

Wiltshire Council

Where everybody matters

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

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 this 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. You may wish to keep a copy of the completed form for your records.

I Wiltshire Police Licensing Officer.....
(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Royal Sports Bar and Cue Club. Ivy Lane Industrial Estate.	
Post town Chippenham	Post code (if known) SN15 1SB

Name of premises licence holder or club holding club premises certificate (if known) Gordon SMART
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Number of premises licence or club premises certificate (if known) LN/3270

Part 2 - Applicant details

I am

Please tick ✓ yes

I) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

x

3) a member of the club to which this application relates
(please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr

Mrs

Miss

Ms

Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Martin O'Neill Trowbridge Police Station Polebarn Rd Trowbridge BA14 7EP
Telephone number (if any) 101
E-mail address (optional)

This application to review relates to the following licensing objective(s)

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the protection of children from harm

Please tick one or more boxes ✓

Please state the ground(s) for review (please read guidance note 2)

The grounds for review are as follows;

- Wiltshire Police Authority has no confidence in the Premises Licence Holder's ability to uphold the Licensing Objectives, specifically the prevention of crime and disorder.
- Evidence of a high level of crime and disorder permitted at the premises by the Premises Licence Holder.
- A disregard by the Premises Licence Holder to comply with the conditions attached to the Premises Licence.

Please provide as much information as possible to support the application (please read guidance note 3)

Since March 2018 Wiltshire Police have received 41 separate intelligence reports in relation to the supply and dealing of both Class A and B controlled drugs at the premises. Due to the high number and quality of intelligence reports a Warrant was sought and granted by Chippenham Magistrates Courts under the Misuse of Drugs Act 1971 for the search of the premises and persons therein.

On 15th August 2018, the Warrant was executed at the Premises; Mr SMART who is both the Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS), was present at the time of the search.

During the search it was established that there were a number of patrons openly dealing controlled substances in the bar area. Two were later arrested due to the witnessing of this activity. A car that was directly linked to one of these individuals and parked in the school car park near to the premises was searched and found to contain a further quantity of controlled substances.

Further drugs paraphernalia was found in the gentleman's toilets, which was evidence of drug use taking place at the premises.

Whilst speaking to Mr SMART during the execution of the warrant he informed me that he had held a Personal Licence since 2015. I asked him if he knew what the four Licensing Objectives were and he was unable to demonstrate that he had any knowledge of them. I also asked him if he was aware of the conditions on his Premises Licence and he again was unable to demonstrate that he had any knowledge of them.

The Conditions on the Premises Licence are;

- *Children shall not be permitted in the bar area.*
- *A recognised proof of age, which includes a photograph, is to be required for anyone who appears to be under the age of 21 and who wishes to purchase or consume alcohol.*
- *A Closed Circuit Television recording system shall be installed at the premises. The number and position of cameras should be determined by a risk assessment of the premises.*
- *The CCTV shall be maintained in full working order and used at all times when any licensable activity is taking place.*
- *Recordings taken from the CCTV system are to be kept for a minimum of 28 days and are to be made available to any authorised officer of the Licensing Authority, Police or Weights and Measure Authority upon request.*
- *The Premises shall register as a member of the Pubwatch Scheme in the locality and a representative of the Management Team shall attend all meeting.*

Police Officers requested a download of the CCTV for evidential purposes; Mr SMART was unable to provide this upon request therefore the Hard Drive was seized, the external system was directly linked to Mr SMART's mobile phone, however he was also not able to provide the recordings as requested so this was also seized.

While the phone was being looked at for the CCTV footage, a number of text messages were discovered sent from Mr SMART to an employee at the Premises instructing them not to challenge ID of patrons. This is another clear breach of his Licence Conditions.

One of the individuals detained had a set of vehicle keys for a vehicle which was located in the car park of Ivy lane school, which is at the rear of the premises. This vehicle contained a quantity of controlled substances. The fence between both properties was damaged allowing easy access to and from the premises and it is believed that Mr SMART was aware of this and allowed this to happen.

In the main bar area is a small raised area which Mr SMART stated was for the use of patrons with children. This highlights his complete disregard for the condition on his Licence relating to the Protection of Children from harm.

Mr SMART stated that he did not attend pub watch as he saw no value in it and he had fallen out with Chippenham BID. This is another breach of his Licence conditions.

Wiltshire Police Licensing, seek that this premises Licence is revoked.

Please tick ✓ yes

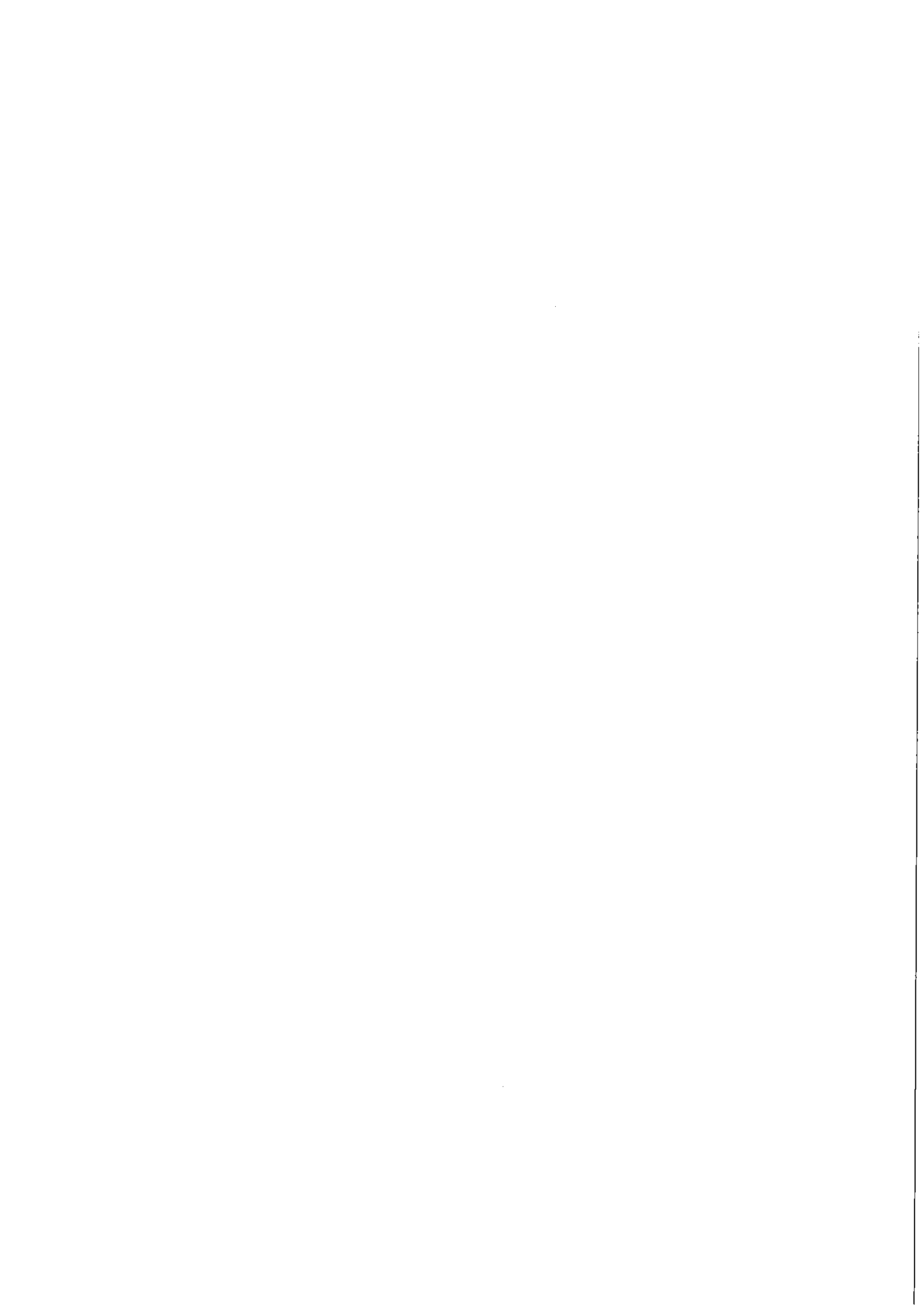
Have you made an application for review relating to the premises before.

If yes please state the date of that application

Day	Month	Year

If you have made representations before relating to the premises please state what they were and when you made them

Not Applicable



Please tick ✓

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature Martin O’Neill

.....

Date 31/08/2018

.....

Capacity Wiltshire Police Licensing Officer.

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.