

Application to review the premises for licence for Liquid & Envy, Havelock Square, Swindon

- Meeting of Licensing Panel, Monday, 1st November, 2010 11.00 a.m. (Item 33.)

Minutes:

The Panel considered (a) a report of the Council's Licensing Officer setting out a request from Wiltshire Constabulary for a review of the Premises Licence of Liquid and Envy Nightclub, Havelock Square, Swindon, (b) written submissions from Wiltshire Constabulary in support of their application, (c) oral representations from Sian Kalynk and P.C. Andy Alexander (Wiltshire Constabulary), in support of their application, (e) written submissions from Poppleston Allen supporting their client's appeal, (f) the comments of Poppleston Allen (representing Luninar) and Mr. Danny Mason (Designated Premises Supervisor) in support of their appeal, (g) questions to and answers received from officers Wiltshire Constabulary, and representatives of Luninar relating to their submissions, and (h) the Council's procedure for licensing hearings, Government Guidance and the Council's Licensing Policy.

Resolved – That after considering: -

1. The application for review and the evidence in support submitted by the Wiltshire Police; and
2. Representations and material put forward on behalf of the Licensee;

And taking into account: -

1. The Secretary of State's Guidance; and
2. The Licensing Authority Licensing Statement:

And having in mind the promotion of the Licensing Objectives in particular: -

- i. The prevention of crime and disorder;
- ii. Public safety; and
- iii. The prevention of public nuisance

The Panel has determined the following: -

The Licence shall be subject to the following additional and/or modified conditions: -

1. From 2230 on Thursdays and Saturdays and on other nights of the week when the number of persons in the venue reaches 450 the following number of door supervisors will be provided: -
 - a. Two door staff positioned at the entrance of the premises and one at the top of the stairs monitoring the VIP area, cloakroom and stairs;
 - b. One doorman in the Liquid Room overlooking the dance floor, two overseeing the bar areas and one floating around Liquid;
 - c. One doorman positioned in the smoking area and one on the other side of the VIP area;
 - d. When Envy is open, a minimum of two door staff within Envy

If there are any special events then door staff numbers will be determined on a risk assessment basis.

All door staff will be SIA registered and will wear high visibility clothing at all times.

2. A minimum of two floor walkers will be used at the premises to ensure that any bottles and glasses are collected promptly and will immediately report any person who is intoxicated to door staff so that their safe removal from the premises can be undertaken. Floorwalkers are to use the light pen system to record their checks.
3. The Licensee shall implement a 'Challenge 21' Policy so that any person who appears to be under the age of 21 shall be asked to produce approved identification and verification of their age. Approved identification shall include a photo drivers licence, Passport or other government issued identity card or a PASS accredited (such as Citizen Card) proof of age card or its successors.
4. All staff shall be fully trained on the 'Challenge 21' Policy so that anyone attempting to purchase alcohol who appears to be under 21 shall be asked for identification. Where no identification is supplied or the identification provided is not acceptable then the sale will be refused and a record kept of the refusal.
5. All staff responsible for the sale of alcohol will only be permitted to sell alcohol once they have completed training on their induction both to ensure that no person who is intoxicated is sold alcohol and on the 'Challenge 21' Policy and will then receive refresher training every three months and records of such training shall be kept at the premises and made available to any of the Responsible Authorities (as defined by the Licensing Act) on request.
6. A last admission time (other than for those who have gone outside to smoke) will operate to be one hour prior to the cessation of the licensable activities save that on evenings where alcoholic drinks are provided at a fixed price below the normal price charged, it shall, in the case of Envy, be 30 minutes prior to the cessation of licensable activities.
7. On any evening when alcoholic drink is provided at a fixed price below the normal price charged at the Premises then the provision of licensable activities will
 - a. In the case of Envy cease at 1.30am and close to the public by 2.30am
 - b. In the case of Liquid cease at 2.00am and close to the public by 3.00am.
8. In order to prevent migration of customers from Envy to Liquid on evenings when alcoholic drink is provided at a fixed price below the normal price charged at the Premises, management shall from 1.30am provide door staff to ensure customers from Envy exit the premises and do not migrate to Liquid.
9. Alcoholic drinks promotions, which encourage over consumption of alcohol are forbidden.
10. A Dispersal Policy in accordance with the Policy offered by the Premises Licence Holder shall be employed and any changes must be by agreement with the Wiltshire Police.

11. A headcam to be in operation at the entrance to the premises and where possible any door supervisor wearing the headcam will attend any incident at the premises.
12. Copies of any CCTV and headcam recordings are to be retained for a period of 28 days and provided within 7 days of request to the Responsible Authorities.

Reasons for decision

1. The Panel was satisfied that breaches of the Licensing Objectives concerning the prevention of crime and disorder, public safety and the prevention of public nuisance had resulted from incidents at the Nightclub.
2. The Panel heard evidence of continued and sustained issues caused by patrons of the Nightclub on drink promotion nights requiring disproportionate policing at the venue.
3. The Panel found no evidence that, on nights other than those with drinks promotions at the Nightclub, problems arising at the nightclub were disproportionate to other venues in the town centre.
- 4 The Panel was satisfied that a significant factor relating to problems reported by the Police was linked to drinks promotions operated by the Nightclub.
5. The Panel heard evidence from all parties as to the general effectiveness of the Door Staff operating at the venue but noted that given the issues raised at the meeting the additional requirements set out in the additional conditions would assist them in their work.
6. The Panel considered the imposition of additional conditions to be both fair and proportionate and necessary to assist the management to meet the licensing objectives.

The Chair reminded both parties that they had a right of appeal to the Magistrates' Court against the determination of the Panel and that any such appeal must be commenced within 21 days of this determination.