

AGENDA

Meeting: Northern Area Licensing Sub Committee

Place: Committee Rooms B, C + D, Monkton Park, Chippenham

Date: Tuesday 25 October 2011

Time: <u>10.30 am</u>

Matter: Hearing in respect of an objection notice from Wiltshire Police to

Temporary Event Notices for Jax Landing, 1 Bath Road,

Chippenham

Please direct any enquiries on this Agenda to Lisa Pullin, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713 597 or email

Press enquiries to Communications on direct lines (01225)713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

Cllr Desna Allen Cllr Trevor Carbin Cllr Jon Hubbard

AGENDA

1. Election of Chairman

To elect a Chairman for the meeting of the Sub Committee.

2. **Procedure for the Meeting** (Pages 1 - 8)

The Chairman will explain the attached procedure for the members of the public present.

3. Chairman's Announcements

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

4. Declarations of Interest

To receive any declarations of personal or prejudicial interests or dispensations granted by the Standards Committee.

5. **Licensing Application** (Pages 9 - 12)

To consider and determine a Police Objection Notice received in respect of a Temporary Events Notice for Jax Landing, 1 Bath Road, Chippenham.

- 5.1. **Appendix 1 Temporary Events Notice** (Pages 13 18)
- 5.2. Appendix 2 Temporary Events Notice (Pages 19 24)
- 5.3. Appendix 3 Wiltshire Police Objection Letter (Pages 25 26)
- 5.4. Appendix 4 Old Premises Licence for Jax Landing (Pages 27 30)
- 5.5. <u>Appendix 5 Letter to Designated Premises Supervisor</u> (Pages 31 32)
- 5.6. Appendix 6 Location Plan (Pages 33 34)
- 5.7. Appendix 7 Supporting Papers from Wiltshire Police (To Follow)

LICENSING COMMITTEE

PROCEDURAL RULES FOR THE HEARING OF LICENSING ACT 2003 APPLICATIONS

1 Purpose

- 1.1 These rules have been prepared to facilitate proper consideration of licence applications, made under the Licensing Act 2003, by the Licensing Committee and its Sub Committees.
- 1.2 The rules set out a framework for how applications are to be heard and explain the role of the participants at the Hearing.

2 Definitions

- 2.1 The following definitions describe the participants at and the subject matter of a Hearing:
 - "Applicant" means the person who has submitted an Application for consideration by the Committee.
 - "Applicant's Premises" means premises subject to the Application.
 - "Applicant's Representative" means a person attending a Hearing to assist or represent an Applicant including a lawyer.
 - "Application" means an application for the Grant/Variation/Transfer/Review and any other decision to be made by the Committee/Sub-Committee in respect of a Licence.
 - "Chairperson" means the Member who is the Chairperson of the Committee for the particular Hearing.
 - "Committee" means the Council's Licensing Committee and includes any Sub Committee of the Licensing Committee.
 - "Committee Lawyer" means the Council's Lawyer (including an external Lawyer instructed by the Council's Legal & Democratic Services Manager) who is present at a Hearing to advise the Chairperson and the Members.

- "Committee Manager" means the Council's Officer who is present at a Hearing to take minutes.
- "Committee Report" means the Licensing Officer's written report to the Committee concerning an Application, a copy of which has been previously made available to the Applicant or their Representative, a Responsible Authority or their Representative or an Interested Party or their Representative.
- "Hearing" means a meeting of the Committee at which an Application is considered.
- "Licence" means a Licence which the Committee has the power or duty inter alia to grant, transfer, suspend or revoke.
- "Licensing Officer" means the Council's Licensing Officer(s) who is/are present at a Hearing to present reports in respect of an Application and to give technical advice in respect of an Application to the Committee when requested.
- "Licensing Authority" the Council in whose geographical area the subject matter of the Application relates to, and includes the Council's Licensing Committee, any Sub Committee of the Licensing Committee and a Licensing Officer.
- "Member" means a Member who is a Member of the Committee that is considering an Application.
- "Responsible Authority" means a person who is present at a Hearing to make representations in respect of an Application in their capacity as Responsible Authority and includes any person who is present to assist or make representations on behalf of the Responsible Authority including a Lawyer.
- "Interested Party" means a person who is present at a Hearing to make representations in respect of an Application in their capacity as an Interested Party, and includes any person who is present to assist or make representations on behalf of the Interested Party including a Lawyer.

3 Key Principles

- 3.1 The principles of 'natural justice', and Article 6 'Right to a Fair Trial', which is one of the Convention Rights in the Human Rights Act 1998, require that there is a fair Hearing of Applications.
- 3.2 Natural justice is an umbrella term for the legal standards of basic fairness. This will include that:

- 3.2.1 the Applicant has an opportunity to make representations before a decision is made:
- 3.2.2 those making representations have an opportunity to voice their representations before a decision is made;
- 3.2.3 the Applicant has an adequate opportunity to consider and respond to any submissions made by a Responsible Authority/Authorities and/or an Interested Party/Parties;
- 3.2.4 the Committee does not exclude an Applicant from a Hearing in order to consider submissions from a Responsible Authority/Authorities and/or an Interested Party/Parties.
- 3.3 It is also fundamental that there is an orderly presentation of submissions at a Hearing so that the relevant issues are properly understood, evidence is tested and that oral statements made at the Hearing are accurately recorded.
- 3.4 Ultimately the Chairperson determines the application of these rules, having regard to any submissions being made by those present and in particular the Committee Lawyer.

4 The Hearing

- 4.1 The Hearing shall take place in public.
 - 4.1.1 The Committee may exclude the public from all or part of the Hearing where it considers it to be in the public interest to do so and, in accordance with the Local Government (Access to Information) Act 1985, as amended. Public includes a party and any person assisting or representing a party.
 - 4.1.2 The Committee may require any person attending the Hearing who, in its opinion, is behaving in a disruptive manner, to leave the Hearing and may:
 - A refuse to permit them to return;
 - B permit them to return only on such conditions as the Committee may specify;
 - C in the event that a person is required to leave a Hearing that person may, before the end of the Hearing, submit to the Committee in writing any information which they would have given orally.
- 4.2 Prior to the Hearing commencing, the Chairperson shall advise the parties of the procedure it proposes to follow at the Hearing.

- 4.3 Where a party has previously requested permission for a person(s), other than their representative, to appear at the Hearing then the Committee shall consider whether to permit that request.
- 4.4 The Committee will allow the parties an equal maximum period of time in which to exercise their rights.
- 4.5 This equal maximum time may have been notified in advance of the Hearing;
- 4.6 Where there is a multiple of Interested Parties who have attended the Hearing to make the same representation then the Committee would normally require that a spokesperson be appointed by them to make the representations on behalf of all of those Interested Parties.

5 Presentation of Submissions

- 5.1 The Chairperson will introduce the Application.
- 5.2 In the event that the Licensing Authority has given notice to a party requiring clarification on a point(s) then that party shall respond to the points raised by the Licensing Authority.
- 5.3 Submissions shall be made in the following order unless the Chairperson directs otherwise:
 - 5.3.1 The Licensing Officer will orally present the Committee Report and will in particular advise the Committee as to:
 - A the options available to it;
 - B the considerations that are relevant in reaching its decision.
 - 5.3.2 The Review Applicant (or the Applicant's Representative) will orally present its submission which may include:
 - A presenting their case in accordance with the papers, which will have been circulated with Agenda papers;
 - B confirming key information and answer pertinent questions; and
 - C calling witnesses in support of the Application (see paragraph 4.3).

A Responsible Authority/Authorities and/or an Interested Party/Parties will orally present their representations in turn which shall include:

- A the grounds of the representation to the Application; and
- B any condition(s) that the Responsible Authority/Authorities and/or an Interested Party/Parties would be happy to have the Application granted subject to which would cause the representation to be withdrawn.

The Premises Licence Holder and/or their representative will orally present their representations which shall include;

- A The response to the representations made by the Review Applicant, a Responsible Authority/Authorities and/or an Interested Party/Parties; and
- B Whether they would be happy to accept any modifications to the Licence as suggested by the Review Applicant, a Responsible Authority/Authorities and/or an Interested Party/Parties.

6 Questioning of Submissions

- 6.1 The Chairperson will regulate the order in which questions are asked by Members.
- 6.2 The Chairperson and Members, voiced through the Chairperson, may question any party following the completion of their submission.
- 6.3 The Chairperson will normally permit the Applicant, a Responsible Authority/Authorities or an Interested Party/Parties to ask questions through them of the other parties.
- 6.4 The Chairperson may direct that questions which are not relevant to the Application or one of the four Licensing Objectives are not formally put or answered.

7 Documentation

7.1 No party shall present new documentation to the Committee at the Hearing other than with the consent of all of the other parties. This does not preclude the Licensing Officer from correcting errors, providing updated information or an extract from a local map showing the Applicant's Premises in the context of the surrounding premises and any Interested Party's premises. If any party is granted permission to present supplementary papers at the Hearing they shall provide at least 10 copies at the start of their submission.

8 Intervention

The Chairperson shall permit the following interventions at any point in the Hearing:

8.1 The Committee Lawyer to advise the Committee on issues of law, procedure and relevant considerations on decision making. If necessary, the Chairperson may require the Committee, the Committee Lawyer and the Committee Manager to leave the Hearing so that advice can be given.

- 8.2 The Committee Manager to advise the Committee on procedure generally, or to request that statements made are repeated for reasons of clarity and so that they can be properly recorded.
- 8.3 The Licensing Officer to seek to clarify statements that have been made in light of information held on their file.

9 Failure of Parties to Attend Hearing

- 9.1 If a party has informed the Licensing Authority that it does not intend to attend or be represented at a Hearing, the Hearing may proceed in its absence.
- 9.2 If a party has not indicated that it does not intend to attend or be represented at a Hearing and fails to attend or be represented at the Hearing then the Licensing Authority may:
 - 9.2.1 where it considers it be necessary in the public interest, adjourn the Hearing to a specified date; or
 - 9.2.2 hold the Hearing in the party's absence.
- 9.3 Where the Licensing Authority holds a Hearing in the absence of a party, it shall consider at the Hearing the application, representations or notice made by that party.

10 Closing Submissions

10.1 The Chairperson shall allow first, the Responsible Authority/Authorities and the Interested Party/Parties to make a closing oral submission(s) and secondly invite the Applicant or the Applicant's Representative an opportunity to make an oral closing submission in support of the Application.

11 Decision

- 11.1 The Committee, the Committee Lawyer and the Committee Manager, shall retire so that the decision may be considered in private, and to consider any legal issues raised by the Members.
- 11.2 The decision, and reasons for the decision, of the Committee shall be communicated orally by the Chairperson to the parties after the Committee has deliberated in private on the Application.
- 11.3 Written reasons shall be provided soon after the deliberations of the Application and in any event within the statutory time limits.

Hearing Procedure Summary for Temporary Event Notices

This is a summary of the procedures to be followed at hearings of the Licensing Sub Committee in respect of Objection Notices to Temporary Event Notices.

- 1. The Chairperson will welcome all those present and introduce the Application.
- 2. The Chairperson invites the Councillors/Officers/Police Representatives/Premises User to introduce themselves.
- 3. The Chairperson outlines the Hearing Procedure.
- 4. The Licensing Officer presents the Committee Report.
- 5. The Police representatives will be invited to fully outline their objection to the Temporary Events Notice addressing the crime and disorder licensing objective. Witnesses may be called.
- 6. Questions to the Police Representatives by the Sub Committee Members/Premises User to be directed through the Chairperson.
- 7. The Premises User will fully outline their response and address the crime and disorder licensing objective. Witnesses may be called.
- 8. Questions to the Premises User by the Sub Committee Members/Police Representatives to be directed through the Chairperson.
- 9. Closing statement from the Police representatives who should briefly summarise their key points.
- 10. Closing statement from the Premises User who should briefly summarise their key points.
- 11. Sub Committee retires with the Committee Lawyer and Committee Manager to consider its decision.
- 12. Sub Committee returns and the Lawyer gives a summary of any legal advice that may have been given to the Sub Committee, and invites the parties present to make any comments on that advice.
- 13. The outcome of the Sub Committee's consideration will be given by the Chairperson.
- 14. If the Sub Committee resolves to issue a Counter Notice to the Temporary Events Notice (i.e. if the application for a Temporary Event Notice is refused) this will be issued to the Premises User following the hearing.
- 15. 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 event.

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REPORT TO THE LICENSING SUB COMMITTEE (HEARING)

Date of Meeting	25 October 2011
Title of Report	Police Objection Notice received in respect of Temporary Events Notices for Jax Landing,1 Bath Road Chippenham, SN15
Public Report	Yes – This matter is governed by the Licensing Act 2003 (Hearings) Regulations. These provide that hearings should be held in public unless the Licensing Authority considers that the public interest in excluding the public outweighs the public interest in the hearing taking place in public.

Summary of Report

Two Temporary Event Notices (TENS) were served on the Licensing Authority on Wednesday 12 October 2011 and Wiltshire Police on Thursday 13 October 2011, by Mr Rudi Lee.

Where the Chief Officer of Police, who receives a copy of the notice, is satisfied that allowing the premises to be used in accordance with the notice would undermine the crime prevention objective, he must give a notice stating the reasons why he is so satisfied (an objection notice) within 48 hours to the Licensing Authority and the premises user.

An objection notice issued by Wiltshire Police, dated Friday 14 October 2011, was served on the Licensing Authority. (Appendix 3).

Wiltshire Council (as the Licensing Authority) must hold a hearing to consider the Police objection.

In accordance with Section 105 the Licensing Authority must, having regard to the objection notice, issue the premises user a Counter Notice under this section, if it considers it necessary for the promotion of the crime prevention objective to do so.

Officer Recommendations

None. Officers are not permitted to make a recommendation – the decision is to be reached by members of the Licensing Sub Committee.

Other than those implications agreed with the relevant Officers and referred to below, there are no other implications associated with this report.

Financial Implications	Legal Implications	Community & Environmental Implications	Human Resources Implications	Equality & Diversity Implications
None	Yes	None	None	None
Contact Officer		Mrs Linda Holland, Senior Licensing Officer, (North Hub) 01249 706410 Linda.holland@Wiltshire.gov.uk		

1. Introduction

Two Temporary Event Notices (TENs) were served on the Licensing Authority, by Mr Lee for two separate weekends.

The Police may only object on the grounds that, they are satisfied that allowing the premises to be used in accordance with the notice(s) would undermine the crime prevention objective. In such circumstances, the Police must give an objection notice to the Council and the premises user stating the reasons why they are so satisfied within 2 working days of receiving the TEN from the premises user.

The Sub Committee may consider only the crime prevention objective in these circumstances; the other three objectives specified by the Licensing Act 2003 (public safety, the prevention of public nuisance and the protection of children from harm) may not be considered.

2. Background Information

The premises held a Premises Licence from 25 November 2009 until 16 September 2011 when the Licensing Authority was informed that the Premises Licence holder - Pizzaz Leisure Limited had been dissolved 29 September 2009. In September 2009 when the company was in the process of being dissolved no attempt was made by the licence holder to protect the licence by way of issuing an interim notice within the required 7 day period. The Premises Licence being an asset of the dissolved company ceased to exist at that point. The premise has therefore been trading for the past two years without a valid licence unbeknownst to the regulatory authorities.

A copy of the old Premises Licence LN 003307 NL is attached as **Appendix 4.**

Under the old Premises Licence, Wiltshire Police and the Licensing Team had serious concerns over the management of the premises, the lack of any management plan and associated policies and procedures to enable the premises to operate in the night time economy effectively and safely under the four licensing objectives.

A copy of a letter sent to Mr Poole at the premises in June 2011 is attached as **Appendix 5.**

3. Summary of Application

The two Temporary Events Notices, as applied for, are as follows:

(i) Halloween Weekend, 28 – 30 October 2011, sale by retail of alcohol, provision of regulated entertainment and the provision of late night refreshment.

28 & 29 October 2011 11:00 to 02:00

Copy of the Temporary Events Notice is attached as **Appendix 1**.

(ii) Bonfire Weekend, Friday 4 November – 6 November 2011, sale by retail of alcohol, provision of regulated entertainment and the provision of late night refreshment.

4 & 5 November 2011 11:00 to 02:00

A copy of the Temporary Events Notice is attached as **Appendix 2**.

Supporting papers are being prepared by Wiltshire Police as part of their evidence and they will be circulated as soon as they become available as **Appendix 7.**

4. Legal Implications

In accordance with Section 105 the Licensing Authority must, having regard to the objection notice, issue the premises user a Counter Notice under this section, if it considers it necessary for the promotion of the crime prevention objective to do so.

5. Risk Analysis

Not applicable.

6. Right of Appeal

It should be noted that there is a right to appeal the decision made by the Licensing Sub Committee at the Magistrates Court.

Both parties have been informed of the date, time and location of the hearing and their right to attend and be represented.

	. 4 Tamparani Evanta Nation
	• 1. Temporary Events Notice
Appendices:	• 2. Temporary Events Notice
	3. Wiltshire Police Objection letter
	4. Old Premises Licence
	• 5. Letter to Designated Premises Supervisor
	6. Location plan
	• 7. Supporting Papers from Wiltshire Police (To follow)
	The Licensing Act 2003
Background	The Licensing Act (Hearings) Regulations 2005
Documents Used in	Guidance issued under sect 182 of the Licensing
the Preparation of	Act 2003
this Report:	Wiltshire Council Statement of Licensing Policy

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APPENDIX 1

RECEIVED

Agenda Item 5a

1 2 OCT 2011

PUBLIC PROTECTION Temporary Event Notice

12 OCT 2011

9 (9 19 6

Before completing this notice please read the guidance notes at the end of the notice. If you are completing this notice by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets if necessary.

You should keep a copy of the completed notice for your records. You must send two copies of this notice to the licensing authority and an additional copy must be sent to the chief officer of police for the area in which the premises are situated. The licensing authority will endorse one of the two copies and return it to you as an acknowledgement of receipt.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

The personal details of premises user (Please read note 1)					
1. Your name					
Title		Miss Ms	Other (ple	ease state)	
Surname	LEE			,	
Forenames	RUDI	JASE	11/07		
2. Previous n names, if app	ames (Pleas licable. Plea	se enter details ase continue o	of any previon n a separate s	ous names or makes sheet if necessa	naiden ary)
Title	Mr Mrs	Miss Ms	Other (ple	ease state)	
Surname		*			
Forenames					
3. Your date	3. Your date of birth Day 10 Month 07 Year 19			Year 1965	
4. Your place of birth				will 1	ONDON
5. National Insurance Number NI 0777 5 (C		TIC			
6. Your current address (We will use this address to correspond with you unless					
you complete the separate correspondence box below)					
23, WELLSWAY PARK					
Suis Medous, ODDOWN					
	THE SEASON ASSOCIATION AND ADMINISTRATION AND ADMIN				
Post town	BATH	F	Post code	BAZ T	Z DD
7. Other conta					
Telephone nu	mbers				
Daytime		JAX	m15416	1 - 447	7772
, , , , , , , , , , , , , , , , , , ,		イグ	0129	(- 447	727
Evening (option	onal)				
Mobile (optional) 07581082244					
Fax number (optional)	and the same of			
E-Mail Addres	S	2	2.0	4	
(optional)			2 66	45 55	
		Company To the State of			
	address for	corresponden	ce (If you com	plete the detail	s below, we

Post town	Post code
9. Alternative contact details (if ap	plicable)
Telephone numbers: Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail Address (optional)	
2. The premises	
Please give the address of the	premises where you intend to carry on the address give a detailed description (including
JAY LAND	STN G
JAX LAND	CAO.
CHIPPEN HAM	, WILTSHIRE, SNIY OAD
If you intend to use only part of t	he premises at this address or intend to restrict applies, please give a description and details
,	
Please describe the nature of the	premises below. (Please read note 4)
	A CONTRACTOR OF THE CONTRACTOR
NIGHT CLUB	
Please describe the nature of the	event below. (Please read note 5)
AS ABOUE	MIGHT CWB ACTIVITIES HALLOWERN WEEKEND

3. The licensable activities	20070-2008
Please state the licensable activities that you intend to carry on at the please mark an "X" next to the licensable activities you intend to (Please read note 6)	ne premises o carry on).
The sale by retail of alcohol	Ø
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	X
The provision of regulated entertainment	X
The provision of late night refreshment	X
Please state the dates on which you intend to use these premises for activities. (Please read note 7)	or licensable
FRIDAY 26 OCT?	
SATURDAY 29 OUT 2011	
SATURDAY 29 OUT 2011 SUNDAY 30 OUT 2011	
Please state the times during the event period that you propose licensable activities (please give times in 24 hour clock). (Please read	to carry on note 8)
Fr. 29 -11:00 -02:00	
29 - 11:00 - 02:00	
FRI 28 -11:00 - 02:00 SAT 29 -11:00 - 02:00 SUN 30 -19:00 - 23:30	
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 9)	400
If the licensable activities will include the supply of alcohol, please state whether the	X
supplies will be for consumption on or off the premises only the premises, or both (please mark an "X"	
next to the appropriate box). (Please read note 10)	П

4. Personal licence holders (F	Please read note 11)		
Do you currently hold a valid p	personal licence?	Yes	No
(Please mark an "X" in the box that applies to you)		3	X
If "Yes" please provide the det		elow.	
Issuing licensing authority	DEVIZES		

Licence number Date of issue	OUT OF	DATE
Date of expiry	BEFORE	2005
Any further relevant details		

5. Previous temporary event notices you have given (Please read note	12)	
any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? (Please mark an "X" in the box that applies to you)		No Z
If answering yes, please state the number of temporary event notices you have given for events in that same calendar year		
i i i i i i i i i i i i i i i i i i i		V0 ▼
Associates and business colleagues (Please read note 13)		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you)	Yes	No X
If answering yes, please state the total number of temporary event notices your associate(s) have given for events in the same calendar year		
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes	No X
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you)	Yes	No X
If answering yes, please state the total number of temporary event notices your business colleague(s) have given for events in the same calendar year.		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes	No IX

7. Checklist (Please read note 14)	
I shall (Please mark the appropriate boxes with an "X")	A NO.
Send two copies of this notice to the licensing authority for the area in which the premises are located	X
Send a copy of this notice to the chief officer of police for the area in which the premises are located	Ň
If the premises are situated in one or more licensing authority areas, send two copies of this notice to each additional licensing authority	
If the premises are situated in one or more police areas, send a copy of this notice to each additional chief officer of police	
Make or enclose payment of the fee for the application	X
Sign the declaration in Section 9 below	M

8. Condition (Please read note 15)

It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (Please read note 16)

The information contained in this form is correct to the best of my knowledge and belief.

I understand that it is an offence:

- (i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and
- (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.

Signature	AMANIA AMA	
Date	12-10-2011	
Name of Person signing	Rusi LEE	

For completion by the Licensing Authority

10. Acknow	vledgement (Please read note 17)
I acknowled	ge receipt of this temporary event notice.
Signature	
	On behalf of the Licensing Authority
Date	
Name of Officer	

APPENDIX 2

Agenda Item 5b

RECEIVED

12 OCT 2011

Temporary Event Notice

21.00 | 12 OCT 2011

TO THE RECEIVED

PUBLIC PROTECTION

Before completing this notice please read the guidance notes at the end of the notice. If you are completing this notice by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets if necessary.

You should keep a copy of the completed notice for your records. You must send two copies of this notice to the licensing authority and an additional copy must be sent to the chief officer of police for the area in which the premises are situated. The licensing authority will endorse one of the two copies and return it to you as an acknowledgement of receipt.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

The personal details of premises user (Please read note 1)					
1. Your name		A1776			
Title Mr Mr	Title Mr Mrs Miss Ms Other (please state)				
Surname LEE					
Forenames RUD	i JAS.	Ne			
		ils of any previous names or maiden			
names, if applicable. Pl	ease continue	on a separate sheet if necessary)			
Title Mr M:	≋	Is Other (please state)			
Surname					
Forenames					
3. Your date of birth		Day 10 Month 07 Year 1965			
4. Your place of birth		CHISWICK LONDON			
5. National Insurance N		DIZ FFFO IN			
6. Your current address	(We will use t	his address to correspond with you unless			
you complete the separ	rate correspond	dence box below)			
23, WELL	SWAY	PARK			
Sulis M	Swods	ODDOWN			
,					
Post town BATI	1	Post code BAZ ZDD			
7. Other contact details					
Telephone numbers					
Daytime	JAX	01249-447727			
Forming (see Complete on D	JAK	0124 (-447721			
Evening (optional)					
Mobile (optional) 07581682244					
Fax number (optional)					
E-Mail Address					
(optional)					
		ence (If you complete the details below, we			
will use this address to	corrognond wit	b vou			

	Post code				
Post town	Post code				
9. Alternative contact details (if app	licable)				
Telephone numbers:					
Daytime					
Evening (optional)					
Evering (optional)					
Mobile (optional)					
Fax number (optional)					
E-Mail Address					
(optional)					
2. The premises	Section 1				
Please give the address of the	premises where you intend to carry on the				
licensable activities or if it has no	address give a detailed description (including				
the Ordnance Survey references)					
(Please read note 2)					
JAX LAND	5746				
JAY LAND 1, BATH R	64.2				
CHIPPEN MAM, WILTSHIRE, SNIY OAD					
V 1	e premises at this address or intend to restrict				
the area to which this notice a	applies, please give a description and details				
below. (Please read note 3)					
,	*				
/					
	(Diagon road note 4)				
Please describe the nature of the	premises below. (Please read note 4)				
NIGHT CLUB					
1818111					
Please describe the nature of the	Please describe the nature of the event below. (Please read note 5)				
	BONFIRE NIGHT				
AS ABOUE					
	ACTIVITIES				
	NIGHTCLUB.				
	NIGHT (CLUS)				

The licensable activities					
Please state the licensable activities that you intend to carry on at the premises (please mark an "X" next to the licensable activities you intend to carry on). (Please read note 6)					
The sale by retail of alcohol		X			
The supply of alcohol by or on behalf of a cl	ub to, or to the order of,	X			
The provision of regulated entertainment		×			
The provision of late night refreshment		X			
Please state the dates on which you intend activities. (Please read note 7)		or licensable			
FRIDAY	4 NOV 2011	2			
Please state the times during the event plicensable activities (please give times in 24					
FRI 4 NOV - 11-00-2-00 SAT. 5 NOV -11-00-2-0					
	1,57				
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 9)					
If the licensable activities will include the supply of alcohol, please state whether the	On the premises only	X			
supplies will be for consumption on or off the premises, or both (please mark an "X"	Off the premises only				
next to the appropriate box). (Please read Both note 10)					
4 Personal licence holders (Please read no	yo./11\				

4. Personal licence holders (F	Please read note 11)					
Do you currently hold a valid personal licence? Yes No						
(Please mark an "X" in the box that applies to you)						
If "Yes" please provide the details of your personal licence below.						
Issuing licensing authority	DEVIZES					

Licence number Date of issue	OUT OF BEFORE	DATE 2005.
Date of expiry Any further relevant	Detoice	2003
dotoile		

5. Previous temporary event notices you have given (Please read no	te 12)		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? (Please mark an "X" in the box that applies to you)	Yes	No.	
if answering yes, please state the number of temporary event notices you have given for events in that same calendar year			11.
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes	No Z	No No

200	Associates and business colleagues (Please read note 13)			NO
123	Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you)	Yes	No 🔯	区 区
	If answering yes, please state the total number of temporary event notices your associate(s) have given for events in the same calendar year			
	Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes	No X	
	Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you)		No No	
	If answering yes, please state the total number of temporary event notices your business colleague(s) have given for events in the same calendar year.	10-11		
THE RESERVE THE PERSON NAMED IN COLUMN TWO IS NOT THE PERSON NAMED IN COLUMN TWO IS NAMED IN COLUMN TWIND TWO IS NAMED IN COLUMN TWO IS NAMED IN COLUMN TWO IS NAMED IN	Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes	No X	

I shall (Please mark the appropriate boxes with an "X")	
Send two copies of this notice to the licensing authority for the area in which the premises are located	X
Send a copy of this notice to the chief officer of police for the area in which	X
the premises are located	
If the premises are situated in one or more licensing authority areas, send two copies of this notice to each additional licensing authority	
If the premises are situated in one or more police areas, send a copy of this notice to each additional chief officer of police	
Make or enclose payment of the fee for the application	X
Sign the declaration in Section 9 below	X

8. Condition (Please read note 15)

It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (Please read note 16)

The information contained in this form is correct to the best of my knowledge and belief.

I understand that it is an offence:

- (i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and
- (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.

Signature		
Date	12-10-2011	
Name of Person signing	Puri LEE	

For completion by the Licensing Authority

10. Acknow	ledgement (Please read note 17)
I acknowled	ge receipt of this temporary event notice.
Signature	*
	On behalf of the Licensing Authority
Date	
Name of Officer	

Agenda Item 5c

Mrs Linda Holland Senior Licensing Officer **Public Protection Services** Wiltshire Council Monkton Park Chippenham. Wilts SN15 1ER

Divisional Licensing Officer

Trowbridge Police Station Polebarn Road Trowbridge Wiltshire BA14 7EP Telephone: 101 Mobile:

Ext: 725578 Direct Dial:

Facsimile: 01225 794799 DX: 146500, Trowbridge 5.

Your ref Date 14 October 2011

Our ref

Reply contact name is **David Bennett**

Dear Mrs Holland,

Ref: Jax Landings, 1 Bath Road, Chippenham SN14 0AD

The Wiltshire Police have received two Temporary Event Notices(TENS) from Rudi Jason Lee, in relation to the above premise.

The TEN's cover the time period Friday 28 October 2011 through to 30 October 2011, and Friday 4 November 2011 through to Saturday 5 November 2011, Apart from Sunday 30 October 2011, the club would remain open until 02.00 hours.

Wiltshire Police have concerns in relation to this application as follows:

- 1. Jax has been the subject of numerous incidents of crime and disorder both within the premise and in the vicinity. Police can provide details of these occurrences and the interventions made to try and address the problems.
- 2. The premise licence has recently been withdrawn. The nature and location of the Jax operation dictated that a full premises licence was required and was subject to a number of essential conditions. This was in order to support the licensing objective of preventing crime and disorder. Such enforceable conditions cannot be provided for under a TEN.
- 3. The provision of nightime licensable activity in a nightclub environment to celebrate Halloween and Bonfire Night over a period of five nights is in the opinion of police a sham and is an abuse of the Temporary Event Notice provisions
- 4. The premises has recently received close scrutiny from both police and council licence enforcement officers in relation to a significant number of defiencies in respect of management policy and procedure and compliance with specific Page 25

licence conditions. The departure of the DPS and any known management structure gives increasing cause for concern in these respects.

Based upon these concerns, Wiltshire Police object to these TEN's as it is feared that the crime prevention objective will be undermined. Please treat this letter as an objection notice.

Yours sincerely,

David Bennett

Divisional Licensing Manager

LICENSING ACT 2003

PREMISES LICENCE

PREMISES LICENCE NUMBER: LN/003307 NL

Premises Details

Postal address of premises, or if none, ordnance survey map reference or description

JAX Landing
1 Bath Road

Post Town Chippenham Post Code SN14 0AD
Telephone Number 01249 447727

Lice	ensable activities authorised by the Licence	The	time the licence authorise	es the carrying out of
		lice	nsable activities	
a.	Films	a.	Sunday to Saturday 🧳	09.00 hrs to 00.00 hrs
			\	
b.	Live Music	b.	Sunday to Saturday	1 <mark>2</mark> .00 hrs to 01.00 hrs
C.	Recorded Music	C.	Sunday	10.00 hrs to 01.00 hrs
			Monday to Thursday	10.00 hrs to 02.00 hrs
			Friday to Saturday	10.00 hrs to 03.00 hrs
d.	Performances of Dance	d.	Sunday	10.00 hrs to 01.00 hrs
u.	Performances of Dance	u.	Monday to Thursday	11.00 hrs to 02.00 hrs
			Friday to Saturday	10.00 hrs to 02.00 hrs
		4	inday to Guturday	10.00 1113 to 00.00 1113
e.	Anything of a similar description to that		Sunday to Saturday	09.00 hrs to 01.00 hrs
С.	falling within Live Music, Recorded Music,	4	Junuay to Jutar ady	
	Performances of Dance		•	
	1 criormanoes of Burios			
f.	Provide Facilities for Making Music	f.	Sunday	09.00 hrs to 01.00 hrs
ļ	1 Tovide I delittles for making music	7	Monday to Thursday	09.00 hrs to 02.00 hrs
		ĺ	Friday to Saturday	09.00 hrs to 03.00 hrs
_	Duraida Facilities for Danaina			
g.	Provide Facilities for Dancing	g.	Sunday	09.00 hrs to 01.00 hrs
			Monday to Thursday	09.00 hrs to 02.00 hrs
			Friday to Saturday	09.00 hrs to 03.00 hrs
l _		١.		
h.	Entertainment of a Similar Description to that	h.	Sunday	09.00 hrs to 01.00 hrs
	falling within Making Music or Dancing		Monday to Thursday	09.00 hrs to 02.00 hrs
			Friday to Saturday	09.00 hrs to 03.00 hrs
		i.	Sunday to Saturday	23.00 hrs to 05.00 hrs
i.	Provision of Late Night Refreshment	١.	Sunday to Saturday	23.00 1115 to 05.00 1115
		j.	Sunday	10.00 hrs to 01.00 hrs
j	Supply of Alcohol - for consumption both on	٦.	Monday to Thursday	10.00 hrs to 02.00 hrs
4	and off the premises		Friday to Saturday	10.00 hrs to 03.00 hrs
4			aay cataraay	

Opening Hours

Unrestricted

Name, (registered) address of holder of Premises Licence

Pizzaz Leisure Limited 1 Bath Road

Post Town Chippenham Post Code SN14 0AD

Registered Number of Holder 03997986

Name of Designated Premises Supervisor where the Premises Licence authorises for the supply of alcohol

David Keith Poole

Personal Licence Number: LN/002808 NL Licensing Authority: North Wiltshire District Council

State whether access to the premises by children is restricted or prohibited

Yes - The provisions of Section 145 of the Licensing Act 2003 apply

Licence Commencement Date

24th November 2005

Environmental Health Team Leader (the Officer appointed for this purpose)

Current Licence Date

16th June 2008

Environmental Health Team Leader (the Officer appointed for this purpose)

Environmental Health Licensing Section of North Wiltshire District Council, Community and Environment,
Monkton Park, Chippenham, Wiltshire, SN15 1ER
Tel. 01249 706555 www.northwilts.gov.uk

ANNEX 1 - MANDATORY CONDITIONS

Door Supervision

Where this Premises Licence includes a condition that one or more individuals must be at the premises to carry out a security activity, those individuals who are present to guard against a, b or c must be licensed by the Security Industry Authority:

- a. Unauthorised access or occupation (eg through door supervision)
- b. Outbreaks of disorder
- c. Damage

Supply of Alcohol

Where this Licence authorises the supply of alcohol:

No supply of alcohol may be made under this licence:

- a. At a time when there is no Designated Premises Supervisor in respect of it
- b. At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended"

Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a Personal Licence.

Exhibition of Films

Where this Licence authorises the exhibition of films:

The admission of children under the age of 18 to film exhibitions permitted under the terms of this licence shall be restricted in accordance with any recommendations made:

- a. By the British Board of Film Classification (BBFC,) where the film has been classified by that Board
- b. By the Licensing Authority where no classification certificate has been granted by the BBFC or, where the Licensing Authority has notified the licence holder that section 20 (3) (b) (74 (3) (b) for clubs) of the Licensing Act 2003 applies to the film

ANNEX 2A - CONVERTED CONDITIONS

- Where the number of children attending the entertainment exceeds 100 the licensee shall ensure that the provisions of Section 12 of the Children and Young Persons Act 1933 are complied with.
- Alcohol shall not be sold or supplied except during permitted hours.
- a. The permitted hours shall commence:
- On days, other than Sundays, Christmas Day, and Good Friday, at 11 am.
- On Sundays, Christmas Day and Good Friday at noon (NB For New Years Eve permitted hours commence at 11am unless New Years
 Eve falls on a Sunday when they shall commence at Noon).
- b. Subject to the following paragraphs, the permitted hours of weekdays shall extend until two o'clock the following morning except that
 - i. the permitted hours shall end at midnight on any day on which music and dancing is not provided after midnight; and
 - ii. on any day that music and dancing end between midnight and two o'clock in the morning, the permitted hours shall end when the music and dancing end
- c. In relation to the morning on which summer time begins, paragraph (2) of this condition shall have effect with the substitution of references to three o'clock in the morning for references to two o'clock in the morning.
- d. Except as provided in (e) below the permitted hours on Sundays shall extend until thirty minutes past midnight in the following except that i. the permitted hours shall end at midnight on any Sunday on which music and dancing is not provided after midnight
 - ii. where music and dancing end between midnight on any Sunday and thirty minutes past midnight, the permitted hours on that Sunday shall end when the music and dancing end.
- e. On Sundays immediately before bank holidays other than Easter Sunday, the permitted hours shall extend until 2am the following morning except that
 - i. the permitted hours shall end at midnight on any Sunday on which the music or dancing is not provided after midnight
 - ii. where music and dancing end between midnight on any Sunday and 2 am, the permitted hours on that Sunday shall end when the music and dancing end.
- f. On New Year's Eve the permitted hours shall extend through from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day
- g. The sale of alcohol must be ancillary to the use of the premises for gaming facilities and substantial refreshment.
- h. The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment. The above restrictions do not prohibit:
 - i. Consumption of the alcohol on the premises by, or the taking, sale or supply of alcohol to any person residing in the licensed premises.
 - ii. the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered
 - iii. the sale of alcohol to a trader or club for the purposes of the trade or club
 - iv. the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces
 - v. The taking of alcohol from the premises by a person residing there
 - vi. The supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or (j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

ANNEX 2B - OPERATING SCHEDULE

PREVENTION PUBLIC NUISANCE

- There shall be no performance of dance outside after 23.00 hours.
- The Manager or Licensees shall carry out observations in the vicinity of the nearby properties on at least two occasions between 9pm and closing, to establish whether there is a noise breakout from the premises.
- If the observation determines a noise break is at a level likely to cause disturbance to the occupants of properties in the vicinity, then the volume of music and sound from TVs and screens shall be reduced to a level that does not cause disturbance.
- A Closed Circuit Television recording system shall be installed at the premises. The number and position of cameras should be determined
 by a risk assessment of the premises.
- The CCTV shall be maintained in full working order and used at all times when any licensable activity is taking place.
- The Premises shall register as a member of the Pubwatch Scheme in the locality and a representative of the Management Team shall attend all meeting.
- Sufficient door staff as determined by a Risk Assessment of the premises will be employed.
- There shall be no entry/re-entry after 01.15 hours except for those pre-registered on an official guest list.

PUBLIC SAFETY

- A trained First Aider shall be present at all times when licensable activities are taking place.
- All broken glass/bottles shall be cleared up immediately.

PROTECTION OF CHILDREN FROM HARM

- Except when attending organised discos/entertainments there shall be no children under the age of 16 on the premises after 22.00 hours.
- All persons under the age of 18 must be accompanied by a responsible adult.
- All security personnel working at organised discos/entertainments must be subject to relevant Criminal Record Bureau checks.

PREVENTION OF CRIME AND DISORDER

- A Closed Circuit Television recording system shall be installed at the premises. The number and position of cameras should be determined by a risk assessment of the premises.
- The CCTV shall be maintained in full working order and used at all times when any licensable activity is taking place.
- The Premises shall register as a member of the Pubwatch Scheme in the locality and a representative of the Management Team shall attend all meeting.
- Sufficient door staff as determined by a Risk Assessment of the premises will be employed.
- There shall be no entry/re-entry after 01.15 hours except for those pre-registered on an official guest list.

ANNEX 3 - HEARING

None

ANNEX 4 - PLANS

See Attached.

Agenda Item 5e

3rd June 2011

Mr D Poole Jax Landing 1 Bath Road Chippenham Wiltshire SN14 0AD Public Protection Services
Licensing Team
Wiltshire Council
Monkton Park
Chippenham
Wiltshire
SN15 1ER

DX 34208 CHIPPENHAM

Our Ref: LN/003307/LVH /KLS

Dear Mr Poole

Re: Licensing Act 2003 - Premises Licence LN/0007 Formal Warning

I am writing further to the meeting held at Jax Landing on 26th May 2011. Present at the meeting were the following:

David Poole, Designated Premises Supervisor Jackie Gallimore, Police Licensing Officer Paul Reid, Manager Linda Holland, Senior Licensing Officer, Wiltshire Council.

The meeting was called to discuss the progress made by yourself in regard to your record keeping and management systems (policies and procedures) since our last meeting on 5th April 2011, and for Wiltshire Police to outline their concerns regarding capacity limits for the premises and the potential problems linked to overcrowding.

I was disappointed to note that there had been little if no improvement in most of the basic requirements.

- 1. No staff training records and no training programme for staff on alcohol licensing requirements were in place.
- 2. No Age Verification Policy (a mandatory condition on your Premises Licence) was in place.
- 3. A Refusal Book was in place, but records were incomplete with no signature, date or time.
- 4. An Incident Book was in place, but records were incomplete with more details required. The signature of the person completing the record must be completed after each entry.
- 5. A drugs box was in place, but no procedure or policy regarding this was provided.
- 6. No Risk Assessments were available for inspection, including a Fire Risk Assessment.
- 7. No Management Plan was in place. This is to include a chain of command and responsibilities.
- 8. Written authorisation is to be available and up to date.

Continued over/

As discussed at the meeting, it is for the Licence Holder to demonstrate that they are meeting their obligations under the four Licensing Objectives and these matters must be addressed as a matter of urgency.

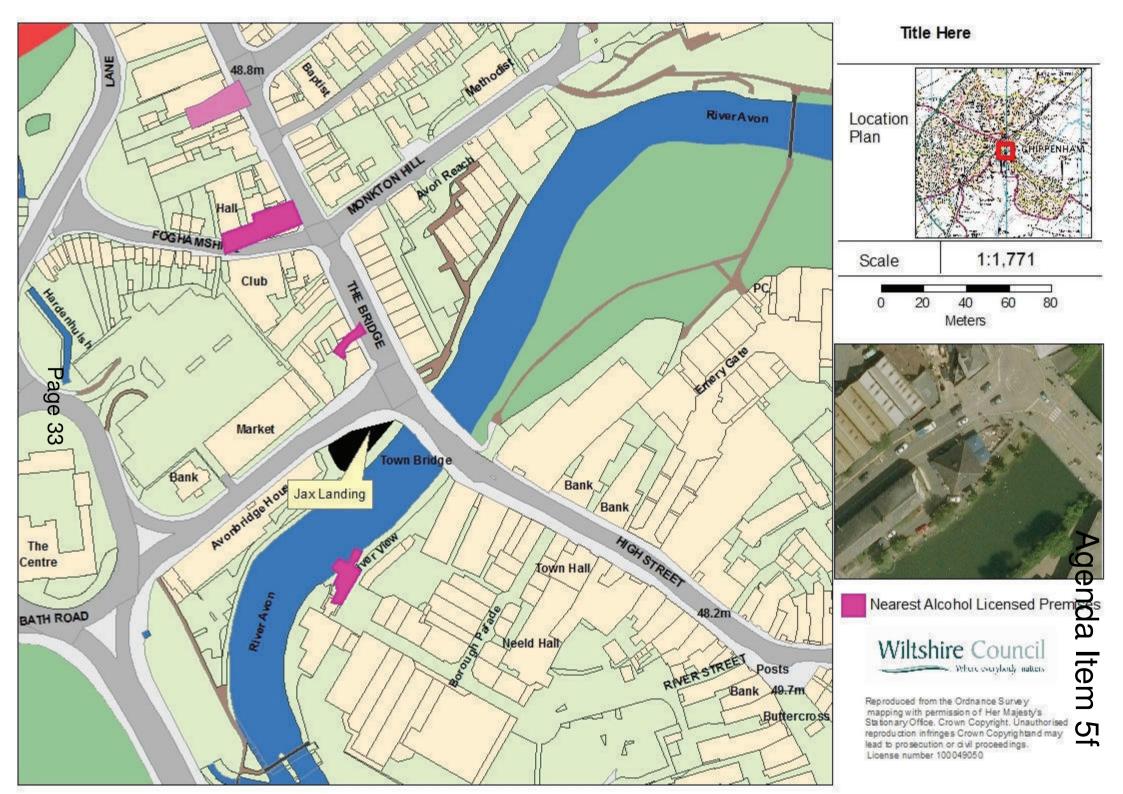
I plan to re-visit the premises on Wednesday 14th June 2011, at 2pm to inspect the documentation.

The penalty for conviction for offences under the Licensing Act 2003 is up to £20,000, up to 6 months imprisonment or both.

Yours sincerely

Linda Holland Senior Licensing Officer Tel. 01249 706410 Fax. 01249 444650 Email linda.holland@wiltshire.gov.uk

Cc: Wiltshire Police, Polebarn Road, Trowbridge, BA14 7EP



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