

AGENDA

Meeting: Western Area Licensing Sub Committee
Place: Council Chamber- County Hall, Trowbridge BA14 8JN
Date: Tuesday 19 August 2014
Time: 10.30 am
Matter: Application for a Premises Licence - The Black Pearl, 5a Church Street, Trowbridge

Please direct any enquiries on this Agenda to Kieran Elliott of Democratic Services, County Hall, Bythesea Road, Trowbridge, BA14 8JN.

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 Nick Blakemore

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 disclosable interests or dispensations granted by the Standards Committee.

5 **Licensing Application** (*Pages 9 - 14*)

To consider and determine an Application for a Premises Licence in respect of The Black Pearl, 5a Church Street, Trowbridge, BA14 8DR made by Mr M Hinds.

5a **Appendix 1-Previous Premise Licence** (*Pages 15 - 22*)

5b **Appendix 2- Decision notice of hearing held in March 2012** (*Pages 23 - 26*)

5c **Appendix 3- Decision notice of review hearing** (*Pages 27 - 28*)

5d **Appendix 4- Magistrates documents** (*Pages 29 - 30*)

5e **Appendix 5- Application and plan of premise** (*Pages 31 - 52*)

5f **Appendix 6- Map of other licensed premises** (*Pages 53 - 54*)

5g **Appendix 7 - Relevant representation** (*Pages 55 - 56*)

5h **Appendix 8 - Police documents** (*Pages 57 - 88*)

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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 any person who has made a Relevant Representation 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.

“Person making a Relevant Representation” means a person who is present at a Hearing to make representations in respect of an Application and includes any person who is present to assist or make representations on behalf of that person including a Lawyer.

“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.

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 any person/s who have made a Relevant Representation;

- 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 any person/s who have made a Relevant Representation.
- 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 are a number of people 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 who have made Relevant Representations .

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 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).
 - 5.3.3 A Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation 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 any person/s who have made a Relevant Representation would be happy to have the Application granted subject to which would cause the representation to be withdrawn.

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 any person/s who have made a Relevant Representation 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 person/s who have made a Relevant Representation . 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 any person/s who have made a Relevant Representation 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

1. The Democratic Services Officer will request nominations for a Chairman for the Hearing.
2. The Chairperson welcomes all those present and introduces the Application.
3. The Chairperson introduces the Applicant, Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation.
4. The Chairperson outlines the Hearing Procedure.
5. The Licensing Officer presents the Committee Report.
6. The Applicant addresses the Sub Committee.
7. Questions to the Applicant by Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation.
8. Questions to the Applicant by Members of the Sub Committee.
9. Comments by Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation.
10. Questions by Applicant.
11. Questions to Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation by Members of the Sub Committee.
12. Summing up by Parties who have made representations.
13. Summing up by Applicant.
14. Sub Committee retires with the Committee Lawyer and Committee Manager to consider its decision.
15. Sub Committee returns and the Lawyer gives a summary of any legal advice that may have been given to the Committee.
16. The Chairperson either gives the decision with reasons, or advises that it will be released in writing with reasons within the statutory time limits.

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WILTSHIRE COUNCIL

WESTERN AREA LICENSING SUB COMMITTEE

DATE OF MEETING: 19 AUGUST 2014

**Application for a Premises Licence; The Black Pearl, 5a Church Street,
Trowbridge, Wiltshire, BA14 8DR**

1. Purpose of Report

- 1.1 To determine an application for a Premises Licence in respect of The Black Pearl made by Martin Richard Paul Hinds.

2. Background Information

- 2.1 An application for a Premises Licence in respect of The Black Pearl has been made by Martin Richard Paul Hinds for which one relevant representation has been received.
- 2.2 Wiltshire Council (as the Licensing Authority) must hold a hearing to consider the application having regard to the representations. In accordance with Section 18 (3) of The Licensing Act 2003 the Licensing Sub Committee is required to take such of the steps listed in 2.4 below as it considers appropriate for the promotion of the licensing objectives. In considering the application and the relevant representations, the Sub Committee must also have regard to relevant Government guidance and the Council's Licensing Policy.
- 2.3 The licensing objectives are:
- i) The Prevention of Crime and Disorder;
 - ii) Public Safety;
 - iii) The Prevention of Public Nuisance; and
 - iv) The Protection of Children from Harm.
- 2.4 Such steps are:
- i) To grant the licence subject to such conditions as are consistent with those included in the operating schedule submitted with the application, modified to such extent as the Sub Committee considers appropriate for the promotion of the licensing objectives, together with any mandatory conditions required by the Licensing Act.
 - ii) To exclude from the scope of the application any licensable activity.
 - iii) To refuse to specify a person as the designated premises supervisor.
 - iv) To reject the application.
- 2.5 On 30 June 2014 an application for a New Premises Licence was received and accepted as a valid application. This was due to the Licensing Authority

having been informed of the previous Licence Holder, Tammatha Newbury's declaration of bankruptcy on 3rd June 2014 and so consequently the licence ceased to exist.

The previous licence was held from March 2012 until 03rd June 2014. The previous premises licence is attached as **Appendix 1**.

During consultation for the original application two relevant representations were received from Wiltshire Police and Wiltshire Council's Environmental Health Team. A hearing was held in March 2012 and the licence was granted with additional conditions and reduced hours. The decision notice of this hearing is attached as **Appendix 2**.

A review hearing was then held in June 2012 which was applied for by Wiltshire Police under the grounds of Crime and Disorder, Public Safety and the Protection of Children from Harm. The result of this being that the licence were to be suspended for a month. The decision notice of this review hearing is attached as **Appendix 3**.

Ms Newbury appealed against this decision and the case was heard at the Magistrates Court in November 2012. The appeal was dismissed and the decision of the licensing committee came into effect on 12th December 2012. The Magistrates reasons in the matter of The Black Pearl licensing appeal and order are attached as **Appendix 4**.

From June 2012 until the licence ceased in June 2014 Wiltshire Council have received four alleged complaints of loud music breaking out from the building. Where it was established that the noise was coming from the premise in question and not neighbouring premises appropriate action was taken.

2.6 The new application applies for the following:

Licensable Activity	Timings	Days
Indoor sporting events	19:00 hrs – 00:00 hrs 19:00 hrs – 01:00 hrs	Sunday Monday
Live music (indoors)	12:00 hrs – 22:00 hrs 19:00 hrs – 23:00 hrs 19:00 hrs – 00:00 hrs	Sunday Thursday Friday & Saturday
Recorded Music (indoors)	12:00 hrs – 23:00 hrs 12:00 hrs – 23:30 hrs 12:00 hrs – 01:30 hrs	Sunday, Monday, Tuesday & Wednesday Thursday Friday & Saturday
Anything of a similar description (karaoke, Indoors)	16:00 hrs – 23:00 hrs 12:00 hrs – 23:00 hrs 19:00 hrs – 00:30 hrs	Sunday Monday Friday & Saturday
Late Night Refreshment (indoors)	23:00 hrs – 00:00 hrs 23:00 hrs – 00:00 hrs	Monday Tuesday, Wednesday, Thursday, Friday & Saturday

Sale by retail of alcohol (on the premises)	12:00 hrs – 00:00 hrs 12:00 hrs – 01:00 hrs 12:00 hrs – 02:00 hrs 12:00 hrs – 02:30 hrs	Sunday Monday & Tuesday Wednesday & Thursday Friday & Saturday
Seasonal Variations: Anything of a similar description (karaoke, Indoors)	12:00 hrs – 22:00 hrs	Bank Holidays
Non standard timings: Live Music (indoors)	18:00 hrs – 00:30 hrs 18:00 hrs – 01:30 hrs	Christmas Eve & New Years Eve New Years Day
Recorded Music (indoors)	12:00 hrs – 01:30 hrs	Christmas Eve, New Years Eve & New Years Day
Anything of a similar description (karaoke, Indoors)	16:00 hrs – 00:30 hrs	Christmas Eve, New Years Eve & New Years Day
Late Night Refreshment	23:00 hrs – 01:30 hrs	Christmas Eve, New Years Eve & New Years Day
Supply of Alcohol (indoors)	12:00 hrs – 01.30 hrs 12:00 hrs – 03:00 hrs	Christmas Eve New Years Eve & New Years Day

A copy of the application and plan of the premise from Martin Richard Paul Hinds is attached as **Appendix 5**.

2.7 There are three other premises in Church Street which are currently licensed as follows:

The White Swan Supply of Alcohol & Recorded Music Exhibition of films Performance of Live Music, Provision of facilities for making music & Provision of facilities for dancing	12:00 hrs – 01:30 hrs 20:00 hrs – 23:30 hrs 20:00 hrs – 00:00 hrs	Monday - Sunday Monday – Sunday Wednesday - Saturday
The Charcoal Grill (Late Night Refreshment)	23:00 hrs – 03:00 hrs 23:00 hrs – 04:30 hrs	Monday – Thursday & Sunday Friday & Saturday
@The Loft (Previously known as Harvey’s Nightspot) Supply of alcohol, Live Music, recorded Music & Performance of Dance Late Night Refreshment	12:00 hrs – 22:00 hrs 12:00 hrs – 23:00 hrs 12:00 hrs – 01:30 hrs 23:00 hrs – 02:00 hrs	Sunday Monday – Thursday Friday & Saturday Friday & Saturday

A map showing the locations of the other licensed premises in relation to the location of The Black Pearl is attached as **Appendix 6**.

3. Consultation and Representations

3.1 The application process requires the application to be advertised, by the Applicant, in a local news publication within 10 working days, starting on the day after the authority receives it and for a public notice (on pale blue paper) to be posted on the premises. In addition the Licensing Authority advertises the application on its website, for a period of 28 consecutive days, starting the day after the authority receives the application.

3.2 During the consultation period one relevant representation has been received.

3.3 Representations Received from a Responsible Authority

- Wiltshire Police, Polebarn Road, Trowbridge, Wiltshire BA14 7EP

3.4 A summary of the representation made is detailed in the table below:

Representation	Licensing Objective	Accepted	Comments
The applicants ability to manage the premise	Prevention of Crime and Disorder	Yes	

3.5 The relevant representation is attached as **Appendix 7**.

4. Legal Implications

4.1 This hearing 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.

4.2 The Applicant, and all persons who have made representations have been informed of the date, time and location of the hearing and their right to attend and be represented.

4.3 At the hearing all those who have made representations are entitled to address the Sub Committee and to ask questions of another party, with the consent of the Sub Committee.

5. Officer Recommendations

5.1 Officers are not permitted to make a recommendation – the decision is to be reached by the members of the Licensing Sub Committee.

6. Right of Appeal

- 6.1 It should be noted that the Applicant and those persons who have made representations may appeal the decision made by the Licensing Sub Committee to the Magistrates Court. The appeal must be lodged with the Magistrates Court within 21 days of the notification of the decision.
- 6.2 In the event of an appeal being lodged, the decision made by the Licensing Sub Committee remains valid until any appeal is heard and any decision made by the Magistrates Court.
- 6.3 A Responsible Authority or any person may apply to the Licensing Authority for a Review of a Premises Licence. Whether or not a Review Hearing takes place is in the discretion of the Licensing Authority, but, if requested by a person other than a Responsible Authority it will not normally be granted within the first 12 months except for the most compelling circumstances.
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Report Author: Teresa Bray
Teresa Bray, Public Protection Officer (Licensing)
Date of report: 5 August 2014

Background Papers Used in the Preparation of this Report

- **The Licensing Act 2003**
- **The Licensing Act (Hearings) Regulations 2005**
- **Guidance issued under Section 182 of the Licensing Act 2003**
- **Wiltshire Council Licensing Policy**

Appendices

- 1 Previous Premise Licence**
- 2 Decision notice of hearing held in March 2012**
- 3 Decision notice of review hearing held in June 2012**
- 4 The Magistrates reasons in the matter of The Black Pearl licensing appeal and order**
- 5 Application for a new premise licence and plan of premise**
- 6 Map of other licensed premise**
- 7 Relevant representation**

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**Licensing Act 2003
Premises Licence**

Public Protection – Licensing
 County Hall
 Bythesea Road
 Trowbridge
 Wiltshire
 BA14 8JN

Tel 0300 4560100

Premises Licence number

WW1200013LAPRE

Premises details

Postal address of premises or, if none, Ordnance Survey map reference or description

The Black Pearl
 5a Church Street

Post town

Trowbridge

Post code

BA14 8DR

Telephone number

01225 781146

Licensable activities authorised by the licence

Sale of alcohol (on sales)
 Live & recorded music (Indoors)
 Performances of dance (Indoors)
 Anything of a similar description (indoors)
 Provision of facilities for dancing (indoors)

Where the licence is time limited, the dates

N/A

The times authorised by the licence for the carrying on of licensable activities

For the sale of alcohol (on sales):

Monday – Tuesday	11.00 - 00.00
Wednesday & Thursday	11.00 – 02.00
Friday & Saturday	11.00 – 02.30
Sunday	12.00 - 22.30

Live & recorded music (Indoors) Performances of dance (Indoors) Performances of dance

(Indoors) Provision of facilities for dancing (indoors)	
Monday – Saturday	19.00 – Midnight
Sunday	19.00 - 22.30

Anything of a similar description (indoors)

Wednesday & Thursday	19.00 – 00.00
Sunday	19.00 – 22.30

The opening hours of the premises

Monday & Tuesday	11.00 – 00.30
Wednesday & Thursday	11.00 – 02.30
Friday & Saturday	11.00 – 03.00
Sunday	12.00 - 23.00

Where the licence authorises the sale of alcohol whether these are on [and / or] off sales

On Sales of alcohol

Name, (registered) address, telephone no and email (if relevant) of holder of premises licence

Ms T Newbury
61 Azalea Drive
Trowbridge
Wiltshire
BA14 9GG
Tel: 07963331234

Registered number of holder, for example company number, charity number (where applicable)

N/A

Name, address and telephone number of designated premises supervisor where the premises licence authorises the sale of alcohol

Christopher Heath Fox
1 Kingsfield Grange Road Bradford on Avon BA15 1BE

Personal licence number and issuing authority of personal licence held by the designated premises supervisor where the premises licence authorises the sale of alcohol

WW1100142LAPER granted by Wiltshire Council

Mandatory conditions**Alcohol**

Where this Licence authorises the supply of alcohol:

1. 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.
2. Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a Personal Licence.

Irresponsible Promotions (On Sales Only)

3. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

3. (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

Dispensing Alcohol Directly into the Mouth (On Sales Only)

4. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

Free Tap Water (On Sales Only)

5. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

Age Verification Policy

6. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

6. (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

Drink Volume Measures (On Sales Only)

7. The responsible person shall ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

Door Supervision

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

Conditions and restrictions from transferred licences

N/A

Conditions consistent with the operating schedule

1. Staff will be trained in the law and practice relating to age restricted sales. Proof of age will be required from any person seeking to purchase or consume alcohol who appears to be under the age of 18. This evidence shall be photographic, such as a passport, photographic driving licence, PASS accredited proof of age card such as a Validate Card and 'Touch 2ID'. Readers for 'Touch 2ID' installed at both ends of the bar.
2. The premises will adopt and comply with the British Beer and Pub Associations Guideline on On-Trade Promotions.
3. Public information notices about crime and disorder issues will be displayed at the request of the Council or the Police.
4. A notice will be displayed on or immediately outside of the premises advising customers of the premises age restriction policy.
5. A notice will be displayed at the entrance to the premises advising customers of the conditions of entry.
6. The premises will be responsible for the disposal of waste on the frontage of the premises and provision is made for the emptying of litter bins in the vicinity of the premises.
7. Adequate and suitable (lidded) receptacles to be provided to receive and store refuse from the premises.
8. Receptacles for refuse storage will be maintained in a clean condition.
9. Lighting is provided outside of the premises during the hours of darkness when any licensable activity takes place on the premises.
10. Free drinking water is available at all times the premises is open to the public.
11. Details of a 'hot line' number for a local taxi firm is provided for the use of customers.
12. Sufficient seating is provided to accommodate a quarter of the maximum capacity of the premises.
13. During the final hour of opening, music levels will be discernibly quieter.
14. Any ventilation system installed at the premises will have suitable sound attenuation.

Conditions attached after a hearing by the licensing authority

The Hearing decision of the initial application held on 20 March 2012

1. No glass bottles, glasses or alcoholic drinks to be permitted off the premises or in the porch area after 2100hrs.
2. All drinks to be served in polycarbonate glasses and no glass bottles to be served from over the bar after 2100hrs.
3. The premises will adopt a zero tolerance to drugs. The premises licence holder will produce within 28 days of the grant of the licence a written drugs policy to the satisfaction of the licensing authority and the police which will be provided to all staff and implemented.

4. The designated premises supervisor or his/her representative will attend regularly, and be an active member of, Pubwatch.
5. When regulated entertainment is offered a minimum of three door supervisors will be deployed at the premise from 2100hrs to the closing of the premises. (See the amended conditional wording below).
6. CCTV will be installed at the premises - the system should be installed so as to cover all entrances and exits, and the licensed area. The system is to be maintained and in full working order during all licensable hours. The system is to be of sufficient quality so as to enable identification. Images must be retained for a minimum of 28 days and produced to a police officer or a Wiltshire Council licensing officer on request.
7. Customers wishing to smoke will be restricted to the frontage of the premises, and will not be permitted to use the footpath or highway. No more than six persons will be permitted to use this area at any one time. When door staff are on duty this number may be increased to no more than ten persons.
8. The premises will maintain an incident record in a consecutively numbered log book. All incidents shall be recorded promptly and shall record the date, day, time, description of incident and any actions taken. The record is to include details of successful challenges to proof of age and be available to the police and licensing authority on request.
9. The premises will maintain a record of all door supervisors deployed at the premises which will be made available on request to the police and licensing authority.
10. Staff will undertake appropriate training in all aspects of relevant licensing legislation within two months of commencement of employment; this training will be recorded and regularly refreshed.
11. In the absence of the designated premises supervisor, a personal licence holder will be present on the premises at all times when a licensable activity is taking place.
12. No person under the age of 18 years old will be permitted on the premises after 2100 hours.
13. The premises licence holder shall maintain a noise log book during live and recorded music events including karaoke. A responsible person working within the premises shall undertake observations at the nearest noise sensitive residential premises. The observations shall be undertaken at hourly intervals during events. The following information must be recorded and available for inspection by the Council: the date

and time, location, name of the person making the observation on the level of music and any remedial actions taken to reduce the levels.

14. Doors and windows to be kept closed during regulated entertainment (except for ingress and egress) after 2100hrs to reduce noise nuisance from the premises.
15. Prominent, clear and legible notices must be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly and not loiter close to the entrance.
16. No bottles to be emptied into waste receptacles between the hours of 2000hrs and 0900hrs the following day.
17. Any request by authorised Officer of the Council in relation to reducing noise levels during regulated entertainment to be complied with.

The Hearing Decision of the Review application held on the 25 June 2012

The Premises Licence is suspended for one month.

(a) Condition 5 above be amended as follows:

5. When regulated entertainment is taking place a minimum of three door supervisors will be deployed at the premises from 2100 hours to the closing of the premises. In addition on all Thursdays, Fridays and Saturdays and any other evening when regulated entertainment is taking place, a minimum of two door supervisors will be deployed at the premises from 1900 hours.

(b) A further condition be added as follows:-

18. The premises licence holder shall maintain a written rota of all staff at least seven days in advance and submit a copy of it to the Licensing Authority monthly. This rota is to be available for immediate inspection on request of Council Officers and Police.

Plans

The attached plans form part of this licence and are stamped with the licence number and the date it was granted

Signed

Licensing Officer
Wiltshire Council

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DECISION NOTICE

Western Area Licensing Sub Committee

Decision made on 20 March 2012

**In respect of an application for a Premises Licence made by
Tammatha Newberry for 5a Church Street, Trowbridge**

Decision:

The Western Area Licensing Sub Committee has resolved to GRANT the licence for the following licensable activities:-

The Provision of Licensable Activity:

Licensable Activity	Timings	Days
<u>Provision of regulated entertainment</u> Live music (Indoors)	1900 – Midnight	Monday to Saturday
	1900 – 2230	Sunday
Recorded Music (Indoors)	1900 – Midnight	Monday to Saturday
	1900 – 2230	Sunday
Sale by retail of alcohol (on the premises)	1100 – Midnight	Monday & Tuesday
	1100 – 0200	Wednesday & Thursday
	1100 – 0230	Friday & Saturday
	1200 – 2230	Sunday
Performance of Dance & Facilities for dancing (Indoors)	1900 – Midnight	Monday to Saturday
	1900 – 2230	Sunday
Anything of a similar description (Karaoke)	1900 – Midnight	Wednesday & Thursday
	1900 – 2230	Sunday
Hours open to the Public	1100 – 0030	Monday & Tuesday

	1100 - 0230	Wednesday and Thursday
	1100 - 0300	Friday & Saturday
	1200 - 2300	Sunday

And subject to the following additional conditions:

The prevention of crime and disorder:

1. No glass bottles, glasses or alcoholic drinks to be permitted off the premises or in the porch area after 2100hrs.
2. All drinks to be served in polycarbonate glasses and no glass bottles to be served from over the bar after 2100hrs.
3. The premises will adopt a zero tolerance to drugs. The premises licence holder will produce within 28 days of the grant of the licence a written drugs policy to the satisfaction of the licensing authority and the police which will be provided to all staff and implemented.
4. The designated premises supervisor or his/her representative will attend regularly, and be an active member of, Pubwatch.
5. When regulated entertainment is offered a minimum of three door supervisors will be deployed at the premise from 2100hrs to the closing of the premises.
6. CCTV will be installed at the premises - the system should be installed so as to cover all entrances and exits, and the licensed area. The system is to be maintained and in full working order during all licensable hours. The system is to be of sufficient quality so as to enable identification. Images must be retained for a minimum of 28 days and produced to a police officer or a Wiltshire Council licensing officer on request.
7. Customers wishing to smoke will be restricted to the frontage of the premises, and will not be permitted to use the footpath or highway. No more than six persons will be permitted to use this area at any one time. When door staff are on duty this number may be increased to no more than ten persons.
8. The premises will maintain an incident record in a consecutively numbered log book. All incidents shall be recorded promptly and shall record the date, day, time, description of incident and any actions taken. The record is to include details of successful challenges to proof of age and be available to the police and licensing authority on request.

9. The premises will maintain a record of all door supervisors deployed at the premises which will be made available on request to the police and licensing authority.
10. Staff will undertake appropriate training in all aspects of relevant licensing legislation within two months of commencement of employment; this training will be recorded and regularly refreshed.
11. In the absence of the designated premises supervisor, a personal licence holder will be present on the premises at all times when a licensable activity is taking place.
12. No person under the age of 18 years old will be permitted on the premises after 2100 hours.
13. The premises licence holder shall maintain a noise log book during live and recorded music events including karaoke. A responsible person working within the premises shall undertake observations at the nearest noise sensitive residential premises. The observations shall be undertaken at hourly intervals during events. The following information must be recorded and available for inspection by the Council: the date and time, location, name of the person making the observation on the level of music and any remedial actions taken to reduce the levels.
14. Doors and windows to be kept closed during regulated entertainment (except for ingress and egress) after 2100hrs to reduce noise nuisance from the premises.
15. Prominent, clear and legible notices must be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly and not loiter close to the entrance.
16. No bottles to be emptied into waste receptacles between the hours of 2000hrs and 0900hrs the following day.
17. Any request by authorised Officer of the Council in relation to reducing noise levels during regulated entertainment to be complied with.

Reasons

The representations made by the police and the Environmental Protection services related respectively to the licensing objectives of preventing crime and disorder and preventing public nuisance. The Sub-Committee noted that the police had agreed a number of conditions with the applicant which, if imposed, would meet many of the concerns that the police had in relation to possible crime and disorder associated with the premises. The conditions set out above were generally in line with those requested by the police and were in any event consistent with those set out in the applicant's operating schedule.

The Sub-Committee accepted the concerns raised by the Environmental Protection officer regarding the suitability of the premises for music event, given its location and structure. In view of this, the Sub-Committee considered it necessary to reduce the hours during which regulated entertainment could take place at the premises, as well as imposing the additional conditions relating to noise monitoring and the reduction of noise, in order to prevent noise nuisance to neighbouring residents.

In reaching its decision the Sub Committee has considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 18); 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 and the supporting evidence provided by the applicant, police and the Environmental Protection Officer together with the oral evidence given at the hearing.

Right to Appeal

All parties have the right to appeal to the Magistrates Court within 21 days of receipt of this decision.

DECISION NOTICE

Western Area Licensing Sub Committee

Decision made on 25 June 2012

In respect of an application by Wiltshire Police for a Review of a Premises Licence at Black Pearl, 5a Church Street, Trowbridge, BA14 8DR

Decision:

The Western Area Licensing Sub Committee has resolved to SUSPEND the licence for ONE MONTH and amend the conditions as detailed below:

a) Condition 5 be amended as follows:-

5. When regulated entertainment is taking place a minimum of three door supervisors will be deployed at the premises from 2100hrs to the closing of the premises. In addition on all Thursdays, Fridays and Saturdays, and any other evening when regulated entertainment is taking place, a minimum of two door supervisors will be deployed at the premises from 1900hrs.

b) A further condition be added as follows:-

18. The premises licence holder shall maintain a written rota of all staff for at least seven days in advance and submit a copy of it to the licensing authority monthly. This rota is to be available for immediate inspection on request of council officers and police.

Evidence and Reasons

The Sub-Committee noted the evidence that was presented on behalf of the police in relation to the incidents of violence and disorder that had occurred at the premises and also the incidents that had occurred at the Carpenters' Arms, during the time that the premises licence holder had been working there. They accepted that there had been a failure by the premises licence holder to properly maintain certain records required by conditions on the licence and that some people on the pubwatch banned list had gained access to the premises, which had, on occasion, led to incidents of disorder.

In light of the evidence presented, the Sub Committee seriously considered the request by police to revoke the licence, but concluded that the licensing objectives could still be met by a period of suspension and the addition of further conditions.

The Sub Committee concluded that a period of suspension was appropriate to permit the licence holders to implement existing conditions and improve management skills.

The additional requirement for door staff was considered to be appropriate to control access to the premises and to seek to prevent incidents of violence and disorder.

In reaching its decision the Sub Committee has considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 52); the guidance issued under Section 182 of the Act (in particular to paragraphs 11.19, 11.21, 11.23 and the Licensing Policy of Wiltshire Council.

The Sub Committee have also considered the written evidence presented in the agenda and the supporting evidence provided by the review applicant and premises licence holder, together with the oral evidence given at the hearing.

Right to Appeal

All parties have the right to appeal to the Magistrates Court within 21 days of receipt of this decision.

The decision of the Sub Committee will not come into effect until the period of appeal is concluded, or if an appeal is made until the appeal has been finally disposed of.

Amended



North West Wiltshire

Code 3026

The Court House, Pewsham Way, Chippenham, Wiltshire SN15 3BF

Telephone Number: 01249 463473

Fax Number: 01249 444319

WILTSHIRE COUNCIL LICENSING – WEST

Bythesea Road

Trowbridge

Wiltshire

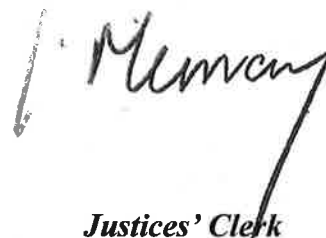
BA14 8JN

Case number: 541200166122

Orders

The court has heard the matters shown below and made the orders listed.

Date: 11 December 2012


Justices' Clerk

Matters and Orders

541200166122/1

Appeal against a decision of the Wiltshire Council Licensing – West Licensing Authority relating to Black Pearl Public House on an application for a review of a premises licence under section 52 of the licensing Act 2003 on the ground that bad financial situation.

In accordance with Part 1 of Schedule 5 to the Licensing Act 2003

Tammantha NEWBURY to pay costs of £1500.00 to Wiltshire Council.

Payment Terms: to pay balance of £1500.00 on or before 11/06/2013

**MAGISTRATES' REASONS IN THE MATTER OF
THE BLACK PEARL LICENSING APPEAL 11.12.12**

In determining the appeal we are obliged to have regard to the licensing objectives contained in the Licensing Act 2003. These are

- (1) The prevention of crime and disorder,
- (2) public safety
- (3) The prevention of public nuisance
- (4) The protection of children from harm

Also in determining the appeal we have looked carefully at the evidence presented by Wiltshire Council and by the appellant Ms Newbury, premises licence holder of the Black Pearl, 5A Church Street, Trowbridge, Wiltshire, we have also taken into account the Secretary of States' "S.182" Guidance.

We are dismissing the appeal of Ms Newbury against Wiltshire Council's order of 25th June 2012.

We are not persuaded that all the recommendations of that order were complied with, and it would benefit Ms Newbury to have a period in which to concentrate her efforts to ensure full ongoing compliance. There has been time for her to meet these requirements, and there remains considerable doubt as to whether they are in place at the Black Pearl premises. Some aspects have been addressed but at a later date and not completely.

By not going down the path of revocation we are acknowledging the efforts that have been made by Ms Newbury, but believe she needs to meet the full licensing requirements.

Further reasons for the imposition of costs in the case

Whilst we appreciate that the costs represented are legitimate, costs incurred by Wiltshire County Council, we have to take into account what is a just and reasonable amount to impose.

We realise that a one month suspension will impact upon Ms Newbury's finances so we grant a contribution of £1,500. Ms Newbury has six months to pay this.

11th December 2012

Received

RECEIVED

INC
30/06

2 JUL 2014

201416685.

£1901.00

[Insert name and address of relevant licensing authority and its reference number (optional).]

Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

You may wish to keep a copy of the completed form for your records.

I/we MARTIN RICHARD PAUL HINDS

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 - Premises Details

Postal address of premises or, if none, Ordnance Survey map reference or description <u>5 A CHURCH STREET</u>			
Post town	<u>TROWBRIDGE</u>	Postcode	<u>BA148DR</u>

Telephone number at premises (if any)	<u>(01225) 282048 107925095916</u>
Non-domestic rateable value of premises	<u>£ N/A SMALL BUSINESS</u>

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)

- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a

statutory function or

a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname HINDS			First names MARTIN RICHARD PAUL		
I am 18 years old or over				<input checked="" type="checkbox"/>	Please tick yes
Current postal address if different from premises address		51 GLEBE ROAD			
Post town	TROWBRIDGE	Postcode	BA149JR		
Daytime contact telephone number		(01225) 282048			
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD MM YYYY

0	5	0	6	2	0	1	4
---	---	---	---	---	---	---	---

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD MM YYYY

--	--	--	--	--	--	--	--

Please give a general description of the premises (please read guidance note 1)
 GROUND FLOOR BUILDING SITUATED NEXT TO ANOTHER PUBLIC HOUSE, KEBAB SHOP NEXT DOOR. NEW HAIRDRESSERS ACROSS THE ROAD AND A NIGHTCLUB TO THE RIGHT OF THEM. 1 SINGLE BAR, 2 POOL TABLES, 2 FRUIT MACHINES AND POSSIBLY A COUPLE OF ARCADE STYLE GAMES IN THE FUTURE.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

150

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed					
			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	POOL COMPETITIONS. CHARGING A POOL ENTRY FEE.
Mon	7pm	1am	
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri			
Sat			
Sun	7pm	00:00	

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>			
Mon			Please give further details here (please read guidance note 3)			
Tue						
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)			
Thur						
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)			
Sat						
Sun						

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur	AM 19:00	PM 23:00			
Fri	PM 19:00	AM 00:00	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5) CHRISTMAS EVE 18:00 – 00:30 NEW YEARS EVE 18:00 – 00:30 NEW YEARS DAY 18:00 – 01:30		
Sat	PM 19:00	AM 00:00			
Sun	PM 12:00	PM 22:00			

WE HAVE BEEN NOTIFIED ABOUT NOISE ESCAPING FROM OUR FIRE DOOR, WE WILL ADDRESS THIS PROBLEM AND UNTIL THEN NO LIVE OR RECORDED MUSIC WILL BE PLAYED UNTIL THE COUNCILS PUBLIC PROTECTION TEAM HAVE CHECKED THIS AND ARE SATISFIED.

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place <u>indoors or outdoors or both - please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	12 PM	11 PM	<u>Please give further details here</u> (please read guidance note 3) TO PLAY RECORDED MUSIC TO 1.30 AM ON WEEKENDS WE SUPPLY DOORMEN (MINIMUM OF 2) ON FRIDAY AND SATURDAYS. NO DRINKS ARE SERVED IN GLASSES AFTER 9 PM AND THE TABLE AND CHAIRS OUTSIDE IS BROUGHT IN BY 11 - 11.30 PM AND A TABLE IS LEFT IN THE DOORWAY TO LEAVE DRINKS ON		
Tue	12 PM	11 PM			
Wed	12 PM	11 PM	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Thur	12 PM	11.30 PM	12 PM - 00.30		
Fri	12 PM	1.30 AM	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat	12 PM	1.30 AM	XMAS EVE 12 PM - 01.30 NEW YEARS EVE 12 PM - 01.30 NEW YEARS DAY 12 PM - 01.30		
Sun	12 PM	11 PM			

EVEN THOUGH WE HAVE MUSIC IN THE BACKGROUND AFTERWARDS THERE IS VERY LITTLE DANCING AND REVELRY AT THE END OF THE EVENINGS AS THE 2 POOL TABLES ARE ALWAYS USED UNLESS PUT AWAY FOR AN EVENT. WE GET OUR LOCALS (GROUPS OF MOSTLY LADIES) WHO LIKE TO HEAR THE MUSIC A BIT LOUDER THAN BACKGROUND, THIS IS ALWAYS MONITORED BY EITHER MYSELF, TAMMY, THE DRS OR WHOEVER IS IN CONTROL OF THE PUB, BUT I MUST STRESS THAT DUE TO THE NOISE THAT IS MADE BY THE PUB NEXT DOOR AND THE CLUB OVER THE ROAD, SOMETIMES ITS DIFFICULT TO HEAR OUR OWN MUSIC.

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed					
Thur			State any seasonal variations for the performance of dance (please read guidance note 4)		
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)		

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing <p style="text-align: center; font-size: 1.2em;">KARAOKE</p>		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Mon	12 PM	11 PM		Outdoors	<input type="checkbox"/>
Tue			Both	<input type="checkbox"/>	Please give further details here (please read guidance note 3)
Wed					
Thur					
			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
	19:00	00:30	BANK HOLIDAYS 12 PM - 22 00		
	19:00	00:30	<small>Please complete all columns. Where you request to use the premises for the event (entertainment) on a date that does not fall on a bank holiday, indicate the date.</small>		
	16:00	23:00	XMAS EVE 16:00 - 00:30 NEW YEARS EVE 16:00 - 00:30 NEW YEARS DAY 16:00 - 00:30		

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	1900	00:00	<u>Please give further details here</u> (please read guidance note 3) THE POOL LEAGUE STATES THAT U MUST PROVIDE FOOD FOR THE TEAMS AND WE DO SO. IF WE DO AN EVENT FOR CHARITY OR A BIG POOL COMPETITION THAT WE PUT A PERCENTAGE TO CHARITY WE PROVIDE FOOD		
Tue	12 PM	00:00			
Wed	12 PM	00:00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4) BBO'S OUTSIDE (POSSIBLY BANK HOLIDAYS)		
Thur	12 PM	00:00			
Fri	12 PM	00:00	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)		
	12 PM	00:00	BIRTHDAY PARTIES, WEDDINGS, PRIVATE FUNCTIONS, POSSIBLY STUDENT NIGHTS		
	12 PM	11 PM	XMAS EVE 12 PM - 01:30 NEW YEARS EVE 12 PM - 01:30 NEW YEARS DAY 12 PM - 01:30		

TAMMY COOKS THE FOOD AT HOME AND IT IS THEN BROUGHT TO THE PREMISES AS WE HAVE NO COOKING FACILITIES.

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises <input checked="" type="checkbox"/>
				Off the premises <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)	
Mon	12 PM	1 AM		
Tue	12 PM	1 AM		
Wed	12 PM	2 AM		
Thur	12 PM	2 AM	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list below (please read guidance note 5) XMAS EVE 12 PM – 01.30 NEW YEARS EVE 12 PM – 03.00 NEW YEARS DAY 12 PM – 03.00	
Fri	12 PM	2.30 AM		
Sat	12 PM	2.30 AM		
Sun	12 PM	12 AM		

Please see notes and details of the law which you will be applying on the license in respect of your premises on page 10.

Name **CHRIS FOX**

Address **1 KINGSFIELD GRANGE RD
BRADFORD ON AVON
WILTSHIRE**

BA15 1BE

11/00142 / LAPER

TROWBRIDGE

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	12 PM	1 AM	POSSIBLY BANK HOLIDAYS, CHRISTMAS & NEW YEAR PLUS ANY EVENTS WHERE THE PROCEEDS GO MOSTLY TO CHARITY.
Tue	12 PM	1 AM	
Wed	12 PM	2 AM	
Thu	12 PM	2 AM	
Fri	12 PM	2:30 AM	
Sat	12 PM	2:30 AM	
Sun	12 PM	12 AM	

M Describe the steps you intend to take to promote the four licensing objectives:

a) General - all four licensing objectives (b, c, d and e) (please read guidance note 9)

CLEAR SIGNS WILL BE PLACED INSIDE AND OUTSIDE THE PREMISES STATING NORMAL HOURS OF WHICH LICENSABLE ACTIVITIES ARE PERMITTED. WE WILL NEVER EXCEED THE MAXIMUM CAPACITY THE PREMISES CAN HOLD, WHICH IS 150. WE ONLY EMPLOY DOORSTAFF WITH CREDITED SIA BADGES AND THEY RESERVE THE RIGHT TO CARRY OUT RANDOM SEARCHES FOR DRUGS OR WEAPONS. CCTV IS AVAILABLE AND THE RECORDS LAST FOR 28 DAYS AFTER INCIDENTS.

b) The prevention of crime and disorder

CCTV IS IN OPERATION, DRUG POLICY ALREADY IN ORDER. PLASTIC GLASSES ARE PROVIDED AFTER 9PM WHICH HAS CEASED THE TRAVEL. BAR STAFF ARE TRAINED TO ASK FOR I.D. OR TO REFUSE TO SERVE ALCOHOL TO ANY PERSON! PERSONS DEEMED TO BE TOO INTOXICATED. ONLY PASSPORTS AND DRIVING LICENCES ARE ACCEPTED MOSTLY AS FORMS OF IDENTIFICATION. NO GLASSES OR ALCOHOL TO BE TAKEN OUTSIDE AFTER 10 PM, AFTER WHICH A SIGN WILL BE DISPLAYED. DOORSTAFF CARRY OUT SEARCHES, ANYTHING FOUND GOES IN A BOX AND WILL BE HANDED TO THE POLICE.

~~Public safety~~ THE PREVENTION OF PUBLIC NUISANCE

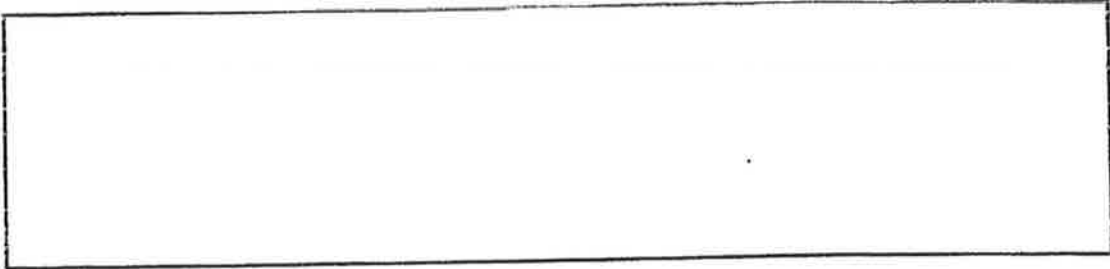
NOISE LEVELS WILL BE CHECKED REGULARLY DURING THE EVENING AND AN ACCEPTABLE LEVEL WILL BE MAINTAINED AND LIVE MUSIC WILL BE TURNED UP OR DOWN ACCORDINGLY. ALL DOORS/WINDOWS WILL BE CLOSED WHEN LIVE MUSIC IS PLAYING (ALSO RECORDED MUSIC). CUSTOMERS ARE ALWAYS REMINDED TO THINK ABOUT OUR NEIGHBOURS WHEN LEAVING THE PREMISES, AND SIGNS ARE POSTED TO REMIND THEM. THE REMOVAL OF BOTTLES AND RUBBISH WILL NOT TAKE PLACE AFTER 10 PM. NO MORE THAN 10 PEOPLE TO BE OUTSIDE SMOKING AT ONE TIME, MONITORED BY ALL STAFF, WHO WILL DIRECT THEM TO THE CAR PARK OPPOSITE. NOISE ESCAPING FROM THE FIRE EXIT IS TO CHANGE DUE TO EITHER A NEW DOOR OR SOUNDPROOFING, BUT WILL STILL BE REGULARY CHECKED UNTIL THEN.

PUBLIC SAFETY

A LOG BOOK WILL BE ON THE PREMISES TO RECORD ANY INCIDENTS OR ISSUES THAT MAY ARISE AND WILL BE AVAILABLE FOR INSPECTION IF REQUIRED. WE HAVE ADEQUATE SEATING FOR THE SIZE OF THE PREMISES. ALL HEATING, LIGHTING, SEATING, ELECTRICAL, VENTILATION, WASHING FACILITIES AND ALL OTHER INSTALLATIONS WILL BE MAINTAINED IN A SAFE AND FUNCTIONAL MANNER. COLD WATER IS AVAILABLE AS ARE FIRST AID KITS.

c) The prevention of children from being

NO CHILD UNDER THE AGE OF 14 WILL BE ALLOWED IN THE PREMISES AFTER 9PM UNLESS INVOLVED IN A WEEKLY ACTIVITY E.G. POOL SKITTLES, AND THEN MUST BE ACCOMPANIED BY A RESPONSIBLE ADULT. NO ALCOHOL WILL BE SERVED TO ANYONE UNDER 18 YEARS OLD. IDENTIFICATION IS ALWAYS ASKED FOR IF WE THINK THE PERSON/PERSONS COULD BE UNDERAGE.



Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 4 - Signatures (please read paragraphs 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (see paragraph 10). If signing on behalf of the applicant, please state in which capacity.

Signature	
Date	27/06/14
Capacity	APPLICANT

Your best qualifications, experience of the applicant or the applicant's solicitor or other duly authorised agent (see paragraph 10). If signing on behalf of the applicant, please state in which capacity.

Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

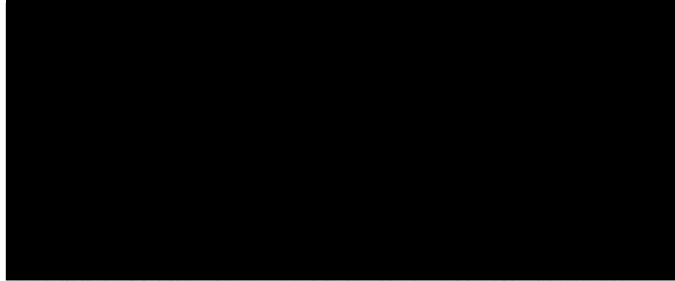
1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include outdoors).
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or transmitted.
4. For example (but not exclusively), where the activity will occur on additional days during the licensing period.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about any dog intended to be kept at the premises or any dog to the benefit of the premises which may give rise to concern in respect of children, regardless of whether you intend to have such dogs under the premises, for example that not exclusively children, nudity, films for restricted age groups or the presence of gaming machines.
9. Please tick the appropriate box to indicate all your licensing objectives are met.
10. The application form must be signed.
11. An applicant is a person (or company or partnership) who is 18 or over and who is authorised to do so.
12. Where there is more than one applicant, each of the applicant or their representative agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

Consent of individual to being specified as premises supervisor

CHRIS FOX

[full name of prospective premises supervisor]

of



[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

PREMISES LICENCE

[type of application]

by

THE BLACK PEARL / M.HINDS

[name of applicant]

relating to a premises licence

[number of existing licence, if any]

for

5A CHURCH STREET
TROWBRIDGE
BA14 8DR

[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made by

M. MINDS
[name of applicant]

concerning the supply of alcohol at

THE BLACK ROCK

[name and address of premises to which application relates]

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

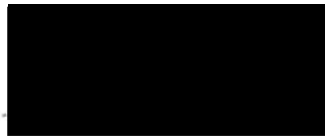
Personal licence number

[insert personal licence number, if any]

Personal licence issuing authority

WILTSHIRE
[insert name and address and telephone number of personal licence issuing authority, if any]

Signed

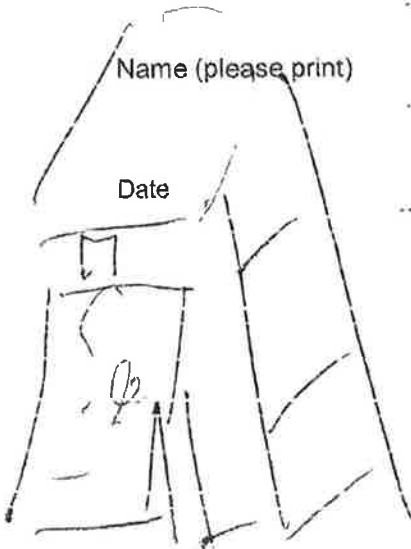


Name (please print)

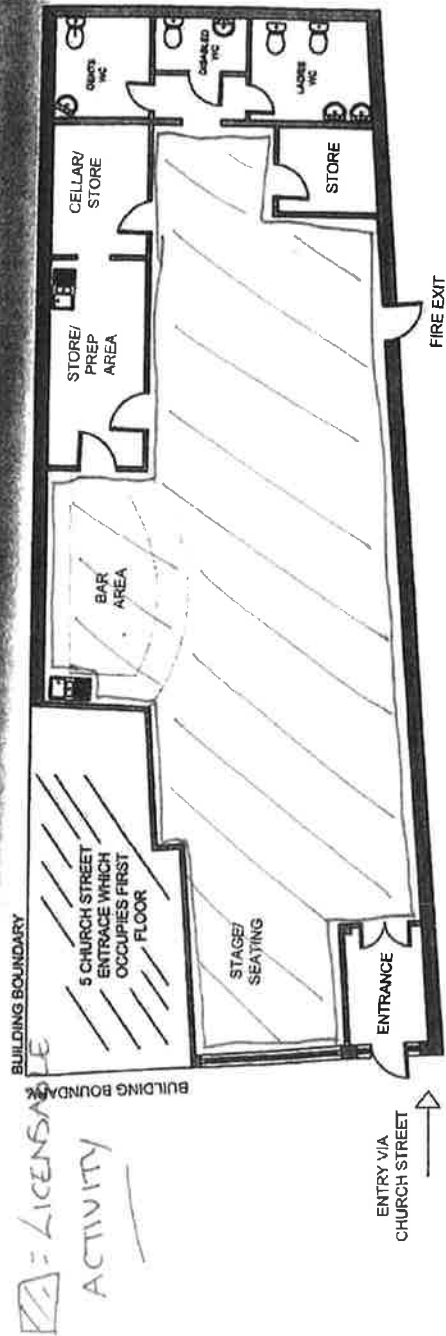
C. FOY

Date

4/6/2014

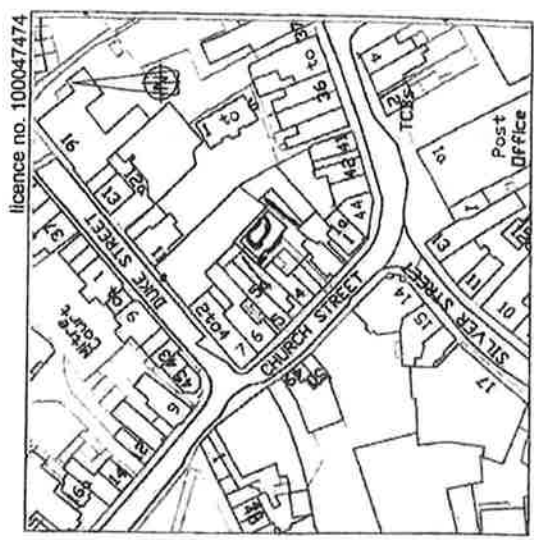


www.energico.co.uk : GB Weldon Burd

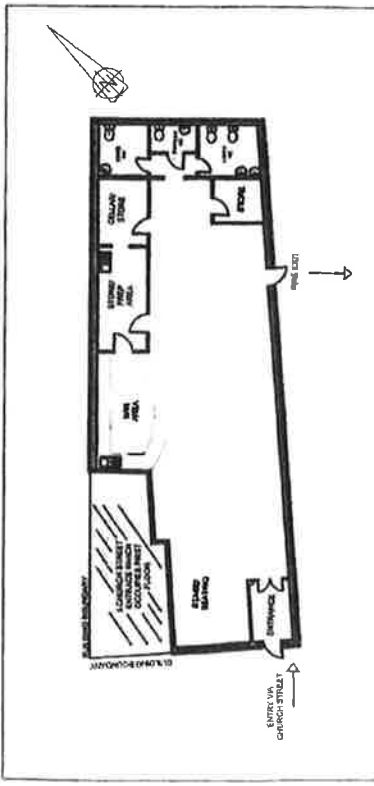


Ground Floor Plan
Scale 1:100

Location plan of
property
Scale 1:1250



Ground Floor Plan
Scale 1:200

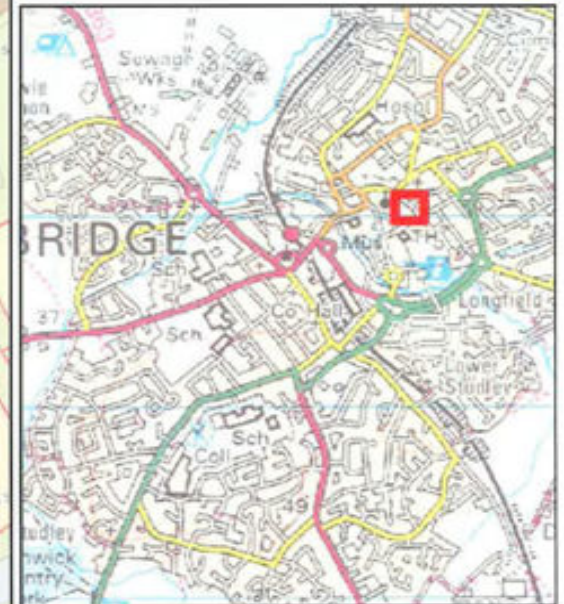


Red line indicates extent
of property in the lease
Blue line indicates
entrance and exit of the
property

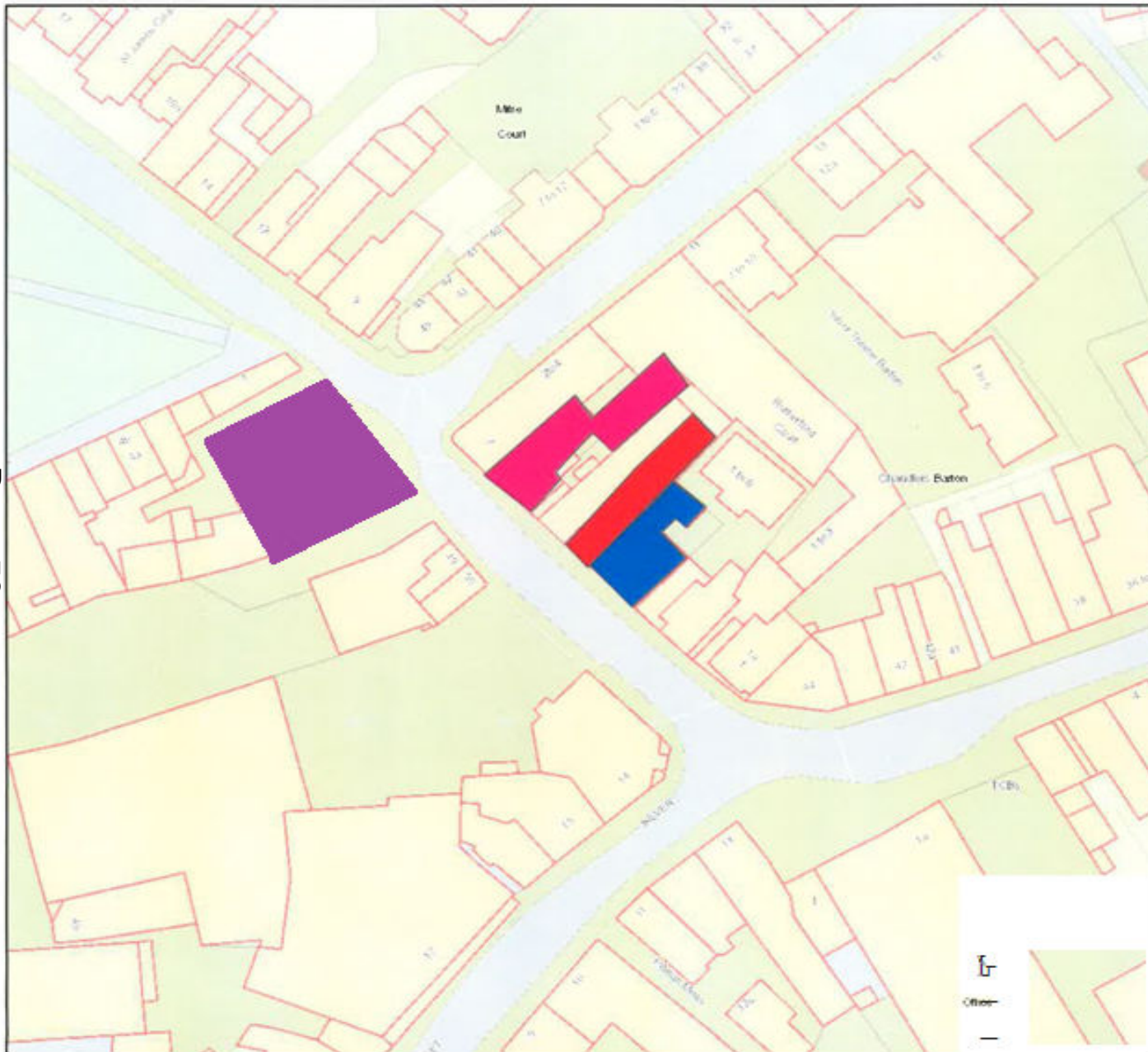
<p>energico.co.uk Energico's leading energy surveys</p> <p>Energico - 7th Floor - Northway House 1379 High Road - London N20 9LP Telephone: 020 8125 2996 Fax: 020 8090 6147 Email: info@energico.co.uk</p>	<p>Client</p> <p>5a Church Street Trowbridge BA14 8DR</p>	<p>Address</p> <p>5a Church Street Trowbridge BA14 8DR</p>	<p>Sheet Description</p> <p>Leaseplan of 5a Church Street. Previously used as a Public house. Red lines illustrate how the property is referred to in lease. Blue lines illustrate access.</p>	<p>Scale</p> <p>1:150 @ A3</p> <p>Drawn By</p> <p>KI</p>	<p>DWG. Ref.</p> <p>BA14 8DR 601</p> <p>Date</p> <p>19 JAN 2012</p>
	<p>Client</p> <p>5a Church Street Trowbridge BA14 8DR</p>		<p>Address</p> <p>5a Church Street Trowbridge BA14 8DR</p>	<p>Scale</p> <p>1:150 @ A3</p> <p>Drawn By</p> <p>KI</p>	<p>DWG. Ref.</p> <p>BA14 8DR 601</p> <p>Date</p> <p>19 JAN 2012</p>

0

Licence Hearing
5a Church Street, Trowbridge
BA14 SDR Applicant
Mr Martin Hinds



-  5a Church Street, Trowbridge
The Black Pearl
-  3 - 4 Church Street, The
Charcoal Grill:
Late Night Refreshment
-  6 Church Street
White Swan Public House
-  35a Church Street,
@the Loft. Previously
known as Harveys
Nightspot



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Miss Teresa Bray
Licensing Officer
Public Protection Services
Wiltshire Council
County Hall
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

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.

Date 28th July 2014

Your ref

Our ref

Reply contact name is **Jacqui Gallimore**

Dear Miss Bray ,

Re: Application for a premises licence – 5A Church Street Trowbridge

We are in receipt of an application for a premises licence to be granted under the Licensing Act 2003.

Wiltshire Police have considered the application, the operating schedule and the previous licensing history of the premises.

In addition Police have met with the applicant, Designated Premises Supervisor and the applicant's partner.

The licensing history of the premises is extensive and Police concerns are documented through an objection and application to review the licence in 2012, which resulted in the premise being closed for four weeks and additional conditions being added to the licence.

The recent licensing history of the premise has been considered and Police find that there are still concerns regarding the ability of the management to fully promote the licensing objective – the prevention of crime and disorder.

In addition Police are not fully satisfied that the applicant fully understands his role in supporting the licensing objectives. Police are not satisfied that the Designated Premises Supervisor is in a position to show that he has effective control and supervision of the premises.

Police object to the variation of the grant of the premises licence on the grounds that the application proposed would undermine the licensing objective - the prevention of crime and disorder and public safety.

If you have any further questions please do not hesitate to contact me.

Yours sincerely

Jacqui Gallimore
Licensing Officer
Wiltshire Police

**Cc – Mr Martin Hinds 5A Church Street Trowbridge BA14 8DR, Inspector
Chammings**

Documents to be relied on by Wiltshire Police

Wiltshire Licensing Sub Committee

19th August 2014 County Hall Trowbridge

· Premises – The Black Pearl Trowbridge

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Maggie Jones
Licensing Officer
Wiltshire Council
Bradley Road
Trowbridge
Wiltshire
BA14 0RD

Trowbridge Police Station
Polebarn Road
TROWBRIDGE
Wiltshire BA14 7EP
Telephone: 101
Ext:
Direct Dial:
Facsimile: 01225 794799
DX: 136006 Trowbridge 4

Date 16/02/12

Your ref

Our ref

Reply contact name is **David Bennett**

Dear Mrs Jones,

Premises and DPS Licensing Application - 5a Church Street Trowbridge

I refer to the above application received in this office on the 24th January 2012.

In relation to the part of the application specifying Tammatha Serina Newbury as the designated premises supervisor. Please take this as notice that the Police object to this application. We believe that circumstances exist whereby the appointment of Mrs. Newbury as Designated Premises Supervisor would undermine the crime prevention objective.

In relation to the application for a new premises licence at 5a Church Street, the Police have been working with the applicant in an effort to try and ensure that the licensing objectives are promoted through an effective operating schedule.

However, I am concerned that at this point in time the licensing authority is not in possession of a revised schedule which goes towards meeting these objectives. We will further consult with the applicant in the mean time, but please note that the Police may well submit an objection in the near future if not satisfied that the objectives will be met.

Yours sincerely,

A large black rectangular redaction box covers the signature area. A thin horizontal line is visible to the left of the box, and a small mark resembling a checkmark or a flourish is visible at the bottom right corner of the box.

Licensing Manager
Wiltshire Police

Maggie Jones
Licensing Officer
Wiltshire Council
Bradley Road
Trowbridge
Wiltshire
BA14 0RD

Trowbridge Police Station
Polebarn Road
TROWBRIDGE
Wiltshire BA14 7EP
Telephone: 101
Ext:
Direct Dial:
Facsimile: 01225 794799
DX: 136006 Trowbridge 4

Date 21/02/12

Your ref

Our ref

Reply contact name is Jacquil Gallimore

Dear Mrs Jones,

Application for a premises licence - 5a Church Street Trowbridge

I refer to the above application received in this office on the 24th January 2012.

I have assessed the application for a premises licence for the above premises, and after consultation with the applicant and some revisions to the application I find that at present the application does not adequately promote the licensing objectives, specifically, the prevention of crime and disorder, public safety and the protection of children, police as a responsible authority to the Licensing Act 2003 object to the grant of this licence in its current format.

Yours sincerely,

Jacqui Gallimore
Licensing Officer
Wiltshire Police

DECISION NOTICE

Western Area Licensing Sub Committee

Decision made on 20 March 2012

In respect of an application for a Premises Licence made by
Tammatha Newberry for 5a Church Street, Trowbridge

Decision:

The Western Area Licensing Sub Committee has resolved to GRANT the licence for the following licensable activities:-

The Provision of Licensable Activity:

Licensable Activity	Timings	Days
<u>Provision of regulated entertainment</u>		
Live music (Indoors)	1900 – Midnight	Monday to Saturday
	1900 – 2230	Sunday
Recorded Music (Indoors)	1900 – Midnight	Monday to Saturday
	1900 – 2230	Sunday
Sale by retail of alcohol (on the premises)	1100 – Midnight	Monday & Tuesday
	1100 – 0200	Wednesday & Thursday
	1100 – 0230	Friday & Saturday
	1200 – 2230	Sunday
Performance of Dance & Facilities for dancing (Indoors)	1900 – Midnight	Monday to Saturday
	1900 – 2230	Sunday
Anything of a similar description (Karaoke)	1900 – Midnight	Wednesday & Thursday
	1900 – 2230	Sunday
Hours open to the Public	1100 – 0030	Monday & Tuesday
	1100 - 0230	Wednesday and Thursday
	1100 - 0300	Friday & Saturday

	1200 - 2300	Sunday
--	-------------	--------

And subject to the following additional conditions:

The prevention of crime and disorder:

1. No glass bottles, glasses or alcoholic drinks to be permitted off the premises or in the porch area after 2100hrs.
2. All drinks to be served in polycarbonate glasses and no glass bottles to be served from over the bar after 2100hrs.
3. The premises will adopt a zero tolerance to drugs. The premises licence holder will produce within 28 days of the grant of the licence a written drugs policy to the satisfaction of the licensing authority and the police which will be provided to all staff and implemented.
4. The designated premises supervisor or his/her representative will attend regularly, and be an active member of, Pubwatch.
5. When regulated entertainment is offered a minimum of three door supervisors will be deployed at the premise from 2100hrs to the closing of the premises.
6. CCTV will be installed at the premises - the system should be installed so as to cover all entrances and exits, and the licensed area. The system is to be maintained and in full working order during all licensable hours. The system is to be of sufficient quality so as to enable identification. Images must be retained for a minimum of 28 days and produced to a police officer or a Wiltshire Council licensing officer on request.
7. Customers wishing to smoke will be restricted to the frontage of the premises, and will not be permitted to use the footpath or highway. No more than six persons will be permitted to use this area at any one time. When door staff are on duty this number may be increased to no more than ten persons.
8. The premises will maintain an incident record in a consecutively numbered log book. All incidents shall be recorded promptly and shall record the date, day, time, description of incident and any actions taken. The record is to include details of successful challenges to proof of age and be available to the police and licensing authority on request.
9. The premises will maintain a record of all door supervisors deployed at the premises which will be made available on request to the police and licensing authority.
10. Staff will undertake appropriate training in all aspects of relevant licensing legislation within two months of commencement of employment; this training will be recorded and regularly refreshed.

11. In the absence of the designated premises supervisor, a personal licence holder will be present on the premises at all times when a licensable activity is taking place.
12. No person under the age of 18 years old will be permitted on the premises after 2100 hours.
13. The premises licence holder shall maintain a noise log book during live and recorded music events including karaoke. A responsible person working within the premises shall undertake observations at the nearest noise sensitive residential premises. The observations shall be undertaken at hourly intervals during events. The following information must be recorded and available for inspection by the Council: the date and time, location, name of the person making the observation on the level of music and any remedial actions taken to reduce the levels.
14. Doors and windows to be kept closed during regulated entertainment (except for ingress and egress) after 2100hrs to reduce noise nuisance from the premises.
15. Prominent, clear and legible notices must be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly and not loiter close to the entrance.
16. No bottles to be emptied into waste receptacles between the hours of 2000hrs and 0900hrs the following day.
17. Any request by authorised Officer of the Council in relation to reducing noise levels during regulated entertainment to be complied with.

Reasons

The representations made by the police and the Environmental Protection services related respectively to the licensing objectives of preventing crime and disorder and preventing public nuisance. The Sub-Committee noted that the police had agreed a number of conditions with the applicant which, if imposed, would meet many of the concerns that the police had in relation to possible crime and disorder associated with the premises. The conditions set out above were generally in line with those requested by the police and were in any event consistent with those set out in the applicant's operating schedule.

The Sub-Committee accepted the concerns raised by the Environmental Protection officer regarding the suitability of the premises for music event, given its location and structure. In view of this, the Sub-Committee considered it necessary to reduce the hours during which regulated entertainment could take place at the premises, as well as imposing the additional conditions relating to noise monitoring and the reduction of noise, in order to prevent noise nuisance to neighbouring residents.

In reaching its decision the Sub Committee has considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 18); 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 and the supporting evidence provided by the applicant, police and the Environmental Protection Officer together with the oral evidence given at the hearing.

Right to Appeal

All parties have the right to appeal to the Magistrates Court within 21 days of receipt of this decision.

**Application for the review of a premises licence or club premises certificate under the
Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure
that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

Wiltshire Police

**apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the
premises described in Part 1 below**

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Black Pearl 5A Church Street	
Post town TROWBRIDGE	Post code (if known) BA14 8DR

Name of premises licence holder or club holding club premises certificate (if known) Tammatha NEWBURY

Number of premises licence or club premises certificate (if known) WW12 0013 LAPRE
--

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible
authority (please read guidance note 1, and complete (A)
or (B) below)

2) a responsible authority (please complete (C) below)

✓

3) a member of the club to which this application relates
(please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Wiltshire Police Trowbridge Police Station Polebarn Road TROWBRIDGE WILTSHIRE BA14 7EP
Telephone number (if any)
E-mail address (optional)

This application to review relates to the following licensing objective(s)

- Please tick one or more boxes ✓
- 1) the prevention of crime and disorder ✓
 - 2) public safety ✓
 - 3) the prevention of public nuisance
 - 4) the protection of children from harm ✓

Please state the ground(s) for review (please read guidance note 2)

Crime and disorder

Incidents of violence and disorder have taken place on the premises.

Public safety

Members of the public involved in disorder at the premises have sustained injuries which required hospital treatment.

Protection of children

Children have been present on the premises and exposed to a serious incident of violence and disorder.

In addition, there have been numerous breaches of the premises licence and other concerns in respect of the management of the premises, which together further undermine the above licensing objectives.

Further detail of these together with background and incident detail is given below.

Please provide as much information as possible to support the application (please read guidance note 3)

Tammatha NEWBURY has until recently been the licence holder and designated premises supervisor (DPS) at The Carpenters Arms, Roundstone Street. She held this position for twelve months. During this period the premises was the subject of violence, disorder and anti social behaviour.

In December 2011 NEWBURY was cautioned for offences under the Licensing Act 2003. In addition she was dealt with formally by Wiltshire Fire and Rescue and Wiltshire Council Environmental Health Officers.

The landlord of The Carpenters gave notice for her to quit the premises on 29th of March 2012.

At the same time NEWBURY made application to take over the premises formerly known as PEEWEES, Church Street, Trowbridge. Police objected to this application and her taking the role of DPS.

On the 20th of March 2012 Wiltshire Council Licensing Committee granted the licence following negotiation between Police and the applicant.

NEWBURY moved the DPS position to a Steven Phillip JAMES. The premises opened as the Black Pearl on or around 30th of March 2012.

On granting the licence the Committee attached twelve conditions. Each condition addressed specific concerns Police had in relation to in particular the 'the prevention of crime and disorder' and 'public safety'. Police find that there have been several breaches of one or more of these conditions.

Since opening there have been a number of incidents of disorder, including two incidents of serious violence at the premises, one on the 13th of April 2012 (log 0280 refers) which involved three males fighting on the premises, injuries were sustained including a deep laceration which required stitches and a broken nose, this was witnessed by five children on the premises. At least one person involved is named on the Trowbridge Pubwatch ban list.

On the 19th of April 2012 (log 0354 refers) two males were involved in a fight on the premises; injuries were sustained including a cut to the face and a laceration to the wrist. Police believe glass or bottles were used as weapons in this fight.

On the 20th of April 2012 Police were advised that the DPS had left the premises, on the same day the Police Licensing Officer attended the premises and NEWBURY was spoken to under caution regarding the unlawful sale of alcohol since the departure of the DPS.

On the 25th of April 2012 Police attended the premises to retrieve CCTV footage and carry out of licensed premises check. The premises licence holder was not available due to sickness, but her partner who is involved in the day to day running of the premises was able to provide details, which highlighted a number of further breaches of the premises licence.

On the 25th of April 2012 an Ann ROBSON applied to become the Designated Premises Supervisor. Police interviewed Ms ROBSON and found that there were no grounds to object to her application, advice was given in relation to the premises licence, it was explained the full compliance was essential. We emphasised that she should be present during all key trading times and that she would be required to familiarise herself with the premises licence.

On the 29th of April 2012 at 02.00 hours Police attended the premises and found that regulated entertainment was in progress, music was being played through amplification and patrons were dancing. At hearing the Licensing Committee restricted these activities to a terminal hour of midnight.

On the 30th of April 2012 Police contacted NEWBURY to remind her that she was due to meet with Police in the afternoon of the same date, she failed to attend this meeting.

Police have grave concerns regarding the fitness and suitability of this premises licence holder to promote the licensing objectives. The lack of regard for conditions specifically designed to reduce disorder, violence and injuries demonstrates a blatant disregard for the Licensing Act 2003.

Police have concluded that although the premises has only been open a short time the level of risk to public safety requires them to act swiftly in calling for a review of the premises licence.

Having reviewed the previous licensing history of this premises licence holder and having reviewed the incidents at The Black Pearl Police find that only the revocation of the licence would now fully promote the licensing objectives.

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

If you have made representations before relating to the premises please state what they were and when you made them

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ✓
- I understand that if I do not comply with the above requirements my application will be rejected ✓

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date **1st May 2012**

.....

Capacity **Police Licensing Officer**

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Jacqui GALLIMORE
Wiltshire Police
Trowbridge Police Station
Polebarn Road
TROWBRIDGE
WILTSHIRE

Post town

Trowbridge

Post Code

BA14 7EP

Telephone number (if any) 01225 794628

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.

DECISION NOTICE

Western Area Licensing Sub Committee

Decision made on 25 June 2012

In respect of an application by Wiltshire Police for a Review of a Premises Licence at Black Pearl, 5a Church Street, Trowbridge, BA14 8DR

Decision:

The Western Area Licensing Sub Committee has resolved to SUSPEND the licence for ONE MONTH and amend the conditions as detailed below:

a) Condition 5 be amended as follows:-

5. When regulated entertainment is taking place a minimum of three door supervisors will be deployed at the premises from 2100hrs to the closing of the premises. In addition on all Thursdays, Fridays and Saturdays, and any other evening when regulated entertainment is taking place, a minimum of two door supervisors will be deployed at the premises from 1900hrs.

b) A further condition be added as follows:-

18. The premises licence holder shall maintain a written rota of all staff for at least seven days in advance and submit a copy of it to the licensing authority monthly. This rota is to be available for immediate inspection on request of council officers and police.

Evidence and Reasons

The Sub-Committee noted the evidence that was presented on behalf of the police in relation to the incidents of violence and disorder that had occurred at the premises and also the incidents that had occurred at the Carpenters' Arms, during the time that the premises licence holder had been working there. They accepted that there had been a failure by the premises licence holder to properly maintain certain records required by conditions on the licence and that some people on the pubwatch banned list had gained access to the premises, which had, on occasion, led to incidents of disorder.

In light of the evidence presented, the Sub Committee seriously considered the request by police to revoke the licence, but concluded that the licensing objectives could still be met by a period of suspension and the addition of further conditions.

The Sub Committee concluded that a period of suspension was appropriate to permit the licence holders to implement existing conditions and improve management skills. The additional requirement for door staff was considered to be appropriate to control access to the premises and to seek to prevent incidents of violence and disorder.

In reaching its decision the Sub Committee has considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 52); the guidance issued under Section 182 of the Act (in particular to paragraphs 11.19, 11.21, 11.23 and the Licensing Policy of Wiltshire Council.

The Sub Committee have also considered the written evidence presented in the agenda and the supporting evidence provided by the review applicant and premises licence holder, together with the oral evidence given at the hearing.

Right to Appeal

All parties have the right to appeal to the Magistrates Court within 21 days of receipt of this decision.

The decision of the Sub Committee will not come into effect until the period of appeal is concluded, or if an appeal is made until the appeal has been finally disposed of.

Amended



**North West Wiltshire
Code 3026**

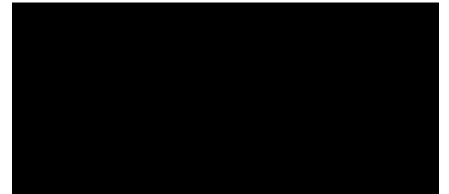
The Court House, Pewsham Way, Chippenham, Wiltshire SN15 3BF
Telephone Number: 01249 463473
Fax Number: 01249 444319

WILTSHIRE COUNCIL LICENSING – WEST
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

Case number: 541200166122

Orders

The court has heard the matters shown below and made the orders listed.



Date: 11 December 2012

Justices' Clerk

Matters and Orders

541200166122/1

Appeal against a decision of the Wiltshire Council Licensing – West Licensing Authority relating to Black Pearl Public House on an application for a review of a premises licence under section 52 of the licensing Act 2003 on the ground that bad financial situation.
In accordance with Part 1 of Schedule 5 to the Licensing Act 2003

Tammantha NEWBURY to pay costs of £1500.00 to Wiltshire Council.
Payment Terms: to pay balance of £1500.00 on or before 11/06/2013

**MAGISTRATES' REASONS IN THE MATTER OF
THE BLACK PEARL LICENSING APPEAL 11.12.12**

In determining the appeal we are obliged to have regard to the licensing objectives contained in the Licensing Act 2003. These are

- (1) The prevention of crime and disorder,
- (2) public safety
- (3) The prevention of public nuisance
- (4) The protection of children from harm

Also in determining the appeal we have looked carefully at the evidence presented by Wiltshire Council and by the appellant Ms Newbury, premises licence holder of the Black Pearl, 5A Church Street, Trowbridge, Wiltshire, we have also taken into account the Secretary of States' "S.182" Guidance.

We are dismissing the appeal of Ms Newbury against Wiltshire Council's order of 25th June 2012.

We are not persuaded that all the recommendations of that order were complied with, and it would benefit Ms Newbury to have a period in which to concentrate her efforts to ensure full ongoing compliance. There has been time for her to meet these requirements, and there remains considerable doubt as to whether they are in place at the Black Pearl premises. Some aspects have been addressed but at a later date and not completely.

By not going down the path of revocation we are acknowledging the efforts that have been made by Ms Newbury, but believe she needs to meet the full licensing requirements.

Further reasons for the imposition of costs in the case

Whilst we appreciate that the costs represented are legitimate, costs incurred by Wiltshire County Council, we have to take into account what is a just and reasonable amount to impose.

We realise that a one month suspension will impact upon Ms Newbury's finances so we grant a contribution of £1,500. Ms Newbury has six months to pay this.

11th December 2012

Gallimore, Jacqueline

From: Chris Fox [redacted@yahoo.com]
Sent: 10 July 2014 21:58
To: Gallimore, Jacqueline
Subject: Re: Additional Information [NOT PROTECTIVELY MARKED/UNCLASSIFIED]

Follow Up Flag: Follow up
Flag Status: Flagged

No that's not the case I haven't "worked there" in over a year. I do however normally go in at least 2 or 3 times a week (at least prior to the licence being terminated) to make checks as to who is/are working, no glasses after 21:00, noise levels etc. Normally spend at least 30-60 minutes a time there, maybe slightly more if they have a function on.

If you are saying the DPS should "work" there, even on a temporary basis, then I will have a chat with Tammy to reassign it.

Shouldn't Teresa Bray or one of her colleagues have picked that up, Tammy has been called back twice to make changes?

From: "Gallimore, Jacqueline" <Jacqueline.Gallimore@wiltshire.pnn.police.uk>
To: 'Chris Fox' <[redacted]@yahoo.com>
Sent: Thursday, 10 July 2014, 19:57
Subject: RE: Additional Information [NOT PROTECTIVELY MARKED/UNCLASSIFIED]

NOT PROTECTIVELY MARKED/UNCLASSIFIED

Chris

Thank you for the response all noted, in relation to the current application for a Premises Licence at the Black Pearl can you confirm that you are working at the venue on a regular basis as the Designated Premises Supervisor as stated on the application form?

Regards

Jacqui Gallimore
Licensing Officer
Wiltshire Police

Direct dial - 01225 794628

From: Chris Fox [mailto:[redacted]@yahoo.com]
Sent: 10 July 2014 19:22
To: Gallimore, Jacqueline
Cc: Bennett, David
Subject: Re: Additional Information [NOT PROTECTIVELY MARKED/UNCLASSIFIED]

Thanks for the attachment Jacqui.

I am well aware of how much there is of "bending the Banned List". Which is normally followed by the phrases "they never cause any problems in here", or "the amount they spend over the bar is worth the risk". It is after all very difficult financial times for the pub trade at the moment. Another pub in Bradford On Avon is up for sale this week.

I was drinking with Bill Austin the other day to try and work out how we can ENFORCE this list rather than use it as an ADVISORY list. I think Bill said if it became part of the allocation of the premises licence that may involve a change of law, I/he may be wrong.

We actually changed pubs at one point as 2 of those names were causing disruption in a beer garden by shouting and swearing.

Over the course of this week I have probably caught about 12 of them in Pubwatch Premises. For example, a group of 4 were in one premises when I went for Brunch with Andre, and Steve James was in 2 of them on Saturday that I witnessed.

Most of these incidents believe it or not seem to occur during the day as well, when relief staff are on, or no door staff are present.

Trowbridge Pub And Club Watch



List of Indefinite Banned Persons

If you see any person named below in this establishment please make it known to the bar staff or management.
Your assistance is greatly appreciated.

DAVID PARKER	(10.03.10)	JUNIOR BURKE	(08.12.10)
WAYNE METCALFE	(14.04.10)	SHAUN INGRAM	(09.03.11)
DANIEL SHANLEY	(11.08.10)	JORDAN TAYLOR	(13.04.11)
LEANNE BUCKLAND	(13.10.10)	AARON JAMES	(11.04.12)
JONNIE ELLIOT	(09.11.10)	HARRY FUTCHER	(12.09.12)
SEAN SCOTT	(09.11.10)	JASON PRIOR	(13.02.13)
RICARDO HARDING	(08.12.10)	LEE NEWMAN	(13.02.13)
WINSTON BURKE	(08.12.10)	LUKE LEESON	(13.02.13)
SCOTT CUNNINGHAM	(08.12.10)	JORDAN EVANS	(13.02.13)
RICKY AMOROSO	(13.04.11)	KERRY ASLETT	(13.02.13)
MARCUS PRICE	(13.04.11)	GARY DOWMIT	(13.02.13)
APRIL TAYLOR	(13.07.11)	DAN JORDAN	(09.11.11)
MARTIN 'WILTON' SHORE	(10.08.11)	JOSH GALBRAITH	(12.09.12)
CALLUM POWELL	(09.11.11)	MATT RODGERS	(09.01.13)
JOSEPH MADDEN	(09.11.11)	CHRIS 'HOPPO' HOPKINS	(09.01.13)
CAMERON MCKAY	(09.11.11)	MARCUS PRATT	(09.01.13)
FABIAN THOMAS	(11.01.12)	STEVE JAMES	(14.08.13)
DEAN DUGGAN 'JONNY'	(11.01.12)	DANNY CHAPMAN	(11.09.13)
JASON POVEY	(13.06.12)	RAFAL LESNIEWSKI	(13.11.13)
SAM GILBERT-PIKE	(11.07.12)	REAGAN SMITH	(13.11.13)
AIDAN RANSOME	(11.07.12)	MARK NOAD	(08.01.14)
SHANE BIGNALL	(12.09.12)	DAN 'CHALKY' WHITE	(12.02.14)
ELAINE HUGHES	(10.10.12)	SEAN SMITH	(12.02.14)
ADAM SHANLEY	(13.02.13)	SCOTT WOOD	(12.03.14)
DAREN SHANLEY	(13.02.13)	JADE BAKER	(12.03.14)
SEAN JAMES O'BRIEN	(13.02.13)	ZACK MANNA	(14.05.14)
TOMMY BERRYMAN	(13.02.13)		

THESE PEOPLE ARE INDEFINITELY BANNED FROM ALL PUBWATCH ESTABLISHMENTS

ANY PERSON WHO APPEARS ON THIS LIST IS NOT ALLOWED ENTRY ONTO THESE LICENSED PREMISES FOR ANY REASON INCLUDING THE ATTENDANCE OF LEAGUE GAMES SUCH AS: POOL, DARTS, SKITTLES AND CRIBBAGE

Acceptable Behaviour Contracts

If any of the persons named below are not behaving in an acceptable manner please make it known to the bar staff or management.
Your assistance is greatly appreciated.

Should you wish to be considered for an Acceptable Behaviour Contract which will reduce your ban, please contact the police Licensing Officer at Trowbridge Police Station.

FOR PUBLIC DISPLAY

19-May-14

Drink Banning Orders

Miss Teresa Bray
Licensing Officer
Public Protection Services
Wiltshire Council
County Hall
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

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.

Date 28th July 2014

Your ref

Our ref

Reply contact name is **Jacqui Gallimore**

Dear Miss Bray ,

Re: Application for a premises licence – 5A Church Street Trowbridge

We are in receipt of an application for a premises licence to be granted under the Licensing Act 2003.

Wiltshire Police have considered the application, the operating schedule and the previous licensing history of the premises.

In addition Police have met with the applicant, Designated Premises Supervisor and the applicant's partner.

The licensing history of the premises is extensive and Police concerns are documented through an objection and application to review the licence in 2012, which resulted in the premise being closed for four weeks and additional conditions being added to the licence.

The recent licensing history of the premise has been considered and Police find that there are still concerns regarding the ability of the management to fully promote the licensing objective – the prevention of crime and disorder.

In addition Police are not fully satisfied that the applicant fully understands his role in supporting the licensing objectives. Police are not satisfied that the Designated Premises Supervisor is in a position to show that he has effective control and supervision of the premises.

Police object to the variation of the grant of the premises licence on the grounds that the application proposed would undermine the licensing objective - the prevention of crime and disorder and public safety.

If you have any further questions please do not hesitate to contact me.

Yours sincerely

Jacqui Gallimore
Licensing Officer
Wiltshire Police

**Cc – Mr Martin Hinds 5A Church Street Trowbridge BA14 8DR, Inspector
Chammings**

WILTSHIRE POLICE LICENSING DEPARTMENT

Meeting Notes 23/07/2014 Trowbridge Police Station

Present -

Martin Hinds - Premises Licence Applicant

Tammatha Newberry – Former Premises Licence Holder

Christopher Fox – Designated Premises Supervisor

Jacqui Gallimore – Police Licensing Officer

Sue Thurman-Newell – Police Licensing Officer

JG outlined the purpose of the meeting was to address some concerns regarding the application for a premises licence Black Pearl Church Street Trowbridge.

MH stated the application was almost the same as the previous licence with the exception of 1hour extra on Sunday & Monday.

TN confirmed that EHO had visited last week and that further work was going to be done to improve the sound proofing of a fire door.

JG asked how many personal licence holders were at the premise, TN confirmed three.

JG asked CF to confirm his role at the premises he stated that he attended the premises approximately 2-3 hours a week. He confirmed that he was employed as a door supervisor at the premises opposite; he stated that he would be taking a more active role in the future.

MH asked that the number of persons permitted to smoke outside be increased to 15 he stated that customers of other premises used the smoking area, and that they bought glass and bottles to the area which had not been sold to them by the Black Pearl.

TN Reported a couple engaged in a sex act outside The Swan three weeks ago.

JG advised that it was her observations that the smoking area was used by Black Pearl customers to sit down, drink and smoke. This was not the purpose it was intended for. JG reiterated that it was the police position that there should be limited numbers of persons outside that they should be inside where there is some element of supervision. MH stated that they had always complied with conditions, JG stated that it was actually JG/STN had witnessed a breach on 15/06/14.

CF Asked how they were to control customers if they were leaving?

MH Asked how they were supposed to control customers coming from another venue who may stand in the smoking area he asked whether in this situation he would be breaching the condition.

JG Advised that yes there would be a breach and that it was for the management to effectively supervise this area.

MH Became agitated and stated 'It's not our fault'.

CF Stated we need to control/create a boundary. Technically it's not a smoking area.

JG I hear you saying 'It's not our fault'. It is your responsibility to comply with premises licence conditions and control your venue.

JG Stated the Police position that the voluntary condition in relation to the smoking area had been breached and that there were further concerns regarding the persons frequenting the venue. She asked when did you last attend Pubwatch?

TN Replied last October she stated that it was not working well

MH Stated that it was not worth its rubbish.

CF I have been convinced to attend.

JG Confirmed that attendance at Pubwatch was a condition of the licence.

TN Stated that the old licence was dead – this is a new licence. No one attends Pubwatch.

JG Explained that the licence was still in force up to June of 2014.

TN Went onto to say that they were complying with old conditions for Temporary Event Notices.

JG Raised the matter of serving persons on the ban list.

CF Asked what about the other venues?

JG Outlined an incident in which a [REDACTED] had been involved the allegation was that a knife was involved, JG reminded them that [REDACTED] was on the ban list and that he was very well known. No explanation was given.

JG Asked MH why he had not co operated with police with regards to this incident?

MH Stated that he had made a statement to the officer. I was asked if I would attend court. I said why do you need me?

JG Explained that she was unable to share some elements of the case.

JG Asked MH to confirm that the banned person was on the premises.

MH Confirmed that he was.

JG Read from the case file and noted difficulties around quality of CCTV. She noted that witnesses refused to provide statements. She explained that the case had been closed as the only witness who could confirm the presence of a knife was MH and that he had refused to provide a statement to this effect.

JG Explained the police concern that MH as the applicant for the new premises licence would be expected to support the licensing objectives and that his actions in this matter did not demonstrate any support for the objectives, the prevention of crime and disorder and or public safety.

TH Replied that's me then – I did offer to make a statement.

TN Asked for explanation of the banned list and the Black Pearl.

JG Explained that the individuals identified on the list were known to cause problems on licensed premises and that if the Black Pearl had supported this list and refused entry to those on the list, they would not have had the problems they experienced with [REDACTED].

The meeting was concluded with general discussion.

Meeting ended 11.30 hours

WILTSHIRE POLICE LICENSING REPORT

January 2014 – August 2014

The Black Pearl 5A Church Street Trowbridge Wiltshire

Research of Wiltshire Police recording systems has been carried out the following intelligence or incidents have been recorded on the licensing record.

31/03/2014 20:22 niche 54140029962

Officers attended the premises and dealt with a drunk male who was trying to re enter the premises, the male was arrested for being drunk and disorderly. The arresting officers statement noted – 'Staff kept him from entering and informed me that he had drank way too much and was becoming aggressive to people inside and so was asked to leave'.

12/04/2014 02:00 niche 54140033838

A female attended Trowbridge Police Station to report that she had been assaulted by a known male both whilst in the Black Pearl and later on in the street, the premises licence holder at the time – Tammatha Newbury provided a statement to Police. She stated that at approximately 02.00 hours two females approached the bar and requested two vodka and cokes, she refused them service as they were both extremely intoxicated. In her statement she noted that she agreed to serve the girls soft drinks, but whilst serving the girls one of them became involved in an altercation with a male. A short time later she recalls seeing the female push the male and the male retaliate by pushing/punching the female in the chin area. She asked both parties to leave the premise.

The injured party stated that she had consumed a significant quantity of alcohol before attending the Black Pearl and stated that she had consumed further alcohol at the Black Pearl. She stated that she had not bought the alcohol; it was purchased for her by an unknown person. She also stated that she had enjoyed dancing at the premises with her friends sometime after 01.45 hours.

No call was made from the premises.

Investigators had difficulty retrieving the premise CCTV in a timely manner.

18/04/2014 02:36 niche 54140035839

A member of the public contacted police stating that there was fighting in the street, he stated that a female was led in the road, he updated the operator two minutes later to say that things

were calming down, he later stated that the female in the road had been dragged back into the Black Pearl.

Officers attended the scene and on arrival the landlady was closing up. She stated there had been a slight disturbance at the premises as a male whose details are not known had tried to get in upon closing and as he left he pushed past a female also details not known causing her to fall to the floor. The offending male and the female had already left the scene and were not in the area.

No call was made from the premises.

15/05/2014 01:17 niche 54140044109

Police were called by an anonymous female third party to a report of a disorder at the Black Pearl Church Street the caller mentioned there being a knife.

When police arrived they were approached by Martin HINDS the partner of the licensee of the premise. He told officers that [REDACTED] had been in the premise and had had to be thrown out due to him becoming rude and abusive, when he was ejected he threatened to hat he would come back with a knife. HINDS stated that he locked the doors to the pub in order to protect the customers should he return. Then about ten minutes later [REDACTED] returned and HINDS stated he had an altercation with him whilst [REDACTED] was standing at the top of Church Street. During this altercation HINDS states that [REDACTED] was waving a large knife around. [REDACTED] then goes towards the premises the CCTV then shows him banging on the window, this but it was not of very good quality. It did show what could be a knife handle protruding from his waistband.

HINDS pointed out the address which [REDACTED] went into, this was identified as [REDACTED].

[REDACTED] was located inside the address and was subsequently arrested as above.

HINDS has declined to give a written statement - he stated he did not want to be involved as it should not be necessary as the town CCTV should clearly show it.

No other person from the pub observed or witnessed [REDACTED] with the knife.

The matter was investigated, officers noted numerous attempts to retrieve the premises CCTV and that the male offender was on the current Trowbridge Pubwatch ban list.

It was noted that no call was made from the premises.

Due to lack of evidence Police were not able to proceed with this case. The refusal by Martin HINDS to engage with Police or make a formal statement greatly hindered the case.

09/06/2014

Premises licence lapsed following the bankruptcy of the premises licence holder.

14/06/2014 – 15/06/2014 Temporary Event Notice holder – Martin HINDS

On receipt of the TENS Police made contact with the applicant to ask if he would make an undertaking to ensure that the premise was run as per the conditions of the lapsed premises licence. He confirmed by email that he would do so.

A check was carried out at the premises and recorded as below –

15/06/2014 02:20

Comments: 8355 Jacqui Gallimore

As requested I attended the Black Pearl at approximately 02.20 hours on 15/06/2014. Officers were in the vicinity dealing with POL-20140615-0047. A female had reported that she had been involved in an incident during which a car ran over her foot, there were no complaints from this log.

As I arrived in Church Street there were a number of people leaving the Black Pearl, one in particular a white male in his mid forties, wearing a dark jacket displayed some signs of intoxication, at one point he sat down on the kerb side.

From the street I could see approximately ten people inside the premises, there was no audible music at the time.

The female from log above continued to wander in the middle of the road in spite of her previous encounter with a car I believe she had also come out of the Black Pearl

The male in dark jacket was quite vocal about our presence at one point muttering 'that's all I fucking need' referring to officers presence in the area.

Police officers left the area and Sue and I remained for about ten minutes observing the premises, I saw Martin Hinds in the smoking area with several customers who were holding glasses and bottles. During our observations I could not see any door staff. The atmosphere in the immediate vicinity felt quite hostile and mindful that at that point the town was covered by three police officers it was not appropriate to enter the premises to inspect further as I felt this would have inflamed the situation.

I believe we have certainly one breach of the undertaking made by Martin Hinds – no glasses/bottles outside after 21.00 and possibly a further in relation to door staff.

We returned at 03.00 hours and saw Tammy clearing up the front and the premises closing.

This matter was raised with Martin HINDS by the Police Licensing Department he denied that any drinks had left the premises after 21.00 hours.

28/06/2014 – 29/06/2014 Temporary Event Notice holder – Martin HINDS

A Police Officer recorded the following on the licensed premises register –

29/06/2014 02:30

Comments: Dealt with collapsed male in Silver Street [REDACTED] very intoxicated and unresponsive. Paramedics called. Girlfriend of [REDACTED] arrived and stated they had been drinking in Black Pearl

Collar No.: 0026

01/08/2014 – 03/08/2014 Temporary Event Notice holder – Martin HINDS

02/08/2014 21:16 niche 54140070329

Ambulance control room alerted Police to a large disorder at the premises, they had received a call from a member of the public asking for assistance, the log records that there is a large group of travellers fighting at the location.

This matter is subject of an ongoing investigation and as such information is restricted at this time, but for the purposes of the licensing record it is noted there is evidence of significant intoxication in persons known to have been drinking at the premises.

One person has suffered three fractures to the jaw which required surgery and injuries to an eye which require further treatment. Wiltshire Police did not receive any calls from the premises or from persons connected to the running of the premises.

Conclusion

Wiltshire Police have considered the application submitted by Martin HINDS, and on the 28th of July 2014 confirmed to Wiltshire Council by way of formal objection to the application, that there were concerns regarding the ability of the applicant and management to fully promote the licensing objective – the prevention of crime and disorder.

Furthermore there were concerns regarding the ability of the applicant and management to fully control the premises.

The incident at the premises on the 2nd of August 2014 now gives rise to additional concern in that the licensing objective – public safety is now undermined.

Having reviewed the most recent and historical licensing history, Police request that the Sub Committee give consideration to refusing the application.

In the event that the Sub Committee are minded to allow the application, Police request that the Sub Committee consider applying all the conditions applied to the recently lapsed licence to any new licence, and that an additional condition be considered to ensure that the Designated Premises Supervisor is actively involved in the day to day management of the premises and is present at the premises during key trading times.

Jacqui Gallimore

Licensing Officer

Wiltshire Police

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