

HEARING DECISION**Licensing Sub Committee
Wunder Bar Basement 2 High Street Midsomer Norton BA3 2LE**

Members have today determined whether to take interim steps following an application made by Avon and Somerset Constabulary for a summary review of a premises licence at Wunder Bar, Midsomer Norton. In doing so they have taken into consideration the Licensing Act 2003, Statutory Guidance, Home Office Guidance on Summary Reviews, the Council's Licensing Policy and Human Rights Act 1998.

The application was made by Police on the basis of concerns they had that serious crime was associated with and being carried on at the premises namely drug use and dealing of class A, B and C some of which was in full view of bar staff at the premises and witnessed by covert police officers. For example on 9 occasions drugs were purchased on the premises by covert officers and on 13 occasions drugs purchased in the immediate vicinity mainly cocaine and MDMA. As a result of the police operation 6 people suspected of having supplied drugs within the premises and 1 person suspected of supply in the immediate vicinity of the premises have been arrested all of whom have been charged and a number remanded in custody. The Police, however, suggested a number of conditions in the event Members do not suspend the licence.

Whilst the Authority is aware the matter may be determine without the premises licence holder being aware the premises licence holder was notified and attended the hearing this morning. It was stated that whilst the management were shocked by the allegations they felt a suspension was not the answer particularly as they are a small business looking to ensure this does not occur again and those involved have been arrested. The management also stated that most of the incidents related to a garden area which was a blind spot and the incidents occurred unknown to them. It was suggested that suspension will lead to more problems elsewhere in the town but that if the premises remained open with conditions matters could be controlled and more closely monitored.

Members have listened carefully to the representations made by the Police and premises management. Members considered it was not necessary to suspend the licence, however, considered it appropriate to take the interim step of modifying conditions as suggested by the Police and accepted by the management. Members determined that modified conditions are appropriate, necessary and proportionate to address the seriousness of the situation highlighted by the Police and modify the conditions as follows.

1. CCTV shall be installed to the satisfaction of the police and maintained in

good working order. All cameras shall record continuously during trading hours and for one hour afterwards. The time and date shall be displayed on the recordings. Recordings shall be maintained for a period of 31 days and made available to the police or licensing authority for evidential purposes on request. If the CCTV equipment fails, the police and licensing authority must be informed as soon as possible and immediate steps shall be taken to effect a repair. A notice shall be displayed at the entrance to the premises advising that CCTV is in operation.

2. There shall be 2 SIA registered door supervisors on duty from opening time until closing time, when the premises are open to the public and 2 other members of staff shall also be on duty. During these times one shall be female.
3. Checks will be made of the male and female toilets on the premises every 15 minutes by door supervisors or other members of staff while the premises are open, a written record of such checks will be maintained at the premises and will contain the name of person carrying out such checks. This record will be available to the police and licensing authority on request.
4. A register will be kept on the premises showing the full name, full SIA badge number, time on duty and time off duty of each door supervisor. The register will be retained for 12 months and made immediately available for inspection to the police or licensing authority.
5. An incident book shall be maintained at the premises with all incidents of crime and disorder and any ejections by door supervisors shall be recorded. The incident book shall be completed on a daily basis regardless of whether any incidents have taken place. The incident book shall be retained on completion for 12 months and shall be made available to the police and licensing authority.
6. A personal licence holder shall be at the premises during all opening hours.
7. All staff will be regularly trained in matters concerning illegal drug use and sale of alcohol and records kept of such training. The records will be made available to the police or licensing authority on request.
8. All persons entering the premises will be searched for drugs, weapons or other illegal items on entry or re-entry.

These conditions are to take immediate effect.