

REPORT OF DIRECTOR OF DEVELOPMENT & ENVIRONMENTAL SERVICES

APPLICATION TO VARY ENTERTAINMENTS LICENCE

Mode (formerly McClusky's), Barrasford House, Goldsmith Street, Nottingham

1.0 **SUMMARY**

1.1 This application is to extend the terminal hour of operation.

2.0 **RECOMMENDATIONS**

IT IS RECOMMENDED THAT the Committee determine the application having regard to:

2.1 the objection of Nottinghamshire Police and;

2.2 to the City Council's Entertainment Licensing Policy No.1;

- 'Matters that impact on local crime and disorder have been identified and suitable measures to the satisfaction of the Police have been established to minimise or prevent avoidable incidents;
- Matters that might present an adverse impact on the neighbourhood from the licensed activity have been assessed and suitable measures put in place to minimise or prevent the impact;
- That the applicant has taken steps to ensure good order inside and outside the premises;
- The applicant can (or has put) in place such effective measures as given above to the satisfaction of the Council and Police.'

3.0 **BACKGROUND**

3.1 These premises were formerly known as McClusky's and have recently been refurbished.

3.2 The applicant Jamie Kellett has left the premises since applying for the variation and the licence has been transferred into the names of David Elphick and Adrian Thompson.

3.3 The premises have a maximum occupancy of 1150 people. The current licence is to provide music & dancing in the basement, ground & mezzanine floors during the following hours:-

<b>Mondays to Saturdays</b>	-	<b>11 am to 2 am</b>
<b>Sundays</b>	-	<b>noon to 12.30 am</b>
<b>Sundays preceding Bank Holidays (except Easter)</b>	-	<b>noon to 2 am</b>

A copy of the current licence is attached at Appendix 1.

4.0 **PROPOSALS**

4.1 The application is to extend the terminal hour as follows:-

<b>Mondays to Saturdays</b>	-	<b>11 am to 3 am</b>
<b>Sundays</b>	-	<b>noon to 12.30 am</b>

- 4.2 Fire and Pollution Control Officers have no objection.
- 4.3 Nottinghamshire Police object to the application and a copy of their letter is attached at Appendix 2 and 2a.
- 4.4 The location of the premises is shown on the attached map and the applicant and the Police have been invited to attend.
- 4.5 No objection has been raised from the Planning applications and Advice Officer.

## **5.0 LEGAL IMPLICATIONS**

- 5.1 Legal implications will be reported at the meeting.

## **6.0 EQUAL OPPORTUNITIES IMPLICATIONS**

- 6.1 None

## **7.0 List of background papers other than published works or those disclosing confidential or exempt information**

- ◆ Application dated 16 July 2003
- ◆ Letters from BRM solicitors dated 16 July 2003 and 15 September 2003.

## **8.0 CRIME & DISORDER IMPLICATIONS**

Licensing for public entertainments is an opportunity for the City Council to work in partnership with the Police to reduce the risk of crime and disorder occurring both within and immediately outside licensed premises, having regard to the effect of the proposals on both customers and residents.

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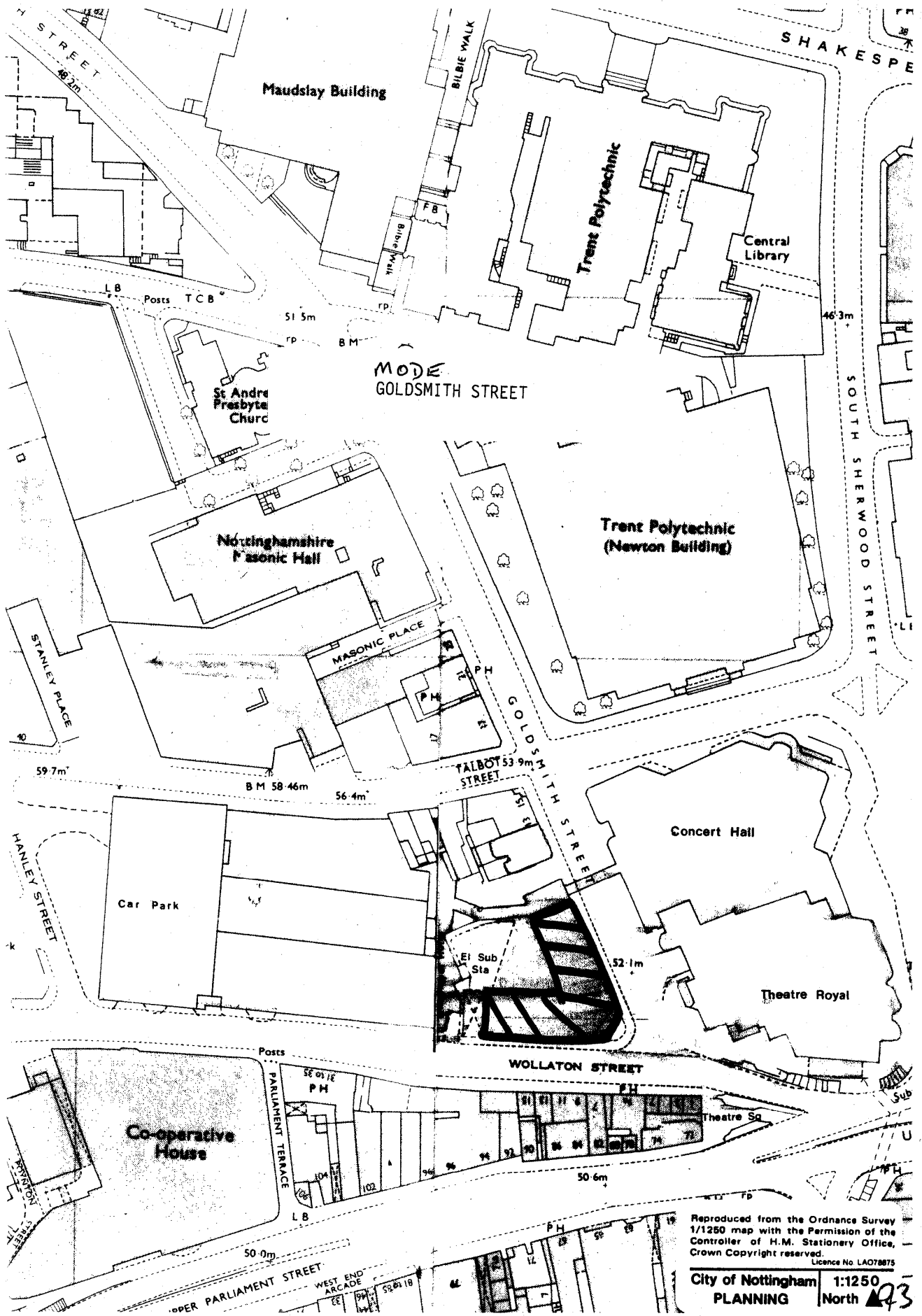
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**BARRY HORNE**  
**DIRECTOR OF DEVELOPMENT & ENVIRONMENTAL SERVICES**

Lawrence House, Talbot Street, Nottingham NG1 5NT

Contact Officer: Janet Swain, Team Leader – Food & Licensing  
Telephone number: 0115 9156776  
email: [general.licensing@nottinghamcity.gov.uk](mailto:general.licensing@nottinghamcity.gov.uk)

6 October 2003



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**City of Nottingham** 1:1250  
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City of

**NOTTINGHAM**

## Development and Environmental Services

Lawrence House  
Talbot Street  
Nottingham  
NG1 5NT

Tel: 0115 915 6776/7  
Fax: 0115 915 6145

### LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 ENTERTAINMENTS LICENCE

By virtue of the powers conferred in it by the Local Government (Miscellaneous Provisions) Act 1982 and the Sunday Entertainments Act 1932 (the Acts), NOTTINGHAM CITY COUNCIL hereby grant to **David Michael Elphick & Adrian Peter Gerard Thompson**

Of 19 Dovedale Road, Bakersfield, Nottingham &  
Flat 3, 7 Clumber Crescent South, The Park, Nottingham

this licence to keep or use the premises known as **Mode (Basement, Ground Floor & Mezzanine), Barrasford House, Goldsmith Street, Nottingham NG1 5JS** for the purpose of **Music and Dancing**

This licence shall continue in force from **11 September 2003** until **5 April 2004** or until sooner revoked, and is granted subject to the provisions of the Acts, and any special conditions set out below and to the standard conditions imposed by the City Council, a copy of which is attached to this licence.

The premises shall not be used for the above purposes except between the hours of

Mondays to Saturdays	-	11 am to 2 am
Sundays	-	noon to 12.30 am
Sundays preceding Bank Holidays except Easter Sunday	-	noon to 2 am

Signed

Licensing Officer

Dated 11 September 2003

### SPECIAL CONDITIONS:

- MAXIMUM OCCUPANCY:-** Basement - 225 persons excluding staff  
Ground/Mezzanine - 925 persons excluding staff
- The applicant shall ensure that live and amplified music/singing is not audible at the façade of any occupied buildings on Wollaton Street, Goldsmith Street, Upper Parliament Street.

The term 'occupied building' shall be taken to mean any building, or part of a building, occupied as a dwelling or occupied by staff and customers.
- There must be no consumption of alcohol after 2.30 am the following morning.

**HEADQUARTERS**

Sherwood Lodge, Arnold,

Nottingham NG5 8PP

DX 715806 ARNOLD 3

☎ 0115 9672712

Fax 0115 9672719

Our ref HQ(CJ)L AS

15 August 2003

FOR THE ATTENTION OF MRS J SWAIN

City of Nottingham  
Environmental Services  
Lawrence House  
Talbot Street  
Nottingham NG1 5NT

Dear Sir

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982.  
APPLICATION FOR VARIATION OF A PUBLIC ENTERTAINMENT  
LICENCE – MCCLUSKEYS, GOLDSMITH STREET, NOTTINGHAM.**

With reference to a recent application which has been received relative to the above.

I wish to advise you of the intention of the Chief Constable to object to this application.

The general grounds of the objection are:

- 1 The variation of the licence could have an adverse effect on Public Order
- 2 Having regard to the Crime and Disorder Act, the Police feel that sufficient late licences already exist and that the capacity of current licences terminating at 3.00pm is sufficient.
- 3 The grant of the licence has the potential to create noise and disturbance in the vicinity.

The Chief Constable reserves the right to raise further grounds of objection in the light of any further evidence led before

Could you please advise me of the date and time of any hearing in order that we may be represented.

Yours faithfully

Miss J Carlin  
Head of Pre Court HQ(CJ)L



INVESTOR IN PEOPLE



0800 555 111



A Safer Nottinghamshire For All

Your Ref: JB/SB

Our Ref: HQ(LS)IS/LT

When telephoning please ask for Ian Seeley

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1<sup>st</sup> October 2003

Janet Swain  
Nottingham City Council  
Lawrence House  
Talbot Street  
Nottingham.  
NG1 5NT



b/10.  
copy of  
this faxed  
to  
BRM  
Sols  
FAO  
Rob  
shires.

Dear Mrs Swain

**APPLICATION FOR VARIATION OF PEL –  
MODE, BARRASFORD HOUSE, WOLLATON STREET, NOTTINGHAM**

Thank you for your letter of 19<sup>th</sup> September 2003 which was received in this office on the 29<sup>th</sup> September.

In accordance with procedural requirement 4 of the City Council Licensing Procedure we provide the following further details of the Polices' objection to this Application:-

1. Police resources to deal with late night crime and disorder in Nottingham City Centre, particularly at weekends, are already stretched. At the present time many Police Officers shifts end at 3.00 a.m. If this Application is granted then there would be a need to increase the number of Police Officers on duty after 3.00 a.m., with the consequent increases in policing costs.
2. In the close vicinity of Mode are a number of premises which are already Licensed until 3.00 a.m. Monday to Saturday, including Rock City, Works and Media. The Police feel that these premises provide sufficient capacity for public entertainment after 2.00 a.m. in the immediate vicinity of Mode and that any increase in the capacity in the area will increase the likelihood of crime and disorder.
3. The Application is contrary to policy statements 9 and 10 of the City Council's Statement of Licensing Policy.



4. Despite having only been reopened since mid August 2003, the premises have already experienced a number of incidents of alcohol related crime and disorder, such that any increase in the current terminal hour of the PEL should be refused.

A Police Officer will attend the Committee hearing on the 20<sup>th</sup> October 2003 to provide further evidence. We also hope to be in a position to provide ten copies of a bundle of evidence which will be forwarded to you as soon as possible and, in any event, at least seven working days prior to the Committee hearing.

Yours sincerely

A handwritten signature in black ink, appearing to be 'JMS', written in a cursive style.

**LEGAL SERVICES**

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