

## DECISION NOTICE

### Northern Area Licensing Sub Committee

#### Decision made on 21 September 2016

#### In respect of an application for a Variation of a Premises Licence at SN15, 17a Station Hill, Chippenham

#### **Decision:**

The Northern Area Licensing Sub Committee has resolved to vary the Premises Licence in respect of SN15, 17a Station Hill, Chippenham as follows:

Variation to Conditions:

The Conditions in Annex 3 of the current premises licence are to be replaced by the following conditions:-

#### **Prevention of Public Nuisance**

##### **Noise**

Noise generated on the premises shall be kept at such a level at the boundary of any occupied property that it shall not be a nuisance to the occupier of that property

The premises licence holder or the DPS shall carry out observations from time to time in the vicinity of the nearby properties, between 2300 and closing time to establish whether there is a noise breakout from the premises.

The premises licence holder or the DPS shall take all necessary steps to prevent persons in the neighbourhood being unreasonably disturbed by noise made by persons waiting to enter, or leaving, the premises.

##### **The Patio Areas**

After 2300 hours on any day, the use of the external amenity area at the rear of the premises comprising the 3 patio areas is to be restricted to a maximum of 40 persons and is only to be used for the purposes of smoking

The licence holder and DPS shall actively manage the patio area to ensure compliance with the above restrictions

One door supervisor shall supervise the patio areas after 2300 hours on any night that the nightclub is operating. This is in addition to the requirements for door supervisors set out below

A scheme for acoustic insulation of the patio areas shall be prepared by a competent person on behalf of the Premises Licence Holder and agreed with the Environmental Health and Protection Team.

### **Litter Disposal**

No rubbish or recyclable material is to be disposed of from the premises between the hours of 0200 and 0700 hours.

### **Public Safety**

#### **Overcrowding/capacity**

Overcrowding in such a manner as to endanger the safety of the public shall not be permitted in any part of the premises. The maximum number of persons permitted to use the parts of the premises as detailed below should not exceed the figures stated:-

- Ground floor ( open plan) when used for dancing/standing – 276
- Balcony (open plan) standing – 45
- First floor dance/bar areas – 291

Total floor space capacity – 612

Total available exit capacity for normal risk rating and 2.5 minute simultaneous evacuation time – 600 persons

#### **Maximum number permitted at any one time: 600 persons**

Arrangements will need to be made to control the number of persons attending the premises and to avoid overcrowding by people migrating from one area to another

### **Lighting**

In all parts of the building to which the public are admitted a means of illumination shall be provided capable of illuminating those parts clearly.

It is the personal responsibility of the premises licence holder to ensure that all conditions are complied with. The premises licence holder shall ensure that at all times when the licence applies there is a person nominated by him/her who will have control of the premises and will ensure that all licence conditions are adhered to.

If the premises are hired out, the premises licence holder shall draw the attention of the hirer to all of the above requirements and make effective arrangements to ensure they are all complied with.

## **Protection of Children from Harm**

### **Challenge Policy**

The premises licence holder shall conduct the premises in an orderly manner and shall not allow performances of an obscene or indecent nature.

A Challenge 25 policy will be implemented. A recognised proof of age, which includes a photograph, is to be required for anyone who appears to be under the age of 25 and who wishes to purchase or consume alcohol.

No under 18s shall be permitted on the premises after 2100 hours except to pre-booked functions/private parties.

Clear procedures are to be in place for the operation of private parties and under 18 events

## **Prevention of Crime and Disorder**

### **SIA Security Staff**

On any night when the premises trades beyond midnight or when the nightclub is trading, SIA registered door supervisors shall be provided from 2200 as follows:

- 2 in total from 2200
- 3 in total from 2300
- 1 further door supervisor to be engaged for each additional 100 customers, or part thereof, beyond 300 persons

These requirements to be in addition to the provision of a SIA registered door supervisor to manage the patio area, after 2300, when the nightclub is operating, as set out above.

When operating as a nightclub, two SIA registered door supervisors to remain on duty outside the venue, for not less than 30 minutes after the last customer has left the venue, to provide a visible presence and deter anti-social behaviour.

### **Polycarbonates**

On any night the nightclub is operating, all drinks must be served in polycarbonate vessels after 2300, except for wine, sparkling wine, cocktails and spirits in the VIP area on the first floor.

### **Management Plan/ control of customer numbers**

The premises licence holder or DPS shall draw up and implement a detailed management plan ('the Plan') which must include details of the chain of command and responsibilities, risk assessments, procedures, policies ( including dispersal policy ) to enable the premises licence holder or DPS to comply with the four licensing objectives.

The premises shall be operated in accordance with the Plan. The Plan is to be made available for inspection upon request by the Police and Licensing Authority and shall be made available to staff.

The premises licence holder the DPS or any person authorised on their behalf shall record and control at the time the number of persons in the premises. The premises licence holder, the DPS or any person authorised on their behalf shall keep records for 12 months. A suitable means of counting persons shall be provided. This may be mechanical, electrical or other accurate method.

## **CCTV**

A CCTV system with recording or monitoring capability shall be installed to cover all floors of premises used under the terms of the Licence and shall also cover all entrances, exits and external areas immediately around entrances. Recordings shall be kept for 28 days and at all times when the premises are open for business a member of staff shall be present, who is capable of operating the CCTV system and downloading images at the request of any authorised Officer of the Council or a Police Officer.

The CCTV system shall be maintained in full functioning order and used at all times the premises are open to the public.

The CCTV system is to be periodically reviewed and updated to standards required by Wiltshire Police Crime Reduction Officer.

## **Drugs/Excessive Drinking**

All reasonable steps shall be taken by staff to ensure that persons entering the premises are not carrying any illegal drugs.

Regular searches by staff in all areas open to the public will be undertaken during trading hours to ensure that drugs or excessive drinking is not taking place on the premises.

Any person found in possession of illegal drugs, is excessively drunk or violent will be asked to leave the premises immediately.

## **DPS/Personal Licence holder**

The DPS or other identified responsible person who holds a personal licence is to be present at the premises during all key trading times

## **Refusals Log**

An accurate and up-to-date incident and refusal log ('the Log') is to be maintained at all times the premises are open to the public. The Log is to include ejections from the premises. All entries will identify the name of the person making the entry.

## **Training**

All bar staff will undertake an alcohol awareness course by a recognised training provider and records of all staff training will be kept on file.

All staff (to include management) to undertake induction and refresher training, to include roles and responsibilities and the current licensing objectives.

## **Pubwatch**

The DPS or nominated person shall attend local pubwatch meetings.

## **Sound Levels**

Any adjustments to the agreed music levels shall be made through a licensing variation and in agreement with the Wiltshire Council Public Protection Officers.

## **Risk Assessments and Policies**

The premises licence holder shall ensure that clear risk assessments and management procedures and practices as required by these conditions are prepared, maintained and made available to the satisfaction of Wiltshire Police and Wiltshire Council licensing authority.

## **Incident register when door staff on duty**

A security incident register ( 'the Register') will be kept and maintained, with door supervisors signing on and off duty, including their full 16 digit SIA licence number. Any incidents or entry refusals are to be recorded in the Register, with the name of the person making the entry. The duty manager is to sign off to say that he/she has checked the register at the end of each trading day.

## **Training**

The DPS is to undertake, or have undertaken, training as approved by Wiltshire Police.

## Reasons

The Applicants stated that their business model for the premises had changed since the licence had been originally granted and since the previous variations. It was their intention now to operate the ground floor of the premises as a bar and only to operate the upstairs nightclub facilities on a more limited basis. As such, they considered that the existing licence conditions were too onerous and excessive. They wished to make three main changes to the existing licence conditions, in order to better reflect their proposed business activities. These involved a reduction in the requirement for door supervisors, a relaxation of the requirements to serve drinks only in polycarbonates and the ability to make greater use of the patio areas to the rear of the premises. In addition there were further minor changes to the existing conditions to bring them into line with

current legislation, by remove those conditions that duplicated requirements under other statutory legislation.

The Sub Committee were presented with revised wording for the conditions dealing with the provision of door supervisors, the use of the patio area and the use of polycarbonates, following discussions that had taken place between the Applicant and the Responsible Authorities immediately prior to the start of the hearing.

Having heard representations on those revised wordings from all parties, the Sub Committee accepted that these were, in general, appropriate to address the concerns that had been raised, particularly in relation to the prevention of public nuisance and the prevention of crime and disorder. However, the Sub Committee accepted the views of the Council's Public Protection Team that, given the proximity of the patio areas to neighbouring residences, it would be appropriate to retain the limit of 40 people in those areas after 2300. They also accepted the police's view that it was appropriate to tighten up the CCTV condition, in respect of the retention and retrieval of recordings from the CCTV system.

The Sub Committee felt that the revised proposals for the number of door supervisors were sufficient for the intended use of the premises and that they were less confusing than the originally proposed variation.

Right of Appeal:

All parties have the right to appeal to the Magistrates Court within 21 days of receipt of this decision. Any person has the right to request a Review of the Licence, in accordance with the provisions of section 51 of the Licensing Act 2003.