

WILTSHIRE COUNCIL

NORTHERN AREA LICENSING SUB COMMITTEE

19 January 2016

Application for a Variation of a Premises Licence; SN15, 17a Station Hill, Chippenham, SN15 1EQ

1. Purpose of Report

- 1.1 To determine an application for a variation of a Premises Licence in respect of SN15, 17a Station Hill, Chippenham, SN15 1EQ, made by SN15 Leisure Ltd.

2. Background Information

- 2.1 An application for a variation of a Premises Licence in respect of SN15 has been made by SN15 Leisure Ltd for which five relevant representations have 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 35(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 necessary 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 as applied for.
 - ii) To modify the conditions of the licence.
 - iii) To reject the whole or part of the application.
- 2.5 On 2 December 2015 an application for a variation to the premises licence was received and accepted as a valid application.
- 2.6 The variation applied for is summarised as follows:
- Amendment of conditions under the Prevention of Crime & Disorder Licensing Objective, relating to Door Supervisors and polycarbonate glasses.

A copy of the application from SN15 Leisure Ltd is attached as **Appendix 1**.

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 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 5 relevant representations against the application have been received.

3.3 Representations Received

- Chippenham Town Council, The Town Hall, High St, Chippenham, SN15 1ER.
- Cllr Christopher Caswill, 19 The Street, Cherhill, Calne, Wiltshire, SN11 8XP.
- Cllr Dr Nick Murry, 11 Turnberry Close, Chippenham, Wiltshire, SN15 3XQ.
- Susan Thurman-Newell, Wiltshire Police Licensing, Polebarn Road, Trowbridge, Wiltshire, BA14 7EP.
- Mrs Linda Holland, Licensing, Wiltshire Council, County Hall, Bythesea Road, Trowbridge, Wiltshire, BA14 8JN.

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

Representation	Licensing Objective
Safety of the public.	Public Safety
Ambiguity of wording in application.	Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance
Limited opportunity for applicant to demonstrate management and compliance under existing Premises Licence.	Public Safety, Prevention of Crime and Disorder

3.5 The relevant representations are attached as **Appendix 2**.

3.6 Wiltshire Police Licensing proposed and forwarded revised conditions to the applicant on 22 December 2015 for consideration, subsequent to and noted in the representation from Wiltshire Police. A copy of the proposed conditions is attached as **Appendix 3**.

- 3.7 The premises currently holds a Premises Licence under the Licensing Act 2003 since 1 December 2014. A copy of the current Premises Licence is attached as **Appendix 4**. The Licensing Sub Committee determined the Premises Licence application at a Hearing on 26 November 2014, following receipt of representations, and subsequent to a Hearing for a Provisional Statement on 12 April 2013. Copies of the Decision Notice and Minutes from the Provisional Statement Hearing and the Premises Licence application Hearing are attached as **Appendix 5**.
- 3.8 Since the Premises Licence was granted, the premises opened for the first time in August 2015 for 6 weeks on Friday and Saturday nights. Different individuals were involved in managing the premises at that time. SN15 Leisure Ltd are still the Licence Holder, and Mr Paul Shayegan is still a director. SN15 Leisure Ltd have varied the Designated Premises Supervisor to be Mr Robin Puddephatt. The premises reopened on December 10 2015.
- 3.9 The current DPS, Mr Robin Puddephatt, submitted 8 Temporary Event Notices (TENs). TENs supersede the requirement for conditions from the Premises Licence, unless imposed by a Licensing Sub Committee at a hearing, following receipt of an objection notice from the police or Environmental Health. A Counter Notice was served for the Late TEN covering 16 – 22 December 2015, following receipt of an objection notice from Wiltshire Police. The TEN for 24 – 25 December 2015, was heard by the Licensing Sub Committee following receipt of Wiltshire Police's objection notice on 16 December 2015. A copy of the Decision Notice from the hearing is attached as **Appendix 6**. Following the hearing, Matthew Phipps of TLT LLP, representing the applicants, stated the terms in which the premises would be operating under the further TENs, a copy of the confirmation is attached as **Appendix 7**. The Late TEN for 30 December 2015 was not accepted due to an insufficient period between notices. The Risk Assessment for glass/polycarbonate use, produced by the premises for use with current Temporary Event Notices, is attached as **Appendix 8**.

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 Responsible Authorities and other 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 Responsible Authorities and other persons 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 Premises Licence Holder, the Responsible Authority(ies) and other 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 someone other than a Responsible Authority will not normally be granted within the first 12 months except for the most compelling circumstances.

Report Author: Roy Bahadoor, Public Protection Officer - Licensing

Date of report: 7 January 2016

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 Application Form**
- 2 Representations**
- 3 Proposed conditions from Wiltshire Police**
- 4 Premises Licence**
- 5 Decision Notice and Minutes for Premises Licence**
- 6 Decision Notice for TEN**
- 7 Confirmation email from TLT LLP**
- 8 Risk Assessment for glass**