

DECISION NOTICE

Northern Area Licensing Sub-committee

Meeting held Monday 2 August 2010, in Respect of Review of a Premises Licence: Karma, 17a Station Hill, Chippenham, Wiltshire

The Northern Area Licensing Sub-committee has determined to amend the premises license for Karma by the addition of the following conditions;

1. All security staff to wear clothing that clearly identifies them at all times (including outerwear).
2. Door supervisors are 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 and/or criminal behaviour.
3. The Designated Premises Supervisor or another identified responsible person who holds a valid Personal Licence is to be present at the venue during all key trading times.
4. The Designated Premises Supervisor is to undertake or to have undertaken training as approved by Wiltshire Police within 2 months.
5. The Premises Licence holder to develop, maintain and implement a detailed Management Plan which must include the chain of command and responsibilities, risk assessments, policies, procedures to enable the Premises Licence holder to comply with the four licensing objectives. Such plan to be available for inspection upon request by the Police and Licensing Authority and to be accessible to staff. To be fully implemented by 31st October 2010.
6. All bar staff to be trained in the responsible sale of alcohol by a recognised training provider within 2 months.
7. All staff (to include Management) to undertake induction/fresher training to include roles and responsibilities and the current Licensing Objectives within 2 months.
8. Clear procedures to be in place for the operation of private parties and under 18 events.
9. An accurate and up to date incident log to be maintained at all times.
10. By 30th September 2010 only Polycarbonate glasses are to be in use at **all** times throughout the venue, the venue is to operate a bottle decanting policy, no glass bottles are to be present in the public areas.
11. The CCTV is to be reviewed and if necessary upgraded to standards required by Wiltshire Police Crime Reduction Officer.

12. For a period of 6 months, from this date, a record is to be kept of noise monitoring activity to include date, time and location.

Informative

- 1 The venue is encouraged to continue to be active members of Pubwatch or any successor organisation that is responsible or the promotion of the Licensing Objectives.

In reaching their decision the Sub-committee took into account the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 52); the guidance issued under Section 182 of the Act and the Wiltshire Council Statement of Licensing Policy.

The Sub-committee also took into account the written application for review submitted by Wiltshire Police and the supporting evidence, the 16 written representations by Interested Parties and the information submitted on behalf of the Premises Licence holder.

The application for the Review was presented by Mr. R. Light. At the start of the hearing Mr. Holley, representing the Premises Licence holder, agreed to accept the police incident reports as presented at items 1 - 100 in the Appendices to the police evidence. As well as referring to the written submissions, Mr. Light called evidence from witnesses.

The main points of the oral evidence presented by the police were:-

- There was concern about the promotion of what was considered to be irresponsible cheap drinks promotions, in particular the sale of shots of spirits for 50p,
- The Facebook page for the Club appeared to condone excessive drink and, in relation to some of the entries, possibly also violence
- The entries on the Club's Facebook page also indicated that there had been underage drinking in the club, although there had been no evidence of this during visits by officers
- There appeared to be some confusion as to what use of the premises was permitted by under 18s and how such events should operate
- Whilst there had been discussions with the Club about improving the levels of disorder, there were still a number of issues that needed to be resolved
- There were concerns that the maximum capacity of the club may have been exceeded on occasions and that the systems for monitoring the number of people in the Club did not seem to be robust
- There were also concerns that door staff were not sufficiently easily identifiable
- Whilst representatives of Karma had attended meetings of Pubwatch, they had not been putting forward sufficient numbers names of persons to be banned,

given the number of incidents that had occurred at the Club. Only 4 of the current banned list of 15 had originated from Karma

- Whilst there had been some improvement in the numbers of incidents involving Karma, this improvement had not been sustained and the number of incidents had increased in April and May.
- There was no visible leadership by the DPS. Most staff there did not seem to know what his role was
- There was need for a long-term sustained improvement and a change of culture
- Two of the door staff had been charged with obstruction of the police and one with assault of a police officer.
- If the licensing hours were reduced, as requested, this would mean that closing time would not coincide with the end of police shifts, which would reduce the need for overtime

In response to these points, Mr. Holley, on behalf of Karma, called evidence from management and employees of the club and made the following points:

- He accepted that the incidents in the submissions from the Police had occurred. However, he said that the Club could not always prevent violent incidents from occurring
- Every time the Club had been asked to make changes they had sought to do it
- There were other licensed premises in the town that had drinks promotions and Karma needed to compete with them.
- They did have arrangements for dealing with people considered to be intoxicated
- They had a procedure for checking numbers of people going into and leaving the Club. They had never exceeded the maximum number allowed
- The Club had appointed a consultant to audit the procedures at the Club and to develop and implement new policies and training
- Very few of the reported incidents took place before 3.00 a.m., so reducing the Club's hours would not assist. In fact, the situation may be made worse, as there would be people leaving several premises at the same time.

Cllr Caswill, as local member for the area commented on the complaints he had received about noise from local residents, which had also been mentioned in the representations from other Interested Parties. He commented that the Club could do more to reduce the problems caused by excessive noise.

In their deliberations, the Sub-committee considered each of the proposed conditions that had been submitted by Wiltshire Police as part of their review with a view to deciding whether those conditions were necessary to meet the licensing objectives and also whether any other conditions should be applied, in view of the representations that had been made and the evidence presented. As regards the proposed conditions put forward by the police, the Sub-committee came to the following views on each of them:-

- i. Whilst there had been weaknesses with the current security staffing arrangements, the Sub-committee felt that progress was being made

- towards improving these and did not consider that these weaknesses necessitated the replacement of the current security provider;
- ii. This was felt to be a useful additional condition to help prevent any acts of violence in the vicinity of the Club and to encourage patrons to leave the area, thereby reducing the levels of nuisance to neighbouring residents and businesses
 - iii. The Sub-committee did not consider that a reduction in opening hours was necessary. Whilst the current hours did cause difficulties for the police, given their current shift arrangements, there was insufficient evidence that a reduction in hours would lead to a reduction in the levels of crime and disorder and that these problems were better addressed by improved management arrangements
 - iv. As iii above
 - v. As iii above
 - vi. The Sub-committee felt that it was important that a personal licence holder was present at the venue during all key trading times. It had been accepted by the parties that it was not reasonable for the DPS to be on site at all time, but that there should be an identified responsible person. The proposed condition would be amended accordingly
 - vii. This was considered to be beneficial and to contribute to the good management of the Club and the promotion of the licensing objectives
 - viii. The Sub-committee felt that the key to addressing the problems at the Club and to promoting all of the licensing objectives was to get improved management practices and procedures that were understood and implemented by all staff. In addition to the management structure information requested by the police, the Sub-committee felt that there should be a detailed Management Plan which also included, risk assessments, policies and procedures to enable the Premises Licence holder to comply with the four licensing objectives
 - ix. This was agreed to be appropriate for the same reasons as viii above
 - x. It had been accepted by the police that it was not necessary to bar all under 18s and that properly managed events for under 18s should not be prevented. Again, the Sub-committee felt that there should be clear procedures for the operation of such events for the protection of children
 - xi. This was felt to be appropriate as it would reduce the likelihood of harm, in the event of incidents at the club, thereby promoting public safety
 - xii. This was also felt to be appropriate for the promotion of the licensing objectives and it would help detect and deter acts of crime and disorder and public nuisance.
 - xiii. The Sub-committee felt that, whilst active participation in Pubwatch was to be encouraged, it was not appropriate to impose this as a condition
 - xiv. As stated in viii above, the Sub-committee felt that the required improvements to the club were best addressed through management training and the development of proper policies. It was not felt necessary for there to be a period of closure to enable these changes to be implemented.

In addition to the above, the Sub-committee took account of the concerns about noise that had been raised by Interested Parties. They noted that the current conditions required noise observations to be carried out in the vicinity of the premises. They felt that this needed strengthening by a record of this monitoring to be maintained.

The Sub-committee also noted that the Club had stated during the hearing that they either had produced or were developing policies and procedures to address the concerns that had been raised by the police. The Sub-committee therefore felt that the amended conditions should all be fully implemented within two months.