

NORTHERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE NORTHERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 11 MAY 2011 AT COMMITTEE ROOM A AND B, COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM IN RESPECT OF AN APPLICATION FOR A REVIEW OF A PREMISES LICENCE AT KARMA, 17A STATION HILL, CHIPPENHAM, WILTSHIRE.

Present:

Cllr Desna Allen, Cllr Trevor Carbin and Cllr George Jeans

Also Present:

Sarah Le Fevre – Advocate for the Police
David Holley – Representing Constantine Leisure Ltd
Paul Taylor – Senior Solicitor, Wiltshire Council
Anna Thurman – Democratic Services Officer, Wiltshire Council
Maggie Jones – Licensing Officer, Wiltshire Council
Jacqueline Gallimore – Divisional Licensing Officer, Wiltshire Police
Representatives from Constantine Leisure Ltd
Representatives from Wiltshire Police

1. **Election of Chairman**

As this meeting was reconvened from 21 April 2011 it was

Resolved:

That Councillor Desna Allen remain Chairman for this meeting.

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 – 6 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. **Exclusion of Press and Public**

The Sub-committee were informed that, as part of their representations, the police intended to present extracts from the town centre CCTV records, showing incidents involving people who had been in Karma.

The Sub-Committee resolved to exclude the public and press from that part of the hearing when the CCTV footage was being presented. This was on the basis that the footage would identify individual members of the public. The Sub-Committee considered that it would not be in the public interest for the CCTV footage to be shown in the presence of the public and that the provisions of Regulation 14(2) of the Hearings Regulations applied in this instance.

6. **Licensing Application**

Application for the Review of a Premises Licence, by Wiltshire Police, for Karma, 17a Station Hill, Chippenham, Wiltshire

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

Sarah Le Fevre representing the Review Applicant (Wiltshire Police) made opening submissions to the Sub-Committee. She informed the Sub-Committee that this was the second review of the licence in 7 months and that the police would be seeking the revocation of the Premises Licence. She identified a number of issues that the police wished to highlight and referred members to the relevant parts of the written evidence that had been submitted. These issues were:-

- Failure by the Club's management to comply with conditions on the Premises Licence, in particular those added following the last review
- The impact of the club's activities on local businesses
- The continuation of serious violence and disorder
- Concerns about use of excessive force by door staff and their failure to intervene to assist members of the public when appropriate
- Excessive drinking at the club, leading to safety risks
- Criminal activities associated with the club, including the wider effects of drunkenness
- The impact on police resources.

The Sub-Committee then heard evidence from Sgt. Allan George, relating in particular to failures by the Club's management to keep proper CCTV records and to make those available to the police and also their failure to keep proper

incident logs. He said that the inability to investigate incidents had a direct effect on the public and on police resources. In response to a question from Mr. Holley, Sgt. George stated that he had offered advice to the Club's management on appropriate record keeping.

Sgt. George told the Sub-Committee that this was the most prominent example of complacency in the management of licensed premises that he had seen in his 25 years of policing.

Sgt. Simon Garrett told the Sub-Committee that the relationship between the police and Karma had deteriorated since the last review. The police had particular concerns about the safety of intoxicated people leaving the premises and the level of disorder.

P.C. Laba then presented extracts from the Chippenham town centre CCTV records and described to the Sub-Committee what was happening in those extracts. The press and public were excluded from the meeting during this time.

Inspector Pain explained to the Sub-committee that the problems associated with Karma had had a significant effect on police resources in the locality and surrounding towns

Jacqui Gallimore, Police Licensing Officer, told the Sub-Committee that the management of the Club had shown a blatant disregard for the licensing objectives and that efforts to bring about a change in attitude had not been successful. She reiterated the police's view that there were no other steps that could be taken, apart from revocation of the Premises Licence, that would promote the licensing objective.

Following the conclusion of the police's evidence, the Sub-committee heard representations from Cllr Chris Caswill (Ward Member) the Interested Party. The key points raised by him were:

- Concerns about the level of nuisance to neighbouring residents arising from the activities of the premises. He considered that the Licence Holder was failing to comply with the conditions requiring it to prevent a nuisance being caused.
- Noise monitoring records and procedures were inadequate.

In light of these points Cllr Caswill reported that he would be supporting the revocation of the licence.

The Chairman adjourned the meeting at 15.35pm. On 21 March 2011 it was agreed by all parties to reconvene the hearing on 11 May 2011.

Reconvened Hearing – 11 May 2011

At the start of the reconvened hearing the Chairman asked the Applicant's Advocate Ms Le Fevre to refresh the panel on the evidence previously given on the 21 March 2011.

PC Laba showed a DVD with extracts of the CCTV footage since the earlier hearing. The Chairman requested that the press and public should leave the rooms for the duration of the DVD.

Following the conclusion of the police's representations, the Chairman invited Mr. Holley to present the case for Karma.

Mr Holley expressed his disappointment at being at a Review Hearing again within the space of 12 months. He introduced the members of the Karma Night club team who then gave the panel an overview of their roles and responsibilities, these were;

- Karl Frost – Designated Premises Supervisor
- Peter Beckenham – Director Constantine Leisure
- Thom Wickham – Bar Manager
- Steve Dunn – Security
- Mark Frati – Assurance Assessor

Key points raised were:

- All door staff are SIA trained (A DVD to indicate the good practice at the club was shown)
- Management Plan has been written although Police were not satisfied with the content
- The club when open always has more staff than is necessary
- The building is noise proofed
- Under 18's are no longer allowed on the premises
- Door staff do not necessarily stay on 30 minutes after the club has shut
- All bar staff are trained (BBI level 1)
- Door staff are now identifiable wearing luminous vests or jackets
- Decibel measurements are taken regularly, although no formal training has taken place or calibration of equipment
- Either the DPS or Bar Manager now attend regular meetings of pubwatch
- ID checks are undertaken

The parties were given the opportunity to ask questions of the representatives from Constantine Leisure. A debate ensued in which the Sub Committee discussed;

- Conditions of the Licence – Karl Frost explained that he made the decisions as to which conditions were enforced, in his view it was not always necessary for there to be door supervisors on duty when the club was closed. He considered that this was a matter for his judgement.
- CCTV – Karl Frost stated that there had been problems with the previous inadequate CCTV system but that the club had not had the funds to replace it.
- Noise – No training has been undertaken to use noise recording equipment and the diary to support the monitoring commenced 10 March 2011.
- The poor attendance at Pubwatch over recent months was due to illness and staff holidays.
- Management Plan - the plan had not been produced within the required timescales to meet the condition. It was felt to be lacking in depth and detail and should support the licensing objectives. Support from the Licensing Officers had been offered.

Ms Le Fevre then summed up the police case for revocation. She reiterated the police's view that revocation was the only adequate step, given the number of incidents directly associated with the premises, the history of the premises and the attitude of the licence holders. She referred to the incidents of disorder set out in the police evidence, the obstruction of police in carrying out their duties at the club and the level of drunkenness associated with the premises. She reminded the Sub-Committee of the failure by the Club's management to comply with the Premises Licence conditions, including their inability to maintain and provide adequate CCTV records. She concluded by stating that, in the view of the police, the premises management were not accepting their responsibilities under the Licensing Act.

In response, Mr. Holley referred to the illnesses suffered by key personnel at the club. He said that the current staff at the club were doing what they could to address the issues that had arisen. The problems with the CCTV had been rectified.

The Sub-Committee members sought clarification on some points before retiring to consider the application and were accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officer.

The Sub-Committee then retired to consider the application and reconvened at 4.30pm 12 May 2011.

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

That the Sub-Committee should base their decision on the evidence presented to them in the written submissions and at the hearing, and that

any measures taken in respect of the licence in question must be necessary and proportionate to meet the licensing objectives.

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 Premises Licence for Karma, 17a Station Hill, Chippenham be revoked.

Reasons for the Decision

The Sub Committee found that the Licence Holder had failed to comply with its obligations in respect of the following licensing objectives:-

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance.

The Sub Committee also found that the Licence Holder had failed, within the required timescales, to comply with a number of the conditions imposed on the Premises Licence at the Review hearing on 2 August 2010, in particular those relating to:-

- the provision of an adequate CCTV system
- the maintenance of adequate records relating to noise monitoring and incident logs
- the production of a Management Plan.

In view of this, the Sub Committee concluded that they had no confidence in the ability of the Licence Holder to adequately address its failings in respect of the licensing objectives. The Sub Committee, therefore, concluded that the imposition of additional licence conditions, or the temporary suspension of the Licence would not result in the required improvements and that revocation of the licence was the only practical option and was one which was both proportionate and necessary to meet the licensing objectives.

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