

NORTHERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE NORTHERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 12 APRIL 2013 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER IN RESPECT OF AN PROVISIONAL STATEMENT - SN15, STATION, HILL, CHIPPENHAM

Present:

Cllr Desna Allen, Cllr Ernie Clark and Cllr Jonathon Seed

Also Present:

SN15 Ltd

Mr P Shayegan
Mr C Meikel
Mrs B Daniels

Responsible Authority

Linda Holland – Senior Licensing Officer
Paul Taylor – Senior Legal Officer
Richard Francis – Senior Environmental Health Officer
Kate Golledge – Public Protection Manager

Persons who made Representation

Cllr Chris Caswill
Mr R Burford
Ms M Croucher
Mr I Keasey

Wiltshire Police

Ms J Gallimore
Roger Bull
John Brixey

1 **Election of Chairman**

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

Resolved:

To elect Councillor Jonathon Seed as Chairman for this meeting only.

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 – 8 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 **Licensing Application**

Application by SN15 Ltd for a Provisional Statement for SN15 17a Station Hill 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 Applicant, the Responsible Authorities and persons who had made relevant representations were given the opportunity to address the Sub Committee.

Key points raised by Mr Shayegan, the applicant, were:

- He had been in the business for 30 years and owned clubs in Bath.
- He had always been interested in opening a business in Chippenham.
- He recognised that the club had had problems in the past but believed that was due to bad management.
- He wanted a club where people would be treated with respect, could dress up and have a good time without getting drunk and fighting.
- They would work with the customers to build up a good relationship with them.
- Drugs would not be tolerated.
- Security would be comprehensive.
- There had been a noise report which had been agreed to. Regarding noise on the street – people would be asked to leave at 02.30 and security would ensure that people left the premises quietly and safely. Security would patrol until 03.30. There would also be CCTV to check the street.
- A taxi firm would be available to ensure that taxis were available all the time.
- Litter etc would be cleaned up the next day.

Mr Shayegan then introduced Mr Craig Meikle who would be the Designated Premises Holder.

Mr Meikle explained that he had been the manager of Club 11 for three and a half years and had been Chair of Pubwatch. He was aware of the issues at the previous nightclub in the premises. The proposed club would be a respectable venue and be a safe environment.

Mr Shayegan introduced Mrs Barbara Daniels who would provide security to the proposed nightclub. Mrs Daniels explained that she has been operating in Chippenham for nine years and supplied security to other premises in the town. The security men would ensure that people who were intoxicated would be placed in taxis. There would be CCTV and door to door radios.

The Sub Committee then asked questions of the applicant:

- How any behavioural issues would be addressed by security?

We will have more than one doorman and others can be called if necessary. We also have CCTV.

- How many security staff will be on duty at any time.

There be will 10 SIA staff both men and women.

- What connection was there between the old management and SN15 Ltd.

Nothing other than they are the landlord.

Questions from the Responsible Authority (Mrs Kate Golledge of Wiltshire Council) were:

- We would question Area Global Management's acoustic qualifications.

We have told them I have a standard to meet. They have met with Ian Sharland and an agreement has been reached and they will comply with the noise report.

- What is the chill out area to be used for and will you have a cut-off point.

It will be like a Moroccan area with hubbly bubbly. It is just for people to sit and enjoy drinking quietly. We propose to use sound abating materials. We will close it at 2am.

- Our policy states that residents shall not be prevented from sleeping from 11pm to 6am. There are residences within 10m of the club – how do you propose to control the noise in the yard?

After a short recess it was agreed that that use of the outside area would cease at 11pm for drinking and then only be in use for up to 40 smokers at any one time until closing time.

Questions raised by the Police were:

- What are the leasehold arrangements?

The lease is for one year. The intention is to buy the freehold.

- What are the estimated costs for refurbishment?

I estimate about £25000

- So no quotes just a guess?

Correct.

Questions raised by Persons who made Relevant Representations were:

- The sound consultant's reports states that you advised him that there had been no complaints about noise in the past.

I had no information from the previous owners, I did not know there had been issues with noise.

- On page 77 of the acoustic report that closing time is given as 2am not 3am will that affect the recommendations?

That is a mistake.

- *Can we have your assurance that the acoustic report covers a 3am close?*

Yes

- Feel that the drugs policy is inadequate – can we have assurances that more detail and fuller measures will be taken?

We can make random searches and if we are suspicious we will call the Police. We have zero tolerance of drugs.

- We need to be reassured that noise suppression is adequate and noise barriers will not be disengaged.

The sound measures will address these issues.

Key points raised by Ms Gallimore of Wiltshire Police were:

- The Police position was that the application broadly met all the Police requirements.
- Police would work closely with the applicant.
- Police were satisfied with Mr Meikle and also with Mrs Daniels.
- Would question the applicant's financial commitment to this venture.

The Police then drew attention to the agenda supplement which detailed incidents in Chippenham when the old Karma Club was open and after it had closed. Police had been able to assess what was normal without the club being open.

Questions raised by the Sub Committee were:

- Could your statistics be influenced by other premises?

The data is location specific. We can't attribute it to just one location but there is a correlation between the statistics and the constant presence of the nightclub.

- Crime rates have dropped in all of Chippenham anyway?

Yes however the drop was so dramatic it could only be attributed to one incident, that is the closure of Karma.

Key points raised by Persons who made Relevant Representations were:

- This is not the right place for a nightclub.
- The sound consultant has made some assumptions.
- Previous owners have the potential to be associated with the premises.
- There is not a clear schedule of works.
- Resident's lives were blighted when Karma was open.
- Concerned about the level of damage that has been done to properties in the past

There was a recess for lunch at 1.05pm.

The Hearing reconvened at 1.40pm.

The parties were then given the opportunity to sum up.

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

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

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 Northern Area Licensing Sub Committee have considered an application by SN15 Ltd for a provisional statement for premises at 17A Station Hill, Chippenham in relation to the following proposed licensable activities:

| | Timings | Days |
|---|----------------|-------------|
| <u>Provision of regulated entertainment</u> | | |
| Films | 11:00 to 03:00 | Daily |
| Live music | 11:00 to 03:00 | Daily |
| Recorded music | 11:00 to 03:00 | Daily |
| Performance of dance | 11:00 to 03:00 | Daily |
| Anything of a similar description | 11:00 to 03:00 | Daily |
| Sale by retail of alcohol on sales only | 11:00 to 02:30 | Daily |
| Hours Premises Open to the Public | 11:00 to 03:00 | Daily |

The Sub Committee having taken note of the management proposals by SN15 Limited has issued the following provisional statement:

The applicants are required to produce a proper schedule of works to bring the property into a satisfactory condition, which is fit for purpose, implementing all of the recommendations in the acoustic report by Ian Sharland Limited dated 10th November 2012 and the Fire Precautions Survey Report by Roger Tombs dated 7th November 2012 to the satisfaction of the Licensing Authority. On completion of the works and the installation of any PA system a commissioning exercise is

to be undertaken to establish sound levels to the satisfaction of the licensing authority.

If the premises were altered in the way proposed in the schedule of works as described above and if a premises licence were sought for those premises in the terms set out in this attached application, then the Authority would consider it appropriate for the promotion of licensing objectives to modify the application and attach further conditions as follows:

The closing time of the premises on Sunday to Wednesday nights to be 02.00 hours the following morning with the terminal hours of licensable activities to be adjusted accordingly in particular supply of alcohol to cease at 01.30 hours on those days.

The external amenity area, as described in the acoustic report, is only to be used for smoking after 23.00 hours and is to be restricted to a maximum of 40 persons. The smoking area shall be restricted to the upper patio area. This area is to be appropriately managed by the applicant to ensure compliance

No rubbish or recyclable material is to be disposed of from the premises between the hours of 02.00 and 07.00

The Authority would also impose conditions consistent with those set out in the management plan and the operating schedule, as submitted with the application, and those previously applied to the premises licence for 17A Station Hill, held by Constantine Leisure Limited as at the time of its revocation in October 2011, as attached.

Reasons:

The Sub Committee consider the proposed modifications and conditions would meet the licensing objectives in particular the prevention of public nuisance and the prevention of crime and disorder.

Evidence:

In reaching its decision the Sub Committee has considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 31); the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

The Sub Committee have also considered the written evidence presented in the agenda, together with the oral evidence given at the hearing on behalf of the applicant, the responsible authorities and other persons who had made representations.

The applicant had explained that it was his intention to create an atmosphere in the club where patrons would have respect for the premises. They would not

have any cheap drinks promotions and would seek to educate patrons that unsociable behaviour was not acceptable. They were aware of the issues that had led to the previous premises licence being revoked and would work hard with the relevant authorities to ensure that similar problems did not recur.

The representatives of the licensing and public protection authorities explained that their main concerns were that the works set out in the acoustic and fire prevention reports were implemented in full, to reduce the impact of noise from the premises and that, in particular, the use of the outside area be restricted.

The police's representative referred to the problems that had existed when the premises had previously operated as a nightclub and drew attention to the reduction in the number of recorded incidents in the area, since the previous nightclub had closed. They noted that the type of operation being proposed was similar to that which had led to problems of nuisance and crime and disorder in the past.

Cllr Caswill and the other persons who gave evidence, also referred to the problems that they and their neighbours had experienced in the past from the premises and stated that they did not consider this to be an appropriate location for a nightclub.

Having taken into account all of the representations, the Sub Committee felt that there were not sufficient grounds to state that a premises licence application would be refused. They were concerned at the inadequacies in the schedule of works, but considered that, if a proper schedule of works were implemented, then the concerns about noise from the premises would be addressed. They also felt that it would be appropriate to impose similar conditions to those that had been previously applied to the premises, to address the other concerns that had been raised, in particular those about nuisance caused by persons leaving the premises.

Right to Appeal

All parties have the right to appeal to the Magistrates Court against the terms of this statement. Any such appeal must be made within 21 days of receipt of this statement .

The Officer who has produced these minutes is Pam Denton of Democratic Services

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