

17th March 2016

SN15 Leisure Ltd
3 Northumberland Buildings
Bath
BA1 2JB

Public Protection Services
Licensing Team
Wiltshire Council
Monkton Park
Chippenham
Wiltshire
SN15 1ER

Our ref : LN/9448

Dear Mr Shayegan,

**Re: Licensing Act 2003 – Formal Warning – Breaches of Premises Licence conditions:
SN15, 17a Station Hill, Chippenham, SN15 1EQ**

I am writing further to the visit at the premises on 16th March 2016 and discussion with Mr Robin Puddephatt, DPS. Susan Thurman-Newell, Police Licensing Officer was also in attendance. Unfortunately, we were unable to view many of your documents relating to the premises, as we were informed that they were taken to the Bath office to be copied in preparation for the visit, but were unable to be returned.

On 8th January 2016, we sent a letter to you relaying our concerns of a number of issues including non-compliance of Premises Licence conditions. This included the management plan, which had not been updated to suit the current use of the premises. The premises has been portrayed in applications and hearings as a different venue than first applied for in 2013, however the management plan has not been updated since the one provided for the Provisional Statement hearing in April 2013. Staff should also be made aware of the management plan and be in full understanding of their requirements. Being unable to view the document at the time of my visit I can only conclude that this has still not been actioned. The management plan must be updated for the premises, see the below condition which has therefore been breached:

- *The Premises Licence holder is to develop, maintain and implement a detailed Management Plan which must include the chain of command and responsibilities, risk assessments, procedures, policies (including dispersal policy) to enable the Premises Licence holder to comply with the four licensing objectives. The Licence shall be run in accordance with the Management Plan. Such plan to be available for inspection upon request by the Police and Licensing Authority and to be accessible to staff.*

We have photographic evidence from your Facebook page that glass bottles of spirits have been sold to customers to have on tables and that they are permitted to walk around the premises with them. The DPS was unaware that this was not permitted under your new Premises Licence conditions following the variation hearing. Only bottles of wine and Champagne are permitted, and therefore a condition has been breached. See the below conditions relating to glass/polycarbonate use, following the variation hearing on 19th January 2016:

- **Polycarbonates**

- a) The use of drinking glasses is permitted in the Lower and Front Bar.*
- b) Glass wine and Champagne bottles, will only be allowed in the Ground Floor (Lower Bar, the Front Bar) and the First Floor Cocktail Bar. Door Supervisors will ensure that no Glasses and Bottles are allowed outside of these areas.*
- c) Beer to be served in polycarbonates at all times – glass bottles to be decanted, or beer to be served in polycarbonate bottles, or to be on Tap and served in polycarbonate glasses.*
- d) When the premises are operating as a whole, the requirement for additional polycarbonates will be determined by a risk assessment.*

The above polycarbonate conditions to apply whenever trading, whether or not Regulated Entertainment taking place.

Further to being prohibited on the Licence, selling bottles of spirits gives obvious concerns in relation to the safety of both customers and staff. It also allows the customer to pour their own drink, other customers' drinks and to drink out of the bottle. It could also lead to people being unaware of the alcoholic content of their drink. Bar staff are then unable to monitor the measures of drinks, levels of intoxication and check ID as they would when someone is purchasing a drink at the bar. We would expect only to see wine/champagne bottles on a table in a secure monitored area and not being carried around the premises freely by a customer.

The CCTV system is not currently able to download to disc. I spoke with the DPS on 9th March after Police Licensing had informed the Licensing Authority that the system was not working. The Police visited the premises on 7th February requesting CCTV footage covering a vehicle incident outside, and were informed that the system was not working. We would have an expectation that any fault would be repaired as soon as practically possible. The system is still unable to download, now (at least) 5 weeks after you were first aware of the problem. The following conditions relating to CCTV have been breached:

- CCTV

- a) A CCTV system with recording or monitoring capability shall be installed to cover all floors of the premises used under the terms of the Licence and shall also cover all entrances, exits and external areas immediately around entrances. Recordings shall be kept for 28 days and be made readily available to any authorised Officer of the Council or Police Officer.*
- b) The CCTV system shall be maintained in full functioning order and used at all times when the premises are open.*

During the visit, we also discussed the security signing in sheets and incident recording. Currently two SIA security personnel hold 'Temporary Licences' whilst their SIA licence is being renewed. This is to be checked with the company and Police Licensing need to be informed of the details relating to this. Incidents/refusals/ejections should be recorded in a bound book with sequentially marked pages to ensure that loose leaf pages are not lost/damaged. During a visit by two Licensing Officers, an ejection on the morning of Sunday 13th March was witnessed but not recorded. Also, we were informed that drugs were found and flushed down a toilet the same night. Any drugs found should be securely held and the Police should be informed prior to collection (by Police). You should also be following your drugs policy, which should be included in the management plan, previously mentioned. Records of the incident should also be kept. Please see the below conditions relating to security staff and incident recording.

- *Accurate and up to date incident and refusal logs are to be maintained at all times. Incident logs should include ejections and be signed by relevant security staff.*
- *Security Incident Register to be maintained, with Security Operatives signing on & off duty with full 16 digit SIA licence number.*
- *All refusals & incidents to be recorded in the security incident book, which is to be signed off by the Duty Manager at the end of each day's trading.*

During the visit we discussed the door staff dress code. The security staff must have their SIA licences on display. The entrance security could have a different dress code, however this must be previously agreed with Wiltshire Police. Please see the below conditions following the variation hearing on 19th January 2016.

- **Entrance Security = dress code to be agreed in consultation with Wiltshire Police, SIA Licence to be on the operative at all times.*
- *All other areas = Door Supervisors to be in traditional Security dress with SIA licences on display.*

Staff training records should be maintained and kept on the premises. All 'in-house' training records should be kept on file at the premises along with external training information. This was also previously mentioned in the letter dated 8th January 2016.

The DPS brought to our attention an incident in which a customer entered the premises with a cut. The staff were unable to treat this due to not having a First Aider on site, therefore another customer who was First Aid trained provided treatment. Although a First Aid provision for customers is recommended and not mandatory; as an Employer, you must ensure that you have completed a First Aid Needs Assessment to assess the requirement for First Aid provisions at the premises. The Health and Safety (First Aid) Regulations 1981 require employers to provide adequate and appropriate equipment, facilities and personnel to ensure their employees receive immediate attention if they are injured or taken ill at work. More information can be found on the HSE (Health and Safety Executive) website.

Following your previous variation (of plans) in November 2015 and subsequent works, you should have undertaken a new Fire Risk Assessment of the premises. You may wish to consider the capacity, exits, positioning of fire equipment etc, following the changes of layout and materials used in the refurbishment/changes to the premises. A Fire Risk Assessment is a requirement under the Regulatory Reform (Fire Safety) Order 2005. This should now be completed urgently. You should also keep records relating to fire as per the below condition:

- *A log book shall be provided in which to record details of all tests, i.e. fire-fighting equipment, safety/emergency lighting, fire drills, etc. and other details as required by the Licensing Authority and kept available for inspection at all times. The logbook shall not be in loose-leaf and shall have numbered pages. The person carrying out the test must record his/her details in the logbook.*

The current Premises Licence Summary (following the variation hearing on 19th January 2016) was not on display in the premises, and we were informed that this has only just been received at the premises. The Premises Licence and Summary was sent to TLT LLP on 28th January 2016.

Police Licensing will be revisiting the premises to view the paperwork unavailable on 16th March, revisit some of the points raised and to check the CCTV system.

I trust that these issues will now be resolved immediately, please contact in writing to confirm.

Yours sincerely,



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Wiltshire Police Licensing, Trowbridge Police Station, Polebarn Road, Trowbridge, BA14 7EP.
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