

**REPORT OF CORPORATE DIRECTOR OF COMMUNITY & CULTURE**

**REVIEW OF PREMISES LICENCE**

<b>Premises concerned</b>	<p>Bar Seven          6 Ilkeston Road          Radford          Nottingham          NG7 3GE</p> <p>Please see the Premises Licence</p>
<b>Premises licence holder</b>	Martyn Hagues
<b>Party submitting review</b>	<p>H E Read (for &amp; on behalf of the Chief Constable)          Deputy Force Solicitor          Nottinghamshire Police Headquarters          Legal Services          Sherwood Lodge          Arnold          Nottingham          NG5 8PP</p> <p>Please see application</p>
<b>Date application Received:</b>	30 December 2009
<b>Last date for representations:</b>	<p>27 January 2010</p> <p>The Licensing Officer displayed public notice of this application in accordance with the Licensing Act 2003 (Premises Licence) Regulations 2005 from 31 December 2009 to 27 January 2010 inclusive.</p>
<b>Relevant representations received</b>	<p>A representation has been made on behalf of Scottish &amp; Newcastle Pub Company Limited as the licence has been transferred.</p> <p>Please see the representation.</p> <p>An email of 28 January 2010 from the police</p> <p>Please see the representation</p>
<b>Matters which the Authority has asked the parties to clarify</b>	<ol style="list-style-type: none"> <li>1. Identification of all issues (both factual legal) which are in dispute.</li> <li>2. Identification of all areas of law, Guidance and Policy upon which they intend to rely.</li> </ol>

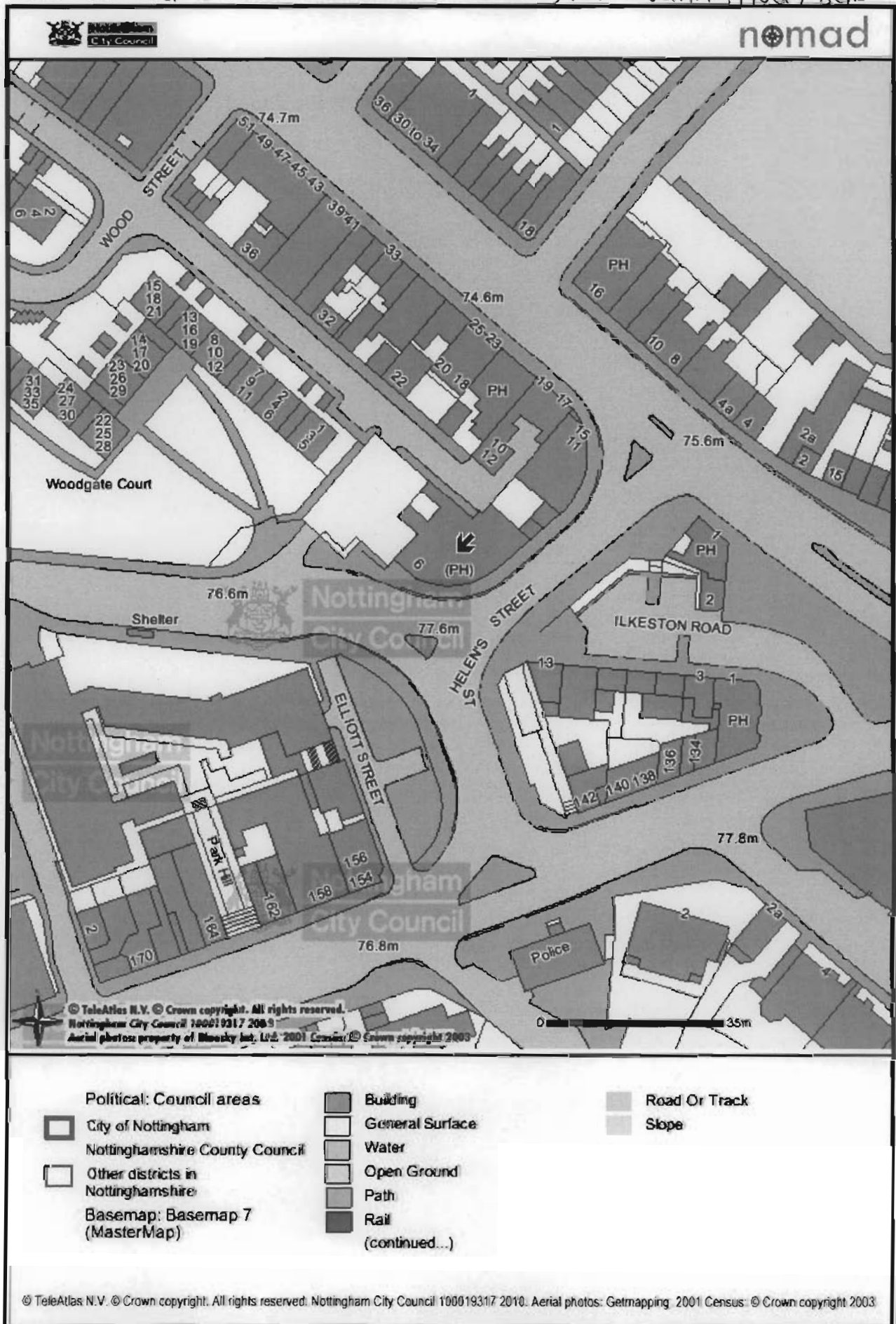
<b>Issues</b>	
<b>Issue 1</b>	<p>Whether it is necessary and proportionate to take any one or more of the steps identified below in order to promote any or all of the following licensing objectives:</p> <p>(1) the prevention of crime and disorder;  (2) public safety;  (3) the protection of children from harm;</p> <p>or whether no action is necessary to promote the licensing objectives.</p>
<b>Relevant Legislation</b>	S51 – 53 Licensing Act 2003
<b>Relevant Policy</b>	<p>Paragraphs 9.26 to 9.28 of the Statement of Licensing Policy</p> <p>Paragraphs 10.6 and 10.13 of the Statement of Licensing Policy.</p>
<b>Relevant Guidance</b>	Paragraphs 11.1 to 11.11; and 11.16 to 11.22, 11.23 to 11.28 inclusive of the guidance issued under section 182 of the Licensing Act 2003.
<b>Steps which the Licensing Authority may take</b>	<ol style="list-style-type: none"> <li>1. To modify the conditions of the licence permanently or for a temporary period of up to 3 months; and/or</li> <li>2. To exclude a licensable activity from the scope of the licence permanently or for a temporary period of up to 3 months; and/or</li> <li>3. To remove the designated premises supervisor; and/or</li> <li>4. To suspend the whole premises licence for a period not exceeding 3 months; or</li> <li>5. To revoke the licence.</li> </ol>
<b>Published documents referred to in compiling this report</b>	<p>Licensing Act 2003</p> <p>Guidance issued under Section 182 of the Licensing Act 2003.</p> <p>Statement of Licensing Policy issued by Nottingham City Council.</p>

**CARALINE RYAN, HEAD OF PUBLIC PROTECTION  
LAWRENCE HOUSE, TALBOT STREET, NOTTINGHAM NG1 5NT**

**Contact Officer:** Zoey Mayes, Assistant Licensing Officer 0115 9156082

29 January 2010

BAR SEVEN, 6 ILKESTON ROAD, RADFORD, NOTTINGHAM, NG7 3GE



**Application for the review of a premises licence or club premises certificate under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I H. E. READ [Deputy Force Solicitor, for and on behalf of the Chief Constable]  
(Insert name of applicant)

**apply for the review of a Premises Licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)**

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> BAR SEVEN 6 ILKESTON ROAD		Time received <b>30 DEC 2009</b>
<b>Post town</b> RADFORD	<b>Post code (if known)</b> NG7 3GE	

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> MARTYN HAGUES
--

<b>Number of premises licence or club premises certificate (if known)</b> 037177
---

**Part 2 - Applicant details**

I am

**Please tick yes**

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
  - b) a body representing persons living in the vicinity of the premises
  - c) a person involved in business in the vicinity of the premises
  - d) a body representing persons involved in business in the vicinity of the premises

- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)**

**Please tick**

Mr  Mrs  Miss  Ms  Other title (for example, Rev)

**Surname**

**First names**

**I am 18 years old or over**

**Please tick yes**

**Current postal address if different from premises address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address (optional)**

**(B) DETAILS OF OTHER APPLICANT**

**Name and address**

**Telephone number (if any)**

**E-mail address (optional)**

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address H. E. READ [for and on behalf of the Chief Constable of Nottinghamshire] Deputy Force Solicitor Nottinghamshire Police Headquarters Legal Services Sherwood Lodge Arnold Nottingham NG5 8PP
Telephone number (if any) 0300 300 9999 Ex:800 2674
E-mail address (optional)

**This application to review relates to the following licensing objective(s)**

Please tick one or more boxes

- |   |                                     |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety                        | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance    | <input type="checkbox"/>            |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

**Please state the ground(s) for review (please read guidance note 1)**

The Premises trade as an on licensed establishment, with a premises licence that allows the supply of alcohol; provision of recorded music; provision of facilities for dancing; and, late night refreshment.

At all material times, the Premises Licence Holder (PLH) and the Designated Premises Supervisor (DPS) has been Martyn Thomas Hagues.

**1. The Prevention of Crime and Disorder.**

The Applicant alleges that between 24 March 2009 and 1 October 2009, the premises has carried on licensable activities otherwise than in accordance with the premises licence. On two occasions it has been found to trade beyond its permitted hours and on at least five occasions has been found to be in breach of its premises licence in that the condition relating to the provision of CCTV equipment and footage has been breached. As regards the breaches of licence in relation to CCTV, these have continued despite advice being given following each discovered breach and warnings in respect of some breaches. Each breach of the licence is in itself a criminal offence .

Further, on three occasions, offences have taken place in that children have been able to buy alcohol from the premises in breach of Section 146 of the Licensing Act 2003, when test purchase operations were carried out at the premises and the children were served.

## 2. Public Safety.

An incident that took place on 27<sup>th</sup> March 2009 occurred when one customer threw a glass at another customer with such force that it struck a refrigerator and damaged its door. Fortunately the intended victim was not hit. Following that the DPS was advised to use plastic vessels to avoid injuries to customers. Despite being given this advice the DPS failed to follow it. Many other responsible operators within Nottingham have used plastic vessels following such advice being given, highlighting the lack of responsible management at these premises, where nothing has been done to prevent further problems involving glass vessels.

## 3. Protection of Children from Harm

During the period 28 August 2009 to 20 November 2009, on 3 separate Test Purchase Operations, the test purchase operatives, being young persons under 18 years of age, successfully purchased alcohol at the premises, thus breaching s146(1) of the Licensing Act 2003. This again shows that despite being advised regarding the commission of criminal offences, the operators have still allowed more offences to take place without addressing the well being of children who might frequent the venue

It is the Applicant's case that the licensing objectives have been very seriously undermined at these premises and that the Operator's failure to uphold the law, despite being given advice and several warnings, shows wholly inadequate and irresponsible management.

By reason of the matters aforesaid, it is felt that it would be a necessary and proportionate response to request a review of the premises licence with a view to revoking the Premises Licence.

**Please provide as much information as possible to support the application**  
(please read guidance note 2)

Since 24 March 2009 the premises has persistently been operated in breach of the premises licence afforded to it and in breach of the Licensing Act 2003.

The CCTV system has not been maintained to the satisfaction of the Police and the images recorded have not been retained for the period of 31 days as required by the condition attached to the premises licence. The CCTV was only found to be in an acceptable format following the issue of a Closure Notice on 12<sup>th</sup> October 2009. The Applicant feels that it is unacceptable for an operator to wait until the threat of closure before it complies properly with the conditions on the Premises Licence.

The premises has also operated beyond its permitted hours on at least 2 separate occasions and the PLH / DPS has been warned of the implications of this. On one occasion nearby residents were disturbed by the noise generated by the premises when it was open after hours.

The premises has failed 3 separate test purchase operations within an 85 day period by selling alcohol to persons under the age of 18 years of age. On at least one of these occasions the sale was made by the PLH/DPS who received a formal caution for his actions. Despite his receiving a caution, two further sales were made to test purchase operatives.

On 27 March 2009 an incident occurred at the premises whereby an altercation took place between 2 persons resulting in a male throwing a glass at another customer. Fortunately the offender missed the intended target but the glass was thrown with such force that on impact with a nearby refrigerator door the door was damaged as the glass smashed. The offender was known to staff as he had previously been barred from entering the premises, although it appears he was allowed admittance on this occasion.

The PLH / DPS was issued with a letter advising him that due to the above incident the use of polycarbonate glasses should be considered, to prevent further incidents. The reason for requesting that polycarbonate glassware is used is to avoid serious injuries to staff and/or customers. In the experience of the Police, serious facial disfigurement and even death can occur following an assault with an article made of glass, such as a bottle or glass. Responsible operators within the city are now taking voluntary measures to ensure that no glass is used on their premises.

Despite several meetings with the Premises Licence Holder / Designated Premises Supervisors, it is clear that the operators have ignored Police advice and continued to operate the premises in contravention of the Licensing Act 2003. Following on from advice there have been verbal warnings, written warnings and the service of a S19 Closure Notice.

Due to the failure to properly manage the premises, the Police are of the opinion that it would be reasonable and proportionate to request that the Licensing Authority revoke the premises licence. Little heed has been given to advice and warnings and the operators cannot be relied upon to uphold the law and the licensing objectives and adhere to conditions on the premises licence as required.

Amplification of these matters will be given at any subsequent hearing and any supporting documentary evidence will be provided in accordance with Nottingham City Council's Licensing Policy 2008-2011.

Nottinghamshire Police reserve the right to put forward any new matters should they



come to our attention prior to the hearing.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--	--	--

**If you have made representations before relating to this premises please state what they were and when you made them**

N/A

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 3 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature

*H. E. Read*

Date

*23rd December 2009*

Capacity Deputy Force Solicitor

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 5)

H. E. READ [for and on behalf of the Chief Constable]  
Deputy Force Solicitor  
Nottinghamshire Police Headquarters  
Legal Services  
Sherwood Lodge  
Arnold

**Post town**

Nottinghamshire

**Post Code**

NG5 8PP

**Telephone number (if any)**

03003009999 Ext 8002671

**If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)**

**FW: Licensing Act 2003: Bar Seven, Nottingham [Scanned]**

General Licensing

**Sent:** 18 January 2010 14:57

**To:** Zoey Mayes

---

**From:** Barry Richards [barry.richards@TLTsolicitors.com]  
**Sent:** 18 January 2010 14:05  
**To:** General Licensing  
**Subject:** Licensing Act 2003: Bar Seven, Nottingham [Scanned]

Dear Sirs,

I write in connection with the above premises.

Our client, Scottish & Newcastle Pub Company, have advised us that a review application has been served on the previous Premises Licence holders for the above premises.

You will be aware that on 13 January 2010 we submitted an application to transfer the Premises Licence into our clients name. The previous Premises Licence holder (whom the review application was served on) is no longer associated with the premises.

I would be grateful if you could please forward me copies of the review application and any other documentation concerning the review application. I would also request that any future correspondence is also sent to me.

The Premises Licence holder will be attending the hearing and will be legally represented. In due course we will provide details of who will be attending.

Please treat this email as a representation on behalf of the Premises Licence holder to the application.

Could you please advise me when the consultation for the application expires and if you have arranged a hearing date?

If you have any questions please do not hesitate to contact me.

I look forward to hearing from you soon.

Kind regards

**Barry Richards**  
**Legal Assistant**  
for TLT LLP

Direct Dial : 0117 917 7612

Fax : 0117 917 7566

[www.TLTsolicitors.com](http://www.TLTsolicitors.com)

This message from TLT Solicitors is confidential and may also be privileged or otherwise protected from disclosure; if forwarded, that privilege may be lost. This message may be read, copied and used only by the intended recipient. If you have received this email in error, please advise by return email and delete the original message from your server. We do not accept service of legal process by email. We may monitor any communication entering or leaving our systems for quality control or compliance purposes and use spam filters. We believe, but do not warrant, that this message and any attachments are virus free. We recommend

**Bar Seven Review [Scanned]**

Guest, Helen [helen.guest@nottinghamshire.pnn.police.uk]

**Sent:** 28 January 2010 11:16

**To:** Zoey Mayes

**Cc:** Ann Barrett; Read, Heather [heather.read@nottinghamshire.pnn.police.uk]

---

Zoey

Further to our telephone conversation earlier today I advise you of the following.

The Police have met with Scottish & Newcastle this morning in an attempt to establish the current position with the premises.

The outcome is that S&N will submit a minor variation to add a condition to the licence which would satisfy the Police concerns.

In view of this, the Police will not be in a position to formally write to you regarding the review until such time as the minor variation has been granted.

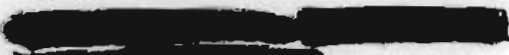

I request that the hearing that you have listed, which I understand is for 9 February 2010, is put on hold pending the minor variation and contend that it is in the public interest to do so.

Should the minor variation not be submitted the Police will have no option other than to pursue the review, when a full licensing panel hearing will be required.

I hope this clarifies the Police position.

Regards

Helen Guest  
Liquor Licensing Manager  
HQ (CJ) Licensing  
Nottinghamshire Police

  
  
Fax: 01623 483968

Email: [helen.guest@nottinghamshire.pnn.police.uk](mailto:helen.guest@nottinghamshire.pnn.police.uk)

Please note that the information contained in this email is released in the expectation that it will be treated in confidence. If the recipient cannot agree to this undertaking then Nottinghamshire Police reserve the right to withdraw from this, or future negotiations in respect of applications.

Unless otherwise stated please treat as restricted

Internet e-mail is not to be treated as a secure means of communication. Nottinghamshire Police monitors all Internet e-mail activity and content. This communication is intended for the addressee(s) only. Please notify the sender if received in error. Unauthorised use or disclosure of the content may

## Licensing Act 2003

## Community & Culture

Lawrence House  
Talbot Street  
Nottingham  
NG1 5NT  
Tel: 0115 915 5555  
Fax: 0115 915 6145

### Premises Licence

Premises licence number: 037177

#### Part 1 – Premises details

##### Postal address of premises, or if none, ordnance survey map reference or description

Bar Seven  
6 Ilkeston Road  
Radford

Post town	Nottingham	Post code	NG7 3GE
-----------	------------	-----------	---------

Telephone number	0115 9704662
------------------	--------------

##### Where the licence is time limited the dates

Not applicable

##### Licensable activities authorised by the licence

Live Music – Indoors;  
Recorded Music – Indoors;  
Provision of Facilities for Dancing – Indoors;  
Late Night Refreshment – Indoors;  
Sale by Retail of Alcohol;

(varied 8 November 2005)

**The times the licence authorises the carrying out of licensable activities**

**Live & Recorded Music and Provision of Facilities for Dancing:**

Monday from 10.00 hrs to 24.00 hrs  
Tuesday from 10.00 hrs to 24.00 hrs  
Wednesday from 10.00 hrs to 24.00 hrs  
Thursday from 10.00 hrs to 24.00 hrs  
Friday from 10.00 hrs to 02.00 hrs the following morning  
Saturday from 10.00 hrs to 02.00 hrs the following morning  
Sunday from 12.00 hrs to 24.00 hrs

New Year's Eve from the start time on New Year's Eve until the finish time on New Year's Day.  
(varied 8 November 2005)

**Late Night Refreshment:**

Monday from 2300 hrs to 0030 hrs  
Tuesday from 2300 hrs to 0030 hrs  
Wednesday from 2300 hrs to 0030 hrs  
Thursday from 2300 hrs to 0030 hrs  
Friday from 2300 hrs to 0030 hrs  
Saturday from 2300 hrs to 0030 hrs  
Sunday from 2300 hrs to 0030 hrs  
New years Eve from 23.00 hrs until 05.00 hrs the following morning

(varied 8 November 2005)

**Sale by Retail of Alcohol:**

Monday from 10.00 hrs to 24.00 hrs  
Tuesday from 10.00 hrs to 24.00 hrs  
Wednesday from 10.00 hrs to 24.00 hrs  
Thursday from 10.00 hrs to 24.00 hrs  
Friday from 10.00 hrs to 02.00 hrs the following morning  
Saturday from 10.00 hrs to 02.00 hrs the following morning  
Sunday from 12.00 hrs to 24.00 hrs

New Year's Eve from the start time on New Year's Eve until the finish time on New Year's Day.  
(varied 8 November 2005)

**The opening hours of the premises** (varied 8 November 2005)

Monday from 10.00 hrs to 00.30 hrs the following morning  
Tuesday from 10.00 hrs to 00.30 hrs the following morning  
Wednesday from 10.00 hrs to 00.30 hrs the following morning  
Thursday from 10.00 hrs to 00.30 hrs the following morning  
Friday from 10.00 hrs to 02.30 hrs the following morning  
Saturday from 10.00 hrs to 02.30 hrs the following morning  
Sunday from 12.00 hrs to 00.30 hrs the following morning

New Year's Eve from the start time on New Year's Eve until the finish time on New Year's Day.

**Where the licence authorises supplies of alcohol whether these are on and/or off supplies**

Alcohol - On the Premises  
Alcohol - Off the Premises

**Part 2**

**Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence**

Martyn Hagues, Bar Seven, 6 Ilkeston Road, Radford, Nottingham NG7 3GE

(Transferred 3 April 2009)

**Registered number of holder, for example company number, charity number (where applicable)**

Not applicable

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol**

Martyn Hagues

(Varied 3 April 2009)

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol**

MANS0112369 – Mansfield Council

Signed: .....  
Licensing Officer

Dated: 23 August 2005  
Varied: 8 November 2005



## **Annex 1 - Mandatory Conditions**

### S19 Licensing Act 2003

1. No supply of alcohol may be made under this licence
  - a. At a time when there is no designated premises supervisor in respect of it or,
  - b. At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
2. Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.

## **Annex 2 - Conditions Consistent with the Operating Schedule**

### **EMBEDDED RESTRICTIONS**

#### On Licence with Special Hours Certificate

Alcohol shall not be sold or supplied except during permitted hours.

The above restriction does not prohibit:

- (a) the consumption of the alcohol on the premises during the first twenty minutes after the above hours;
- (b) the taking of the alcohol from the premises, (unless the alcohol is supplied or taken in an open vessel) during the first twenty minutes after the above hours;
- (c) the consumption of the alcohol on the premises by persons taking meals there during the first thirty minutes after the above hours, if the alcohol was supplied for consumption ancillary to those meals;
- (d) consumption of the alcohol on the premises by, or, the taking, sale or supply of alcohol to any person residing in the licensed premises;
- (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (f) the sale of alcohol to a trader or club for the purposes of the trade or club;
- (g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (h) the taking of alcohol from the premises by a person residing there; or
- (i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- (j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

#### S. 168, 171, 201 Licensing Act 1964

No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

- (1) He is the child of the holder of the premises licence.
- (2) He resides in the premises, but is not employed there.
- (3) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- (4) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

#### S.12 Children & Young Persons Act 1933

Where the number of children attending the entertainment exceeds 100 the licensee shall ensure that the provisions of Section 12 of the Children and Young Persons Act 1933 are complied with.

### **STANDARD CONDITIONS OF ENTERTAINMENT LICENCE**

#### **GENERAL**

1. The licensee, or a responsible person nominated by him/her in writing for the purpose shall be in charge of and on the licensed premises during the whole time that they are open for public entertainment. The person in charge shall throughout the whole time the premises are open for public entertainment, be assisted by a sufficient staff of competent attendants specially instructed by the licensee, or a person nominated by him/her, as to their duties in the event of any emergency.
2. The licensee shall allow any authorised officer of the Licensing Authority, Fire Authority or Police to enter all parts of the licensed premises at all reasonable times and the licensee shall conform with any reasonable request of an Authorised Officer of the Licensing Authority, Fire Authority or Police.
3. No exhibition, demonstration or performance of hypnotism shall be given.
4. The licensee shall not knowingly allow any unlawful game to be played on the licensed premises.
5. In relation to the morning on which summer time begins, where the terminal hour of this licence is later than 1.00 am, the terminal hour shall be extended by one hour.
6. Entertainments on Sundays shall be limited to those that are not prohibited by the Sunday Observance Acts as modified.
7. There shall be fixed and kept in a conspicuous place on the door or at the entrance of the premises, an inscription in capital letters as follows:- "LICENSED FOR PUBLIC ENTERTAINMENTS", also showing the maximum occupancy level of the premises. Where an individual part of the premises has been licensed, the maximum occupancy (where determined by the Fire Officer) shall be displayed at the entrance to that part in the form "MAXIMUM OCCUPANCY".
8. A copy of the Public Entertainment Licence shall be kept on the premises at all times and produced for inspection upon request by an Authorised Officer of the Licensing Authority, Police or Fire Authority.

#### **ELECTRICAL SAFETY**

9. The electrical system shall be in accordance with the edition of the regulations of the Institution of Electrical Engineers in force at the time of installation. All materials or equipment used in connection with the electrical system for which there is a British

Standard specification, Regulations or Code of Practice shall conform to that specification, Regulation or Code.

10. A Report signed by a qualified electrical engineer who is a member of the National Inspection Council for Electrical Installation and Contracting (NICEIC), the Electrical Contractors Association, or the Electrical Contractors Association of Scotland, shall be submitted to the City Council on initial application and on renewal (except where a new licence and electrical reports are issued after 1 November) to the effect that the electrical system, the emergency lighting, if any, and the fire alarm system installed at the premises, if any, have been examined and tested and are in a safe working condition. All documentation relating to electrical safety submitted with an application to renew a licence must have been issued no earlier than 1 November of the preceding year. Entertainers shall only be permitted to use electrical sockets fitted with residual current device protection, complying with the current British Standard. Such sockets must be maintained in good working order and marked 'Audio Equipment Only'.
11. All parts of the premises to which the public have access shall have the lighting system tested every three months and the results recorded in the fire log book. Where a secondary system of lighting is provided by the provision of hand lamps, these shall be maintained in an efficient working order and made available to staff whose duty it is to facilitate the evacuation of the premises.
12. Electric lighting switches and gas taps shall, as far as possible, be arranged to be protected from unauthorised interference by members of the public.
13. The electrical intake enclosure shall not be accessible to the public and shall be used exclusively for the purpose for which it is provided. The main supply shut off of both gas and electricity should be easily and readily accessible in case of emergency. All electrical accumulators shall be adequately ventilated and unless installed in rooms or compartments specially reserved for them, shall be completely enclosed together with the terminals in substantial enclosures constructed of, or lined with, insulating and fire resistant material. The gas meter enclosure shall be adequately ventilated and used exclusively for the purpose for which it is provided.

#### **FIRE SAFETY**

14. Emergency exit notices must be illuminated at all times the premises are occupied, to be legible and in the event of failure of normal lighting such signs must be illuminated by the emergency lighting supply.
15. Fire alarm systems should be tested weekly and the results recorded in a log book. The system shall be maintained in efficient working order.
16. Testing and maintenance shall be carried out on all fire equipment, which shall be maintained in efficient working order.
17. Portable fire extinguishers shall be examined at least once annually and tested by a BAFE registered extinguisher maintenance engineer.
18. A notice or notices clearly indicating the position of the nearest telephone by which the emergency services may be summoned must be provided in suitable locations. If the premises are to be used for the regular provision of indoor sporting entertainment, a telephone must be installed.

19. The licensee must inform both the Fire Service, the Police and the Licensing Authority of any fire, however slight that occurs on the premises.
20. A fire log book must be kept which records details of tests, examinations and fire drill instruction. The log book must be readily available and produced for inspection by an authorised Officer of the Licensing Authority, Fire Authority or Police.
21. All members of staff must receive written instruction and training appropriate to their responsibilities in the event of an emergency. The training and instruction of staff on fire safety must include actions on discovering a fire, raising the alarm, location and use of fire fighting equipment, evacuation of the public and staff, calling the fire service. This training is to be carried out immediately to new staff as part of an induction programme and periodically repeated no less than twice per year.

#### **PUBLIC ORDER AND ACCESS**

- 22a. The total number of persons allowed on the premises, is as stated on the licence. Any request to amend the occupancy must be by applying to vary the licence.
- 22b. The licensee shall ensure that an effective system for determining the number of persons on the premises at any one time is used at all times when the premises are open for public entertainment. Staff responsible for monitoring and controlling access to the premises and management staff are to be aware of the maximum occupancy figures for the entire premises and where appropriate specific areas within the premises. These staff members must be instructed as to how the occupancy figure is to be monitored and the action to be taken when the maximum occupancy figure is reached.
- 22c. The licensee shall not allow the stated maximum occupancy to be exceeded.
23. The licensee shall maintain and keep good order and decent behaviour on the premises.
24. No public music, dancing, exhibition, recitation or entertainment of a like kind shall be permitted or suffered to take place in the licensed premises which is offensive, obscene, immoral, licentious, indecent or likely to produce riot, tumult or a breach of the peace, and the operation of the premises shall be carried out in such a way to prevent such conduct.
25. Table dancing, lap dancing, pole dancing and all forms of entertainment, dancing, or displays that include nudity or sexual performances of any kind are prohibited.
26. Collapsible gates or roller shutters, if installed, shall be opened to allow full width and necessary height of exit way before admission of the public, and must be kept locked in that position at all times the public are on the premises. A notice stating the requirements of this rule as to the opening and locking of the gates and shutters shall be kept posted in a conspicuous position near the gates or shutters.
27. In the case of seated audiences, adequate gangways of not less than 1.07 metres (3ft 6in) wide shall be provided for the free passage of the audience. These gangways shall not be occupied or obstructed in any manner and must be arranged opposite exit doors wherever possible.
28. Where the premises are to be used for a seated audience (except lunches or dinners) exceeding 200 persons, all seats shall be securely fixed to the floor, or secured together in groups of four and 12. Where more than 400 persons are to be accommodated, the

seats adjoining front, back or across the gangways and seats adjoining exits shall be securely fixed to the floor. The seats shall be so arranged that no seat or part of a seat shall be more than 4.57 metres (15 ft) from a gangway, measured in line of seating. Seating arrangements should comply with current British Standards and Codes of Good Practice.

- 29a. No person shall be employed or otherwise engaged on the licensed premises as a door supervisor unless he/she holds a current registration from the Security Industry Authority.
- 29b. At all times when engaged on supervisory duties a person shall wear and clearly display the registration badge issued by the Security Industry Authority.
- 29c. 'Door supervisor' means any person employed at or near the entrance to the licensed premises to ascertain or satisfy him/herself as to the suitability of customers to be allowed on the premises, and/or is primarily employed to maintain order on the premises.
- 29d. The licensee shall maintain on the premises a log book in which the names, addresses and dates of birth of all licensed door supervisors, and the licence number of licensed door supervisors shall be entered for each day that they are engaged at the premises.
- 29e. The log book shall be kept for a period of at least three months from the date of the last entry and be readily available for inspection by an authorised officer of the Licensing Authority, Fire Authority or Police.
- 30. This condition applies to premises which are licensed for liquor (other than by way of an occasional licence) and which are licensed to remain open after the general licensing hours defined and prescribed by Section 60 of the Licensing Act 1964.
- 30a. The licensee shall provide free and unrestricted access to cold drinking water at a location which is readily accessible to customers. The water shall be provided without any charge.
- 30b. The licensee shall provide rest facilities which are cooler, quieter and preferably separate from the main dance area(s). Adequate seating shall be provided with the rest facilities.
- 30c. The licensee shall provide full working air conditioning and/or room temperature regulation appropriate for the type of event. Such air conditioning and/or room temperature regulation shall be properly maintained and shall operate during the provision of entertainment.
- 30d. The licensee shall ensure that adequate first aid provision is available at all times to include having at least one nominated and suitably trained first aider on the premises at all times during the event.
- 31. a) In premises licensed for public dancing, the dance floor shall be clearly delineated and shall be positioned in such a way as to ensure the safety of persons using the dance floor.

- b) The arrangements for access around the dance floor and for seating in the vicinity of the dance floor shall be such that neither dancers nor patrons, seated or otherwise, are put at risk of physical injury.
- 32. The licensee shall ensure that all plant and equipment used on the premises to which the licence relates is maintained in a safe condition and except for necessary maintenance be securely fenced or otherwise guarded so as to preclude any danger.
- 33a. The provision of sanitary conveniences and other appliances and facilities must be in accordance with the current British Standard.
- 33b. All sanitary conveniences and appliances must be kept in good order and repair and kept effectively cleansed and ventilated. The licensee must ensure that every part of the premises to which the licence applies is maintained in a good state of structural repair and stability.
- 34. No structural alterations to the premises shall be made without the City Council's consent. Any request made to alter the premises must be by applying to vary the licence.
- 35. The licensee must ensure that every part of the premises is maintained in a good state of structural repair and stability.
- 36. The licensee must ensure that in every part of the premises to which the licence applies, the floors, walls, ceilings, windows, doors and fixtures are maintained in a clean condition, that the walls, ceilings, windows and doors are maintained in a reasonable state of decoration, and that no accumulation of dirt, rubbish or flammable material is allowed in any part of the licensed premises or in any other place under the control of the licensee and adjacent to the licensed premises.
- 37. Refuse must be stored in proper dustbins or other suitable receptacles with close fitting lids.
- 38. The licensee shall take all due precautions for the prevention of accident and shall not permit any act which is likely to cause fire or danger to the public.
- 39. All gangways, staircases and exits shall be kept clear of obstructions, well illuminated and free from any trip hazard whilst the premises are open for public entertainment.

#### **NOISE AND GENERAL NUISANCE**

- 40. Any noise produced or associated with the entertainment must not be audible at the façade of the nearest residential, commercial or industrial premises.
- 41. The licensee shall take all reasonable steps to ensure that patrons awaiting entry to the premises or leaving the premises do not cause annoyance or nuisance to any other person in the vicinity of the premises.
- 42. Sound insulation or control equipment which is installed to prevent noise nuisance to the occupiers of neighbouring premises shall be maintained in satisfactory working order.

## **SPECIAL EFFECTS**

43. Lasers and strobes are not to be used without the written consent of the City Council. A warning sign to the effect that a laser or strobe is to be used in premises must be clearly displayed at all public entrances to the premises such that the public can see the warning sign before entering.

## **SPECIAL CONDITIONS OF ENTERTAINMENT LICENCE**

1. **Maximum Occupancy**

-	<b>First Floor</b>	-	<b>100 Persons *</b>
-	<b>Ground Floor</b>	-	<b>110 Persons*</b>

**\* excluding staff**
2. **A CCTV system must be installed and maintained to the satisfaction of the Police. All video tapes must be retained for a minimum period of 31 days and made available for inspection by the Police or an authorised Officer of Nottingham City Council.**

### Justices Licence Conditions

1. To retain CCTV tapes for 31 days.

### **Annex 3 - Conditions attached after a hearing by the licensing authority**

Not Applicable.

### **Annex 4 – Plans**

As per attached plan ref: 2323/8CS7489.