

BABERGH DISTRICT COUNCIL

From: Head of Environment	Report Number: R86
To: Licensing Act 2003 Sub-Committee	Date of Meeting: 19 January 2016

LICENSING ACT 2003 – HEARING REPORT (TEMPORARY EVENT NOTICES) CONSIDERATION OF OBJECTION NOTICES ISSUED UNDER SECTION 104 TENS 015-16 – INFINITY NIGHTCLUB, SUDBURY CO10 2TP

1. Purpose of Report

- 1.1 To report information to the Licensing and Appeals Committee to enable consideration of an OBJECTION NOTICE given by the Chief Officer of Police under section 104 of the Licensing Act 2003, in respect of a Temporary Event Notice (TEN) for a licensed venue.
- 1.2 The Police and local Environmental Health authority have powers to object to a TEN where they are satisfied that allowing the premises to be used in accordance with the notice would undermine a licensing objective.

2. Recommendations

- 2.1 The Committee must, having regard to the section 104 objection notice (attached as Appendix B), determine whether or not to give a counter notice to the premises-user under section 105 of the Licensing Act 2003 to prevent the event from going ahead; and
- 2.2 If the Committee has decided under section 105 to not give a counter notice under that section, to determine whether it is appropriate for the promotion of the licensing objectives to impose one or more conditions on the standard temporary event notice - provided that such conditions are (a) also imposed on premises licence BPL0073 held for the same premises; and (b) are not inconsistent with the carrying out of the licensable activities under the temporary event notice.
- 2.3 The Committee is required to resolve these recommendations for the temporary event notice under consideration.

The Committee is able to resolve these matters.

3. Financial Implications

- 3.1 There is a statutory right of appeal to the magistrates' court for any party aggrieved by the decision taken by the Licensing Authority.

4. Risk Management

- 4.1 None, other than those that inherently apply to the Licensing Authority when carrying out its licensing functions. The four licensing objectives are prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm.

5. Consultations

- 5.1 The notice has been given subject to the statutory consultation requirements with the Police and Environmental Health Department. There are no public advertising requirements for temporary event notices and 'other persons' (including local residents and businesses) are not entitled to raise representations for this type of licensing process.

6. Equality Analysis

- 6.1 There are no equality impacts arising directly from the matters contained within this report.

7. Shared Service / Partnership Implications

- 7.1 Not applicable.

8. Key Information

- 8.1 The Committee must consider the objection notice given by the Chief Officer of Police, and having regard to the objection notice give the premises user a counter notice under section 105 of the Licensing Act 2003 if it considers it appropriate for the promotion of a licensing objective to do so.

- 8.2 The four licensing objectives are:

- (a) Prevention of crime and disorder
- (b) Public safety
- (c) Prevention of public nuisance
- (d) Protection of children from harm

- 8.3 Should the Committee determine not to issue a counter notice under section 105, the licensable elements of the event would go ahead.

- 8.4 Conditions may only be attached under this provision where the same premises are already licensed via a premises licence (or club premises certificate). The Licensing Authority may only apply those conditions from the linked premises licence (or club premises certificate) which are consistent with the activities sought by the temporary event notice(s). In this instance the premises to which the TEN relates are licensed via premises licence number BPL0073 – a summary of which is attached as Appendix C.

- 8.5 If the Licensing Authority imposes one or more conditions under section 106A then it will need to give the premises user a notice of the decision accompanied by a separate 'statement of conditions', in the prescribed format, setting out the conditions which apply to the TEN. This must be given no later than 24 hours before the commencement of the activities specified in the TEN. Each party to the hearing must also be given these documents.

8.6 The details of the relevant temporary event notice given under section 100 of the Licensing Act 2003 are as follows

Premises-user:	Mr Derek Smith
Premises:	Infinity Nightclub, East Street, SUDBURY, Suffolk CO10 2TP
Date/time of event:	Sun 7 Feb 2016 03:30 to 04:30 hrs (1 hr extension)
Event details:	General extensions of regular nightclub business for licensable activities/performances for the occasion of a personal appearance by television celebrity Vicky Pattison
TEN received/ref:	11 January 2016 TEN 015-16
Police/EHO objection:	Chief Officer of Police only

9. Appendices

Title	Location
(A) Temporary Event Notice	Attached
(B) Objection Notices from Chief Officer of Police	Attached
(C) Summary of linked premises licence BPL0073	Attached

10. Background documents

10.1 None.

Authorship:
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Licensing Officer

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licensing@babberghmidsuffolk.gov.uk

Temporary Event Notice

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

You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice. *[The service addresses needed are stated after the end of the notes section of this form].*

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. The personal details of premises user (Please read note 1)			
1. Your name			
Title	Mr Mrs Miss Ms Other (please state)	MR	
Surname	Smith		
Forenames	Derek		
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)			
Title	Mr Mrs Miss Ms Other (please state)		
Surname			
Forenames			
3. Your date of birth		Day	Month Year
4. Your place of birth			
5. National Insurance Number			
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)			
[REDACTED]			
Post town		Postcode	
7. Other contact details			
Telephone numbers	[REDACTED]		
Daytime			
Evening (optional)			
Mobile (optional)			
Fax number (optional)			
E-Mail address (if available)	[REDACTED]		
8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)			
[REDACTED]			
Post town		Postcode	
9. Alternative contact details (if applicable)			
Telephone numbers:	[REDACTED]		
Daytime			
Evening (optional)			
Mobile (optional)			
Fax number (optional)			
E-Mail address (if available)			

2. The premises	
Please give the address of the premises where you intend to carry on the licensable activities or, if it has no address, give a detailed description (including the Ordnance Survey references) (Please read note 2)	
Infinity Nightclub East Street, Sudbury Suffolk CO10 2TP	
Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.	
Premises licence number	BPL 0073
Club premises certificate number	
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)	
Please describe the nature of the premises below. (Please read note 4)	
Nightclub	
Please describe the nature of the event below. (Please read note 5)	
Personal Appearance by Gaz (Geordie Shore)	
3. The licensable activities	
Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on). (Please read note 6)	
The sale by retail of alcohol	<input checked="" type="checkbox"/>
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input type="checkbox"/>
The provision of regulated entertainment	<input checked="" type="checkbox"/>
The provision of late night refreshment	<input checked="" type="checkbox"/>
Are you giving a late temporary event notice? (Please read note 7)	<input checked="" type="checkbox"/>
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)	
03.30 to 04.30 on 15/08/15 INSERT 07-02-16 03.30 to 04.30 on 16/08/15	

DELETE

GA

Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 9)		
03.30 to 04.30		
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 10)	200	
If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 11)	On the premises only	x
	Off the premises only	
	Both	

4. Personal licence holders (Please read note 12)		
Do you currently hold a valid personal licence? (Please tick)	Yes x	No
If "Yes" please provide the details of your personal licence below.		
Issuing licensing authority	Mid beds District Council	
Licence number	MBD 1000472	
Date of issue	27/10/2005	
Date of expiry	27/10/2015	
Any further relevant details		

5. Previous temporary event notices you have given (Please read note 13 and tick the boxes that apply to you)		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?	Yes x	No
If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year	1	
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes	No x

6. Associates and business colleagues (Please read note 14 and tick the boxes that apply to you)		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes	No x
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year.		
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes	No x
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes	No x
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year.		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes	No x

7. Checklist (Please read note 15)	
I have: (Please tick the appropriate boxes)	
Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input type="checkbox"/>
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated	<input type="checkbox"/>
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input type="checkbox"/>
If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority	<input type="checkbox"/>
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	<input type="checkbox"/>
If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions	<input type="checkbox"/>
Made or enclosed payment of the fee for the application [£21 payable to 'Babergh DC']	<input type="checkbox"/>
Signed the declaration in Section 9 below	<input type="checkbox"/>

8. Condition (Please read note 16)
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (Please read note 17)

The information contained in this form is correct to the best of my knowledge and belief.

I understand that it is an offence:

(i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine not exceeding level 5 on the standard scale; and

(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.

Signature	
Date	
Name of Person signing	D. Smith

For completion by the licensing authority

10. Acknowledgement (Please read note 18)

I acknowledge receipt of this temporary event notice.

Signature	
Date	
Name of Officer signing	

On behalf of the licensing authority

NOTES

General

In these notes, a person who gives a temporary event notice is called a "premises user".

The police and local authority exercising environmental health functions may intervene on the grounds of any of the four licensing objectives (the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm) to prevent the occurrence of an event at which permitted temporary activities are to take place or to agree a modification of the arrangements for such an event. However, the licensing authority will intervene of its own volition in the cases described below.

First, it will issue a counter notice if there is an objection to a late temporary event notice (see note 7 below).

Secondly, it may issue a notice in relation to its decision to impose conditions on a temporary event notice (see note 2 below).

Thirdly, it will issue a counter notice if the first, second, third and fifth of the limits set out below would be exceeded. If any of the limits below are breached or if a counter notice has been issued, any licensable activities taking place would be unauthorised and the premises user would be liable to prosecution. The limitations apply to:



SUFFOLK CONSTABULARY

NOT PROTECTIVELY MARKED
RESTRICTED/CONFIDENTIAL

Force Licensing Department, Landmark House, 4 Egerton Road,
Ipswich IP1 5PF Tel: Ipswich 01473 613888 Ext 3009
Calls may be monitored for quality control, security and training purposes. www.suffolk.police.uk

Licensing Team.
Babergh District Council
Corks Lane
Hadleigh
IPSWICH
IP7 6SJ

Date: Tuesday 12th January 2016

Police Representation under the Licensing Act 2003.
Infinity Night Club – 98 East St. Sudbury, CO10 2TP
Temporary Event Notice for 7/2/16

As a responsible Authority under the Licensing Act 2003, we have received a copy of a temporary event notice (TENs) for the above address. After consideration, we wish to make a representation under the Act as in our opinion; we feel that the approval of the application would compromise one of the objectives, namely 'The prevention of crime and disorder.'

The application has been submitted by Mr Derek SMITH, and the TEN details are as follows;

03:30 till 04:30 on Sunday 7th February 2016

Activities applied for: Alcohol On Sales only, the Provision of Regulated Entertainment and the Provision of late night refreshment.

On the premises licence for the above location, the above activities are licensed till 03:30 and an hour's extended activity has been requested due to a guest appearance at the premises by Vicky PATTISON from the TV programme – Geordie Shaw.

The Prevention of crime and disorder

Considering the objective listed above, we feel since July 2015, the premises has suffered numerous reports of low level violence, anti-social behaviour and excessive drunkenness. This is currently being monitored by Police and the local Authority with a view to working with the premises to show an improvement. At this time, it is too soon to report a significant improvement and would not currently support any increase in hours through a temporary event notice, even if the premises are adhering to their conditions during the temporary event notice.

In consideration of all the circumstances, on behalf of the Chief Constable, I represent again this application.

Yours sincerely,

PC938 McAuley
Licensing Team

Licensing Act 2003
Premises Licence Summary

APPENDIX C

BPL0073

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Club Infinity & Jewel Bar
98 East Street
SUDBURY, Suffolk CO10 2TP

- Supply of alcohol (ON the premises)
- Films (indoors)
- Indoor sporting events
- Boxing or wrestling entertainment (indoors)
- Live music (indoors)
- Recorded music (indoors)
- Performances of dance (indoors)
- Anything of a similar description to that of live or recorded music or dance (indoors)
- Late night refreshment (indoors)

STANDARD TIMINGS (note opening times finish 15 minutes later):

- (a) **All licensed entertainment and supply of alcohol ON the premises**
Hours authorised: 10:00hrs until 03:00hrs (Monday to Thursday)
10:00hrs until 03:30hrs (Friday and Saturday)
11:00hrs until 01:00hrs (Sunday)
- (b) **Late night refreshment**
Hours authorised: 23:00hrs until 03:00hrs (Monday to Thursday)
23:00hrs until 03:30hrs (Friday and Saturday)
23:00hrs until 01:00hrs (Sunday)

SEASONAL VARIATIONS / NON-STANDARD TIMINGS

Any day immediately preceding a bank holiday, Thursday immediately preceding Good Friday, St. Patrick's Day, St. George's Day, St. Andrew's Day, Halloween (31 October), Christmas Eve, Boxing Day and the trading day on which British Summer Time (BST) commences:

All licensed activities may extend for one hour beyond the standard timing for the relevant day of the week specified in standard timings (above).

New Years Eve (31 December):

All licensed activities may extend from the end of authorised hours on 31 December to the start of authorised hours on the following day.

ANNEX 1 - MANDATORY CONDITIONS

The following conditions in Annex 1 are mandatory under the provisions of the Licensing Act 2003:

- 1.1 Alcohol shall not be sold or supplied:
 - (a) At any time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) At any time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended
- 1.2 Every sale or supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 1.3 The admission of children to the exhibition of any film shall be restricted in accordance with the film classification awarded by the British Board of Film Classification (BBFC), or any successor person or persons designated as the authority under section 4 of the Video Recordings Act 1984.
- 1.4 Where one or more individuals are being used at the licensed premises to carry out a security activity, each such individual must be licensed by the Security Industry Authority.
- 1.5 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.

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.

- 1.6 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).
- 1.7 The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
- 1.8 (a) 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.
- (b) 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.
- 1.9 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.
- 1.10 The relevant person (the holder of the premises licence, the designated premises supervisor (if any) in respect of such a licence, the personal licence holder who makes or authorises a supply of alcohol under such a licence, or any member or officer of a club present on the premises in a capacity which enables the member or officer to prevent the supply in question) shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of this condition “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979, “permitted price” is the price found by applying the formula -

$$P = D + (D \times V)$$

where - (i) **P** is the permitted price, (ii) **D** is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and (iii) **V** is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

[“value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994]

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

The following conditions in Annex 2 are conditions consistent with the operating schedule submitted by the applicant within the application:

- 2.1 The Premises Licence Holder shall ensure that the licensed premises shall not be exclusively or primarily used for the supply of alcohol. The sale and supply of alcohol at the premises shall be ancillary to the use of the licensed premises for music, dance and similar activities. This condition shall apply to any hirings of the premises for licensable activities.
- 2.2 The Premises Licence Holder shall ensure that no person under the age of 18 shall be permitted on the licensed premises at any time whilst it is being used as a nightclub or bar. Persons under the age of 18 shall only be permitted on the licensed premises:
- Whilst attending a pre-booked function and accompanied by a responsible person aged 18 or over.

- For sixth-form or similar pre-booked school functions for 16-18 year olds, alcohol shall only be sold or supplied to persons aged 18 or over in an area of the premises which is suitably and sufficiently separated and supervised to ensure that persons under the age of 18 are not able to purchase or consume alcohol.
 - All pre-booked functions intending to involve 16 to 18 year olds shall be subject to a risk assessment and in consultation with the police giving at least 7 days notice.
- 2.3 The Premises Licence holder shall ensure that the maximum number of persons permitted on the premises at any one time, as risk assessed by the responsible person (or alternatively as set by the fire officer) under the Legislative Reform (Fire Safety) Order 2005, is monitored and enforced. The premises licence holder shall ensure that suitable and sufficient measures are taken for monitoring and recording the number of persons on site at any one time. Capacity checks shall be promptly recorded in a log book maintained on the premises for that purpose, and provided to an authorised officer of a responsible authority upon request.
- 2.4 The Premises Licence Holder shall suitably and sufficiently risk-assess events and other licensable activities and, in consultation with his door security provider, deploy commensurable levels, timings and locations of door supervision and ensure that there shall be:
- A minimum of two SIA registered door supervisors on duty on Thursdays, Fridays and Saturdays between 21:00hrs and 30 minutes after the closure of the premises to the public; and
 - A minimum of one additional SIA door staff (making a total of three) used where the capacity is expected to be between 201 and 300 persons, and a minimum of an additional two SIA door staff (making a total of four) where the capacity is expected to be between 301 and the maximum permitted capacity.

The Premises Licence Holder shall ensure that the same shall apply to non-standard timings (but need not for private functions).

Where the Premises Licence Holder's risk-assessment in consultation with the door security provider identifies that it is appropriate for searches to be conducted on females then a minimum of one female SIA door staff shall be on duty. For the avoidance of any doubt, customers seeking re-admittance to the venue who are unable to be appropriately searched, in compliance with condition 2.23, shall be refused re-admittance.

All proposed extended use of the licensed premises for licensable activity, referred to under Non-Standard timings (and with the exception of New Year's Eve), shall be subject to seven days prior notice and agreement with the police.

- 2.5 The Premises Licence Holder shall ensure that any individual known to be banned under any active local PubWatch scheme, or court banning order, shall be refused entry to the licensed premises. The police shall be notified promptly, and in any event within 36 hours, of any attempt by a banned individual to gain access to the licensed premises.
- 2.6 The Premises Licence Holder shall ensure that any individual found in possession of any illegal substance or weapon shall be excluded or ejected from the licensed premises. The police shall be notified promptly, and in any event within 36 hours, of any attempt by an individual to gain access to the licensed premises whilst in possession of an illegal substance or weapon.
- 2.7 The Premises Licence Holder shall ensure that all instances of drunkenness, disorder, drug use or violence shall be challenged, resulting in the refusal of admission, ejection or retention of the individual(s) concerned. Under serious circumstances, consideration shall be given to their permanent exclusion from the premises in the future.
- 2.8 The Premises Licence Holder shall ensure that door supervisors, where so employed, shall ensure that if there is a queue outside of the licensed premises, that an orderly queue is maintained. Door supervisors shall monitor the full length of the queue for signs of drunkenness and 'pre-loading', anti-social behaviour or use/possession of illegal substances or weapons.

- 2.9 The Premises Licence Holder shall ensure that the maximum capacity of persons using smoking areas shall be determined in a written risk-assessment which is approved by the Designated Premises Supervisor (DPS). Staff shall be tasked to monitor and enforce this capacity.
- 2.10 The Premises Licence Holder shall implement a suitable and sufficient drugs policy, a suitable and sufficient dispersal policy, and a suitable and sufficient admission, search and ejection policy; the contents of which shall be agreed with the police and notified to the Licensing Authority.
- 2.11 The Premises Licence Holder shall ensure that consumption of alcohol is restricted to the areas identified on the plan of the premises attached to the premises licence as Annex 4.
- 2.12 The Premises Licence Holder shall ensure that waste receptacles used at the licensed premises shall be lidded and maintained in a clean condition and that litter and waste, including smoking related litter, shall be regularly cleared from the immediate vicinity of the licensed premises.
- 2.13 The Premises Licence Holder shall provide on the licensed premises a secure deposit box for the retention of any confiscated items, and shall promptly notify the police of any items requiring safe disposal.
- 2.14 The Premises Licence Holder shall ensure that signage shall be prominently displayed and maintained on the licensed premises advising customers and staff of any relevant crime and disorder issues, age restrictions and conditions of entry to the licensed premises. Signage shall also be prominently displayed and maintained on the licensed premises advising customers to leave the premises quietly and to respect the needs of neighbouring properties.
- 2.15 The Premises Licence Holder shall ensure that external lighting shall be provided to the premises during the hours of darkness whilst the premises are open to the public for licensable activities. The premises licence holder shall take all reasonable steps and precautions to ensure that any flashing lights or bright lights in use inside or outside the licensed premises do not cause nuisance to nearby properties.
- 2.16 The Premises Licence Holder shall ensure that, with the exception of the main front entrance doors, all doors and windows at the licensed premises, including internal lobby doors, shall be kept closed (save for access or egress) whilst the premises are open to the public for licensable activities - in order to minimise any noise escape. Self-closing devices shall be fitted to all entrance and exit doors, and internal lobby doors. Gates or doors from the designated smoking areas to the street shall be maintained so as operational and unobstructed in the event of an emergency.
- 2.17 All ventilation systems in use at the licensed premises shall have suitable sound attenuation.
- 2.18 The Premises Licence Holder shall ensure that any special effects or any mechanical installation are stored and operated so as to minimise any risk to the safety of the audience, staff or performers. Staff on duty shall monitor patrons and be vigilant to persons attempting to climb poles, balconies, speakers and other fixtures and fittings.
- 2.19 The Premises Licence Holder shall ensure that guidance is sought from the relevant responsible authority prior to the use of any explosives, pyrotechnics, fireworks, smoke, foam or devices of a similar nature so as to promote the public safety objective.
- 2.20 The Premises Licence Holder shall ensure that there shall be no new customers admitted to the licensed premises from one hour prior to the closure of the premises.
- 2.21 The Premises Licence Holder shall ensure that the toilets are checked at least once every 30 minutes whilst the premises are open to the public, with checks to be legibly and accurately recorded in a log book for that purpose. Staff shall check for public safety issues as well as indications of drug use.
- 2.22 The Premises Licence Holder shall ensure that any spillages or breakages in public areas are promptly cleared and this shall include checking of the designated smoking area.

- 2.23 The Premises Licence Holder shall ensure that all persons requesting re-entry to the licensed premises, without exception, shall be searched by an SIA registered door supervisor with records of such searches to be legibly recorded in a log book for that purpose. The log book shall be provided to an authorised officer of the Police or Licensing Authority upon request. Customers shall not be permitted entry or exit whilst carrying glass or alcohol.
- 2.24 The Premises Licence Holder shall ensure that all drinks shall be made available, or decanted at the bar into, plastic or polycarbonate drinking vessels. Customers shall not be permitted to drink from glasses or glass bottles. This condition shall not apply to 1oz shot glasses which may be semi-toughened (moulded glass). In addition, this condition shall not apply to higher cost premium drinks in 70cl or larger bottles (such as Grey Goose, champagne) as these will still be permitted, but there is to be no removal of these items from the premises by customers; they will be provided with polycarbonate drinking vessels at the point of purchase.
- 2.25 The Premises Licence Holder shall ensure that where an exceptional event or activity (for example wedding reception or similar function, but not boxing or wrestling entertainments) merits the consideration of use of glass or bottles, for example champagne, then a suitable and sufficient risk assessment shall be undertaken by the premises licence holder with the risk assessment to be made available to an authorised officer of the Police or Licensing Authority on request.
- 2.26 The Premises Licence Holder shall ensure that CCTV shall be installed and maintained at the licensed premises provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions (particularly facial recognition). Cameras shall encompass all entrance and exit points to the premises, fire exits, outside areas (including designated smoking areas) and all recordings shall also be made a minimum of 30 minutes before and 30 minutes after the times when the public are on the premises. CCTV equipment shall be maintained in good working order and be correctly time and date stamped. Recordings shall be kept in date order, numbered sequentially and kept for a minimum period of 28 days and made available to an authorised officer of the Police or the Licensing Authority upon reasonable request and in any event within 24 hours.
- 2.27 The Premises Licence Holder shall ensure that at all times an appointed member of staff is capable of and competent at downloading CCTV footage in a viewable format onto disc or storage device, which shall be made available to the Police/Local Authority within 36 hours of a request. The recording equipment and media shall be kept in a secure environment under the control of a responsible named individual. In the event of any system failings, actions taken are to be recorded. In the event of technical failure of the CCTV equipment the Premises Licence Holder/DPS shall report the failure to the Police and Licensing Authority immediately. It should be noted that any retention, use or disclosure of personal information captured on CCTV must be carried out in line with data protection principles which shall override any conflicting element of this condition or condition 2.26.
- 2.28 The Premises Licence Holder shall ensure that non-alcoholic drinks shall be made available whilst the premises are open for licensable activities. The availability of non-alcoholic drinks shall be made aware to customers.
- 2.29 The Premises Licence Holder shall ensure that a 'Challenge 21' proof of age scheme is adopted. The Premises Licence Holder shall operate a requirement for the production of a passport, driving licence or other bona fide form of identity carrying a photographic image, where the individual requesting the supply of alcohol appears to be under the age of 21.
- 2.30 The Premises Licence Holder shall ensure that the DPS or other reasonable competent individual is nominated to regularly survey noise breakout from the premises during the performance of amplified music. Where the noise/vibration level is such that it is likely to cause disturbance to nearby premises, he/she shall decrease the volume level accordingly. A log shall be kept of such monitoring checks and any remedial action taken.
- 2.31 The Premises Licence Holder shall ensure that the volume control of any recorded music or amplification equipment shall be under the direct control of the Designated Premises Supervisor (DPS), or another responsible individual nominated by the DPS, with provision made for the sound to be turned down at the direct request of an authorised officer of the Local Authority or Police.

- 2.32 The Premises Licence Holder shall ensure that at all times whilst the public are present there is at least one competent person able to administer first aid, and that an adequate and appropriate supply of first aid equipment and materials is available on the premises. Adequate records shall be maintained in relation to the supply of any first aid treatment.
- 2.33 The Premises Licence Holder shall ensure that all persons authorised to sell alcohol at the licensed premises have received instruction from the DPS on relevant licensing requirements/offences and have been authorised in writing by the DPS to supply alcohol under his/her authority.
- 2.34 The Premises Licence Holder shall ensure that all bar staff engaged in the sale of alcohol shall be trained in responsible alcohol retailing to a minimum standard of BIIAB Level1, or equivalent, within three months of commencing employment at the premises. Training records shall be kept on the premises and produced to the police or authorised officer of the Licensing Authority upon request. For the avoidance of doubt this training may be administered in-house in accordance with the relevant criteria. Training shall be reviewed at six-monthly intervals to ensure that staff are up to date with the latest legislation.
- 2.35 The Premises Licence Holder shall ensure that an incident and refusals register shall be kept and maintained on the premises at all times. The register shall detail all incidents of injury/ejection/refusal/drug misuse/seizure/age challenge. Such matters shall be timed, dated and signed by the author and produced to the police or authorised officer of the Licensing Authority upon demand.
- 2.36 The Premises Licence Holder shall ensure that the incident register shall be kept at the premises for a minimum period of six months, and shall record the following matters:
- All crimes reported to the venue, or by the venue to the police;
 - All ejections of patrons;
 - Any complaints received;
 - Any incidents of disorder;
 - Seizures of drugs, offensive weapons, fraudulent ID or other items;
 - Any faults in the CCTV system or searching equipment or scanning equipment;
 - Any refusal of the sale of alcohol;
 - Any visit by a relevant authority or emergency service; and
 - The times on duty, and the licence number, of all SIA registered door supervisors employed by the premises.
- 2.37 The taking out of glass bottles may only be carried out on one occasion, between 23:00hrs and 03:00hrs Monday to Saturday and evenings preceding a Bank Holiday, and between 23:00hrs and 01:00hrs on Sundays. After these times, no further refuse including glass bottles may be carried out until 07:00hrs.
- 2.38 The premises licence holder shall ensure that a suitable and sufficient risk assessment is conducted for any proposed boxing or wrestling entertainment taking place at the venue, and this shall be completed prior to the commencement of the relevant entertainment. Where appropriate the relevant sport's governing body regulations or recommendations shall be considered within the risk assessment and implemented, where appropriate, for the event or activity.
- 2.39 An appropriate level of competent, and appropriately qualified, first aid and/or medical practitioners shall be present throughout a sports entertainment involving boxing, wrestling, judo, karate, mixed-martial arts or similar activity – whether it is the main entertainment or ancillary.
- 2.40 Any ring for the purposes of boxing or wrestling entertainment shall be constructed by a competent person and/or inspected by a competent authority.
- 2.41 At any boxing or wrestling or other entertainments of a similar nature members of the public shall not occupy any seat within 2.5 metres of the ring. Audience members shall not be permitted to stand on any stairwell or balcony area which directly overlooks the ring or exhibition area whilst an event is in progress.

- 2.42 Plastic or polycarbonate drinking vessels shall be used during all boxing and wrestling or similar entertainment events at the licensed premises, without exception, with drinks which are only available in bottles/glassware to be decanted to plastic or polycarbonate vessels. No bottles/glassware shall be left accessible in the vicinity of the boxing or similar entertainment activity.
- 2.43 Entry to any boxing, wrestling or similar entertainment activity shall be by prior ticket arrangement only.

ANNEX 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

None applicable to premises licence BPL0073-010547.