to your email please find answers to your questions:

1. (Page 3 - The Palace Business Plan) Please find my CV attached it is not up to date but it does support your question.
2. (Page 11 - DPS Letter and Page 5 – The Palace Business Plan) I have 3 business partners and between us we have 100 years of experience. However relevant to Chippenham and The Palace there are 2 of us being Myself and Tom and between us there are 40 years+
3. (Page 5 - The Palace Business Plan ) We have Bakerstreet Swindon and The Brass Pig in Bristol I was referring too. We are also in talks in regard to a venue in Cardiff.
4. I can confirm the investment is circa of 150k

I hope this helps.

Kind Regards

James Lever

Direct email: [james@ilovebakerstreet.com](mailto:james@ilovebakerstreet.com)

Website: [www.ilovebakerstreet.com](http://www.ilovebakerstreet.com)

Direct fax: 0844 504 4378



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**From:** Gallimore, Jacqueline [mailto:Jacqueline.Gallimore@wiltshire.pnn.police.uk]  
**Sent:** 11 July 2014 11:40  
**To:** 'James Lever'  
**Cc:** Bennett, David  
**Subject:** SN15 Licence application [NOT PROTECTIVELY MARKED/UNCLASSIFIED]  
**Importance:** High

**NOT PROTECTIVELY MARKED/UNCLASSIFIED**

James

We are now in the process of assessing the documentation provided to support the licence application , I have a number of queries which I hope you will be able to assist with.

1. At page 3 you state that you have "over 20 years professional experience in this industry running and owning bars, restaurants and nightclubs all over the country" are you able to support this statement with perhaps a CV?
2. At page 11 you state that "between myself and business partners we have accrued 100 + years experience" at page 5 of the business plan this figure changes to 40 + years, can you confirm which figure is correct?
3. At page 5 of the business plan you state "now secured the 3<sup>rd</sup> business becoming a group" please could you provide details of the other businesses within the group?
4. At page 6 of the business plan you state "the venue will be brought back to life with investment of circa £150 K" are you able to support this statement?

I look forward to hearing from you in due course.

Jacqui Gallimore  
Licensing Officer  
Wiltshire Police

Direct dial - 01225 794628

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## Gallimore, Jacqueline

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**From:** Gallimore, Jacqueline  
**Sent:** 09 July 2014 14:53  
**To:** 'James Lever'  
**Subject:** RE: Premises Licence Application - 17 Station Hill Chippenham - REQUESTED INFORMATION [NOT PROTECTIVELY MARKED/UNCLASSIFIED]

### NOT PROTECTIVELY MARKED/UNCLASSIFIED

James

Many thanks for the copy of the email, I have skimmed through the documents and as yet I have not been able to find reference to a capacity, are you able to assist?

Kind regards  
Jacqui

---

**From:** James Lever [mailto:james@ilovebakerstreet.com]  
**Sent:** 08 July 2014 10:12  
**To:** Gallimore, Jacqueline  
**Cc:** 'Paul'; Bennett, David; Hobman, David; 'Holland, Linda'; 'Bahadoor, Roy'; 'Tom French'  
**Subject:** RE: Premises Licence Application - 17 Station Hill Chippenham - REQUESTED INFORMATION [NOT PROTECTIVELY MARKED/UNCLASSIFIED]  
**Importance:** High

Good Morning Jacqui

Please find the attached documents that are to be added to the documents in my email yesterday. All others can now be excluded if there are any.

Attached:

Cover Note – *Minor Changes really just added my name to the letter*

The Palace Staff roles – *Paul originally named this SN15 Management Plans, I have renamed and made a couple minor changes*

Letter of Consent from DPS – *No Change*

DPS Letter – *No Change*

SN15 Plans – *No Change*

One of the minor change I have made is to adopt a challenge 21 policy rather than a 25 policy however if a 25 policy would be preferred we would support that without question.

I hope you have all you require any questions please just let me no.

Regards

**James Lever**

**Direct email:** [james@ilovebakerstreet.com](mailto:james@ilovebakerstreet.com)

**Website:** [www.ilovebakerstreet.com](http://www.ilovebakerstreet.com)

**Direct fax:** 0844 504 4378



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**From:** James Lever [<mailto:james@ilovebakerstreet.com>]

**Sent:** 07 July 2014 21:17

**To:** 'Gallimore, Jacqueline'

**Cc:** 'Paul'; 'Bennett, David'; 'Hobman, David'; 'Holland, Linda'; 'Bahadoor, Roy'; 'Tom French'

**Subject:** RE: Premises Licence Application - 17 Station Hill Chippenham - REQUESTED INFORMATION [NOT PROTECTIVELY MARKED/UNCLASSIFIED]

**Importance:** High

Good Evening Jacqui

I believe I now have got copies of all the paperwork submitted before we met. I will view this evening and make any amendments if required. I will reattached the documentation whether it has been amended or not so that we are clear the information you have is correct and current.

I will also included the document that you have requested below in your email.

Regards

**James Lever**

**Direct email:** [james@ilovebakerstreet.com](mailto:james@ilovebakerstreet.com)

**Website:** [www.ilovebakerstreet.com](http://www.ilovebakerstreet.com)

**Direct fax:** 0844 504 4378



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**From:** Gallimore, Jacqueline [<mailto:Jacqueline.Gallimore@wiltshire.pnn.police.uk>]

**Sent:** 07 July 2014 16:17

**To:** 'James Lever'

**Cc:** 'Paul'; Bennett, David; Hobman, David; 'Holland, Linda'; 'Bahadoor, Roy'

**Subject:** RE: Premises Licence Application - 17 Station Hill Chippenham - REQUESTED INFORMATION [NOT

**Importance:** High

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James

Thank you for the attached documentation which I will read in due course, in my email dated 0/07/14 I requested -

1. A full explanation in writing of the roles and responsibilities of all persons concerned in the management of the proposed operation.

Are you able to provide this information?

Given the disparity between the meeting held with Paul Shayegan on the 24<sup>th</sup> of June and the meeting we had last week, I believe it is critical to clarify in writing, which position is to be adopted by all the responsible authorities, yours or Mr. Shayegans?

During our meeting last week you stated that you had not seen the document – Management plan (undated) again for clarity this document is part of the live application, should this document now be excluded?

Regards

Jacqui Gallimore  
Licensing Officer  
Wiltshire Police

Direct dial - 01225 794628

---

**From:** James Lever [<mailto:james@ilovebakerstreet.com>]

**Sent:** 07 July 2014 14:02

**To:** Gallimore, Jacqueline

**Cc:** 'Tom French'

**Subject:** Premises Licence Application - 17 Station Hill Chippenham - REQUESTED INFORMATION

Hi Jacqui

It was good to meet with you last week.

As we discussed and also as per your email please find the attachments below.

**Attachments**

**The Palace Business Plan (Placed last in the attachments)**

Counter Terrorism

Customer Search

Drug & Alcohol

Ejection Policy

Spillages & Breakages

Standards of Services by Door Supervisors  
The Palace Health & Safety book  
The Palace Risk assessment and Policy  
Venue Security Induction training Sign off  
Evacuation Procedure  
Fire Risk Assessment  
Dispersal plan

You will also see an attachment titled SN15 TF CERT.pdf this is the certificate confirm the assignment of MR Thomas French as a Director.

I hope that this helps understand the business however if there is anything else you need please let me no.

I also wondered if you managed to:

1. Get a copy of the past premises licence so that I may see the inherited conditions.
2. Find out if that we are able to supply this information without breaching any law ( I believe it was a question that you just wanted check?)

Please advise when you would like to meet again when as discussed we will bring Dan Field and Benoit (Security) and anything else which you feel appropriate.

Mobile: 07970 663526 if required

Kind Regards

**James Lever**

**Direct email:** [james@ilovebakerstreet.com](mailto:james@ilovebakerstreet.com)

**Website:** [www.ilovebakerstreet.com](http://www.ilovebakerstreet.com)

**Direct fax:** 0844 504 4378



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