

NORTHERN AREA LICENSING SUB-COMMITTEE

DRAFT MINUTES OF THE NORTHERN AREA LICENSING SUB-COMMITTEE MEETING HELD ON 2 AUGUST 2010 AT COUNCIL CHAMBER, COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM SN15 1ER IN RESPECT OF AN APPLICATION FOR A REVIEW OF A PREMISES LICENCE: KARMA, 17A STATION ROAD, CHIPPENHAM, WILTSHIRE

Present:

Cllr Desna Allen, Cllr Allison Bucknell and Cllr Trevor Carbin

22. **Election of Chairman**

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

Resolved:

To elect Councillor Desna Allen as Chairman for this meeting only.

23. **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 1-7 of the agenda refer). All those present at the meeting introduced themselves.

24. **Chairman's Announcements**

There were none.

25. **Members' Interests**

Councillor Caswill, Member for Chippenham, Monkton, declared a personal interest as a family member occasionally works as a Doorman at another Chippenham establishment.

26. **Application for Review of a Premises Licence; Karma 17a Station Hill, Chippenham, Wiltshire**

The Licensing Officer introduced her report to the Committee.

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 key points of the oral evidence presented by the Police were:-

- Concerns were raised regarding the promotion, of what was considered to be irresponsible drinks promotions, selling alcohol very cheaply, in particular the sale of shots of spirits for 50p and promotion of 'Black Rat' cider.
- Within the Facebook, social networking site pages, the Club appeared to encourage excessive drink and, in relation to some of the entries, possible violence and homophobic behaviour.
- The entries on the Club's Facebook page also indicated that there had been underage drinking in the club, detailing that IDs were not being checked.
- In February 2010 confusion had arisen over the use of the Club for under 18's events, resulting in a formal warning.
- Whilst there had been regular discussions with the Club about improving the levels of disorder, there were still a number of issues that needed to be resolved. Levels of crime and disorder linked to the premises had initially dropped but had recently increased again.
- 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.
- Concerns were raised that door staff were not sufficiently identifiable to members of the public, especially those who worked at the entrance to the club.
- Whilst representatives of Karma had attended meetings of Pubwatch, they had not been put forward sufficient numbers 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.

- There was no visible leadership by the Designated Premises Supervisor. The majority of staff there did not appear to know what his role was. This was compounded by a general inconsistency in management.
- It was strongly felt that there was a need for a long-term sustained improvement in behaviour and a change of culture surrounding the club.

Cllr Caswill, as local member for the area drew the panels attention the Premises Licence, Annex A, Prevention of Public Nuisance (page 21 of the Agenda refers). Cllr Caswill detailed the numerous complaints he had received about the consistent volume of the noise and the 'thumping' from local residents. These issues had also been reiterated in the representations from other Interested Parties. He stressed that the Club should do more to reduce the problems caused by excessive noise, and that temporary closure would please the local people.

Mr Holley, on behalf of Karma, called evidence from management and employees of the Club and made the following points:

- The Club employs between 30 and 35 full and part time members of staff.
- 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 from their discussions and regular meetings with the police 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. Assurance was given that although the number had been exceeded through the course of a whole evening, the club had never exceeded the maximum number allowed at one time.
- The Club had appointed a consultant to audit the procedures at the Club and to develop and implement new policies and training, which were now in place and operating.
- Very few of the reported incidents took place before 0300hrs, 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.

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. With regard to the proposed conditions put forward by the police, the Sub-committee came to the following views on each of them,

- **The current provider of security at Karma to be replaced.** 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.
- **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 behaviour.** 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.
- **The premises licence is to be reduced to 0200hrs on a Thursday evening into the Friday morning for the sale of alcohol and the provision of entertainment and the premises are to be closed to the public at 0245hrs.** 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.
- **The premises licence is to be reduced to 0230hrs on a Friday evening into the Saturday morning for the sale of alcohol and the provision of entertainment and the premises are to be closed to the public at 0315hrs.** 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.
- **The premises licence is to be reduced to 0230hrs on a Saturday evening into the Sunday morning for the sale of alcohol and the provision of entertainment and the premises are to be closed to the**

public at 0345hrs. 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.

- **The designated premises supervisor is to be present at the venue during all key trading times.** 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.
- **The designated premises supervisor is to undertake further training, the course to be approved by Wiltshire Police.** This was considered to be beneficial and to contribute to the good management of the Club and the promotion of the licensing objectives.
- **Venue Management to provide a management structure outlining roles and responsibilities.** 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.
- **All bar staff to be trained in the responsible sale of alcohol.** This was agreed to be appropriate for the same reasons as detailed above.
- **No person under the age of 18 years old to be permitted including members of staff.** 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.
- **Polycarbonate glasses are to be used at all times throughout the venue. The venue is to operate a bottle decanting policy.** 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.
- **The CCTV is to be reviewed and if necessary upgraded to the standards required by Wiltshire Police Crime Reduction Officer.** 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.

- **The venue will be active members of Pubwatch.** The Sub-committee felt that, whilst active participation in Pubwatch was to be encouraged, it was not appropriate to impose this as a condition.
- **The venue is to close to the public for a period of three months to enable training, and to reposition the venue within the market place.** 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.

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.

(Duration of meeting: 10.00 am - 5.30 pm)

The Officer who has produced these minutes is Anna Thurman, of Democratic Services, direct line 01225 713 597, e-mail

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