

NORTHERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE NORTHERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 25 OCTOBER 2011 AT COMMITTEE ROOMS B, C + D, MONKTON PARK, CHIPPENHAM IN RESPECT OF A HEARING OF AN OBJECTION NOTICE FROM WILTSHIRE POLICE TO TEMPORARY EVENTS NOTICES FOR JAX LANDING, 1 BATH ROAD, CHIPPENHAM

Present:

Cllr Desna Allen, Cllr Trevor Carbin and Cllr Bill Douglas

Also Present:

David Bennett (Divisional Licensing Manager, Wiltshire Police), Sukdave Ghuman (Senior Solicitor), (Rudi Lee (Premises User), Debbie Mulvey (Senior Licensing Officer), and Lisa Pullin (Democratic Services Officer)

37. **Election of Chairman**

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

Resolved:

To elect Councillor Trevor Carbin as Chairman for this meeting only.

38. **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 refers).

39. **Chairman's Announcements**

Apologies were received from Cllr Jon Hubbard and Cllr Bill Douglas was substituting for Cllr Hubbard.

The Chairman gave details of the exits to be used in the event of an emergency.

40. **Declarations of Interest**

There were no interests declared.

41. **Licensing Application**

Hearing in respect of an Objection Notice from Wiltshire Police to Temporary Event Notices for Jax Landing, 1 Bath Road, Chippenham

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

In accordance with the procedure detailed in the agenda, the Police representative and the Premises User were given the opportunity to address the Sub Committee.

Key points raised by David Bennett on behalf of Wiltshire Police were:

- That there had been incidences of crime and disorder relating to the premises going on for some time;
- There was a history of poor compliance of the conditions on the licence;
- There had been difficulties in retrieving CCTV images requested for criminal investigations and on a number of occasions these had not been provided for a number of reasons;
- If the premises were to operate as a night club on a Temporary Events Notice, no conditions to manage the events could be imposed and enforced;
- The Police had no reason to believe that the basic requirements with regard to record keeping and management systems that were raised in their letter to the premises in June 2011 had been improved and/or implemented; and
- That the Police was uncertain of the status of the management structure of the premises and who was in charge.

Members of the Sub Committee then asked questions of Mr David Bennett, the Police representative;

Q Would the Premises User have to comply with reasonable conditions required by the Police under a Temporary Events Notice?

A We could ask the Premises User to comply but the Police would be unable to enforce any conditions.

Q There are a number of incidents relating to the premises detailed in the Police evidence, but 10 of these are listed as occurring outside of the premises – how do you know if they relate to Jax Landing?

A We know that these incidents are linked to the premises via Police investigations carried out and statements received.

Members of the Sub Committee then asked questions of the Premises User:

Q What is your involvement with Jax Landing?

A He had been the Day Manager of the premises running the Café for 9 months.

Q What were the plans for the temporary events proposed?

A The plans were to hold a fancy dress Halloween party and have the monthly band/open mike night on the Sunday.

Key points raised by Mr Rudi Lee, Premises User were:

- That they wanted to hold these licensable events to try and save Jax and to create an income stream.

The Police representative and the Sub Committee members were then given an opportunity to ask questions of the Premises User;

Q How can we be satisfied that you can run these events?

A There have been no incidents of crime and disorder in the day when Mr Lee had been in charge and all requirements to ensure the smooth running of the events would be in place.

Q What steps have you taken?

A None as yet as the approvals had not been granted, but they would be in place for the events.

Q Who are you employed by?

A I am employee of Howling Wolves Ltd as of 1 July 2011; I have been working at Jax since 14 February 2011. Pizzazz Leisure and David Poole are no longer involved.

Q How will you manage the events?

A For the Halloween party there will be 3 door staff, 3 bar staff a glass collector and myself. All drinks will be served in plastic glasses; all

bottled drinks will be decanted. New door staff from APS Security will be controlling entry and exit to the premises. We will apply a limit of 250 entrants. The current DJ, Steven McLoughlin has applied for a Personal Licence and we will apply for Temporary Events Notices until a full Premises Licence is in place.

Q What ID checks will you be carrying out?

A All door staff and bar will carry out checks and request ID of those who appear to be under age.

Q What is your experience in running a nightclub?

A I have worked and run a number of bars in the Bath area.

David Bennett on behalf of Wiltshire Police made the following points as his closing submission:

- The premises are routinely subject to incidences of crime and disorder; and
- The risks cannot be conditioned and therefore controlled through a TENS and this would therefore compromise the crime and disorder licensing objective.

The Premises User, Rudi Lee made the following point as his closing submission:

- The events if granted would be professionally run and he would ensure that he would enforce all relevant measures as necessary.

The Sub Committee then retired to consider the application at 11.00 and were accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officer.

The Hearing reconvened at 12.30.

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 determine the facts of the case based on the evidence received and the oral submission of the parties. The Panel through the application of the Sub Committee procedure had been reminded of their obligation to adhere to the Sub Committee procedure ensuring that the rules of natural justice had been complied with. With both parties having been given a fair opportunity to present their cases, the issues are to be determined on the facts as have been presented, taking into account the appropriate weighting

given by the Sub Committee and the legislative framework governing applications of this kind.

Decision:

The Northern Area Licensing Sub Committee has considered the Objection Notice and has determined to allow the request for two Temporary Events Notices to take place as follows

28 & 29 October 2011	11.00 to 02.00
30 October 2011	19.00 to 23.30
4 & 5 November 2011	19.00 to 02.00

Reasons:

The Sub Committee considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 105); the guidance issued under Section 182 of the Act, in particular part 7, paragraph 7.23, and the licensing policy of Wiltshire Council.

The Sub Committee reached their decision after consideration of the written evidence presented together with the oral evidence given by the parties to the hearing.

The evidence presented to the Sub Committee by the Police of incidents of disorder in or around the premises was noted.

The Sub Committee also noted the evidence from Mr Lee that due diligence measures would be undertaken, such as proof of age ID checks, appropriate staffing levels, plastic glasses, all bottles to be decanted, a limitation of 250 entrants and with 3 newly appointed door staff. All bar staff would also carry out proof of age ID checks.

The Sub Committee were assured by Mr Lee's previous experience of managing similar establishments together with his intention to introduce a management plan to cover both events.

Right of Appeal

The Premises User or the Chief Officer of Police may appeal against the Sub Committee's decision to the Magistrate's Court. Any appeal must be lodged within 21 days beginning with the day on which the appellant was notified of the decision. No appeal may be brought later than five working days before the day of the proposed temporary events.

The Officer who has produced these minutes is Lisa Pullin, of Democratic Services,
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