

**REPORT OF CORPORATE DIRECTOR FOR COMMUNITIES**

**SUMMARY REVIEW OF PREMISES LICENCE**

<b>Premises concerned</b>	B Bar 34A and 34B Heathcoat Street Nottingham NG1 3AA Please see attached Premises Licence
<b>Premises licence holder</b>	Tajinder Singh
<b>Party submitting summary review</b>	Nottinghamshire Police  Please see attached application
<b>Date application Received:</b>	1 September 2010
<b>Last date for representations:</b>	15 September 2010  The Licensing Officer displayed a public notice of this application in accordance with the Licensing Act 2003 (Premises Licence) Regulations 2005 (as amended) from 2 September to 15 September 2010 inclusive.
<b>Relevant representations received</b>	None
<b>Interim Steps already taken</b>	In accordance with Section 53B of the Act the Authority determined on 3 September 2010 the following interim steps should be taken in respect of the Premises Licence:- The licence should be suspended with immediate effect. (copy determination attached)
<b>Matters which the Authority has asked the parties to clarify</b>	1. Identification of all issues (both factual legal) which are in dispute. 2. Identification of all areas of law, Guidance and Policy upon which they intend to rely.
<b>Issues</b>	
<b>Issue 1</b>	<u>Whether it is necessary and proportionate to take any one or more of the steps identified below in order to promote the Licensing Objectives.</u> 1. To modify the conditions of the licence permanently or for a temporary period of up to 3 months; and/or 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 3. To remove the designated premises supervisor; and/or

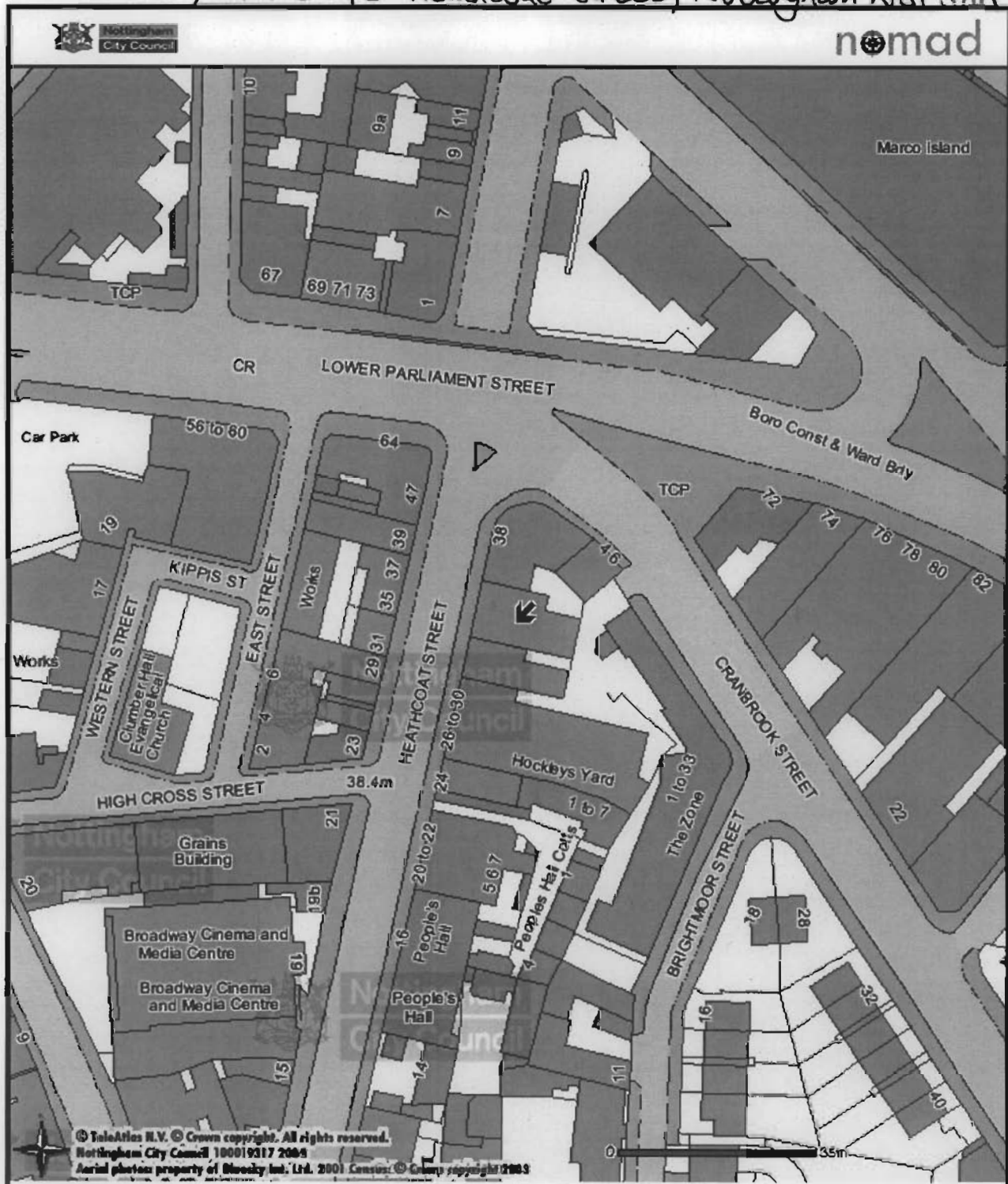
	<p>4. To suspend the whole premises licence for a period not exceeding 3 months; or 5. To revoke the licence.</p>
<b>Issue 2</b>	The Panel should determine, (bearing in mind its determination in relation to Issue 1,) which of the interim steps already imposed should cease when the determination in relation to Issue 1 takes effect.
<b>Relevant Legislation</b>	S53C Licensing Act 2003
<b>Relevant Policy</b>	Paragraphs 9.28 of the Statement of Licensing Policy
<b>Relevant Guidance</b>	Chapter 11 of the Guidance issued under section 182 of the Licensing Act 2003 and Paragraphs 5.1 to 5.7 of the DCMS non-statutory guidance on expedited/summary licence reviews
<b>Published documents referred to in compiling this report</b>	<p>Licensing Act 2003 (as amended) Guidance issued under Section 182 of the Licensing Act 2003. DCMS non-statutory guidance on expedited/summary licence reviews Statement of Licensing Policy issued by Nottingham City Council.</p>

**ANDREW ERRINGTON,  
DIRECTOR OF COMMUNITY PROTECTION  
CENTRAL POLICE STATION, NORTH CHURCH STREET, NOTTINGHAM  
NG1 4BH**

Contact Officer: Zoey Mayes, Assistant Licensing Officer, Lawrence House,  
Talbot Street, Nottingham NG1 5NT – Telephone: 0115 915 6082

17 September 2010

B Bar, 34A & 34B Heathcoat street, Nottingham NG1 3AA



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| <ul style="list-style-type: none"> <li>Political: Council areas</li> <li>City of Nottingham</li> <li>Nottinghamshire County Council</li> <li>Other districts in Nottinghamshire</li> <li>Basemap: Basemap 7 (MasterMap)</li> </ul> | <ul style="list-style-type: none"> <li>Building</li> <li>General Surface</li> <li>Water</li> <li>Open Ground</li> <li>Path</li> <li>Rail</li> <li>(continued...)</li> </ul> | <ul style="list-style-type: none"> <li>Road Or Track</li> <li>Slope</li> </ul> |
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**Application for the review of a premises licence under section 53A of the  
Licensing Act 2003 (premises associated with serious crime or disorder)**

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 the 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.**

**I Malcolm Turner on behalf of the chief officer of police for the Nottinghamshire Police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.**

**1. Premises details:**

Postal address of premises, or if none or not known, ordnance survey map reference or description:

**B Bar  
34A and 34 B Heathcoat Street**

Post town: **NOTTINGHAM**

Post code (if known): **NG1 3AA**

**2. Premises licence details:**

Name of premises licence holder (if known):

**Tajinder Singh**

Number of premises licence (if known):

**036304**

**3. Certificate under section 53A(1)(b) of the Licensing Act 2003 [Please read guidance note 1]:**

**I confirm that a certificate has been given by a senior member of the police force for the police area above that in her opinion the above premises are associated with serious crime or disorder or both, and the certificate accompanies this application.**

*(Please tick the box to confirm)*



**4. Details of association of the above premises with serious crime, serious disorder or both:**

[Please read guidance note 2]

In the early hours of Monday 30 August 2010 serious disorder took place at the above premises, which resulted in 3 individuals being seriously injured, following the use of weapons. These injuries requiring hospital treatment.

The Police have serious concerns that if allowed to re-open that there are insufficient safeguards to ensure that there will not be a further serious incident.

There is an on going police investigation to apprehend the offender(s) and it is felt that if people involved in the incident are able to re-visit the venue as customers, further conflict could result.

The premises attract in the words of the Premises Licence Holder a 'bad crowd' with their music policy of playing R n B style music which in the experience of the Police has a tendency to cause incidents of crime and disorder and anti social behaviour. The PLH was advised in September 2009 to immediately change the music policy to prevent serious disorder from taking place and to install effective Door Supervisors.

A statement obtained from Lucas, Bar Manager for the premises, confirms that the incident started inside the premises and CCTV evidence has been provided.

Mr Tajinder Singh has been the premises licence holder since 28 January 2008 and the Designated Premises Supervisor Mr Sukhvinder Singh Swali (brother of the PLH) has been in day-to-day control of the premises since the same date.

The premises have failed two test purchases in September and November of 2009 for which the DPS received written warnings.

On 20 April 2010 the DPS was given a further written warning for failure to maintain the door supervisor register following a visit made to the premises on 20 March 2010. He was warned for failure to maintain CCTV in respect of retaining 31 days worth of recordings for another premises under this licensing authority where Mr Sukhvinder Singh Swali is also the DPS. Mr Tajinder Singh is the Premises Licence Holder for Thurland Hall and Mr Sukhvinder Singh Swali is the DPS. The written warning follows on from a verbal warning given in October 2006 for the same breach at those premises.

17 September 2009 a further advice letter was given to the DPS for a glassing incident at the premises.

On 3 August 2009 the DPS was issued a verbal warning due to breaches of the premises licence namely: failure to retain 31 days records in relation to CCTV – only had 6 days; Failure to maintain door supervisor register and failure to display the premises licence summary.

28 April 2008 The DPS was an advice letter due to a glassing incident occurring at the premises.

The premises have a history of disorder related incidents requiring police attendance. There have been allegations of drug use on the premises, which contravenes condition 23 'The license shall maintain and keep good order and decent behaviour on the premises'. Local residents from as early as February 2008 complained of noise nuisance which is a contravention of condition 40 'Any noise produced or associated with the entertainment must not be audible at the façade of the nearest residential, commercial or industrial premises'.

We have allegations of customers congregating outside the premises drinking alcohol, smoking illegal substances and urinating in the street. Not only is this attributable to public nuisance but is a breach of condition 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.

It is our request that the Licence is suspended until a review hearing takes place.

Other options available to the Police have been considered but are felt to be inappropriate in these circumstances.

The Police consider that an expedited review of the premises licence would allow the Licensing Authority to urgently assess the steps that need to be taken to ensure that the Licensing Objectives are not undermined, particularly the Prevention of Crime and Disorder, Prevention of Public Nuisance and Public Safety.

The nature of the incident has resulted in a complete loss of confidence in the operators' ability to effectively manage the premises and uphold the licensing objectives. The Police also consider that for a venue of this type there are inadequate safeguards and conditions on the premises licence.

An incident of this type is not seen as isolated as a previous incident occurred in the vicinity of the premises in July 2010, whereby a man received life-altering injuries following the use of a weapon. This male had been part of a large group that had initially been refused entry to the venue, however one member is seen to speak to the door supervisor, who then lets the group in.

Numerous visits have been carried out at the premises by the City Licensing Enforcement Officers to offer advice and support to the Premises Licence Holder and Designated Premises Supervisor. It is clear that the premises have been allowed to run in such a way that the licensing objectives were seriously undermined. Management was so poorly inadequate that serious problems were not tackled despite Police advice.

This serious incident that resulted in the 3 individuals being injured has placed members of the Public in exceptional danger and as such we would request that the panel gives urgent consideration to suspension of the premises licence to protect the public from serious harm, with a view to ultimate revocation of the licence.

Signature of applicant:



Date: 1.9.10

Capacity: Force Solicitor

**Contact details for matters concerning this application:**

**Address:**

Nottinghamshire Police  
Headquarters Legal Services Department  
Sherwood Lodge  
Arnold  
Nottingham  
NG5 8PP

**Telephone number(s): 0115 8002671**

**email: Malcolm.turner@nottinghamshire.pnn.police.uk**

**Notes for guidance:**

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both. Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:
  - conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
  - conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.Serious disorder is not defined in legislation, and so bears its ordinary English meaning.
2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.



NOTTINGHAMSHIRE  
**POLICE**  
*Policing for you*

## Licensing Act 2003

### CERTIFICATE UNDER SECTION 53A(1)(B) OF THE LICENSING ACT 2003

I, **Steven Cooper** hereby certify that in my opinion the premises described below are associated with both serious crime and serious disorder

Premises: B Bar, 34A and 34B Heathcoat Street, Nottingham NG1 3AA

Premises Licence Number: 036304

Designated Premises Supervisor: Sukhvinder Singh Swali

I am a Superintendent in the Nottinghamshire Police Service.

I am giving this certificate because I am of the opinion that other procedures under the licensing act are inappropriate in this case, the standard review process being unsuitable due to the seriousness of the latest incident and past history of the premises as regards the operators' failure to uphold the licensing objectives.

In the early hours of Monday 30 August 2010 a serious crime and disorder took place at the above premises, which resulted in individuals sustaining very serious injuries caused by a weapon(s), needing hospital treatment.

The overall history of the premises shows that the Police have tried to work with the management, given advice, warnings both verbal and written regarding breaches of conditions and recommendations have been suggested with a view to reducing the number of incidents that have taken place at the premises. The operators have failed to act on this advice.

I have serious concerns that if allowed to re-open that there are insufficient safeguards to ensure that there will not be a further serious incident.

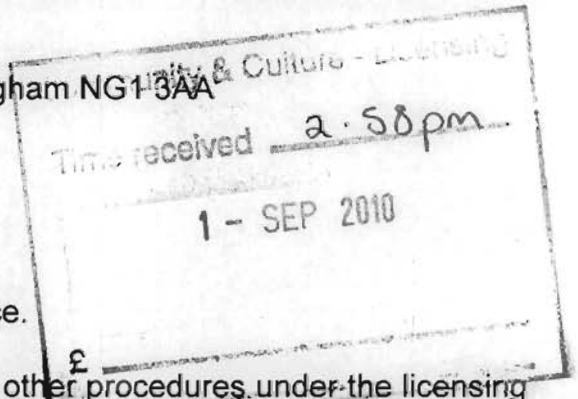
There is an on going police investigation to bring the offenders to justice and I cannot risk persons involved or others associated with the incident being allowed to re-visit the venue as customers, where further conflict could result.

I have considered other options available to the Police and do not consider that any are appropriate in the circumstances.

I consider that an expedited review of the premises licence would allow the Licensing Authority to urgently assess the steps that need to be taken to ensure that the Licensing Objectives of the Prevention of Crime and Disorder and Public Safety are not undermined.

It is my request that the Licence is suspended until the review hearing takes place.

Signed  Date 01/09/2010





Decision:

NOTTINGHAM CITY COUNCIL

SPECIAL LICENSING PANEL

RECORD OF THE LICENSING AUTHORITY'S DETERMINATION ON INTERIM STEPS PENDING REVIEW (s53A AND B OF THE LICENSING ACT 2003)

<b>1. Date of Hearing</b>	3 September 2010
<b>2. Panel/Committee members present</b>	Councillor Cresswell (Chair) Councillor Grocock Councillor James
<b>3. Legal Advisor and other persons present</b>	John Pickstone, Solicitor Carol Jackson, Committee Administrator
<b>4. Declarations of interests by members and officers</b>	None.
<b>5. Premises being summarily reviewed</b>	B Bar 34A and 34B Heathcoat Street Nottingham NG1 3AA
<b>6. Name of Premises Licence Holder</b>	Tajinder Singh
<b>7. Material taken into consideration</b>	The application under s. 53A Licensing Act 2003 The certificate by Nottinghamshire Police under s 53(1)(B) Licensing Act 2003 The Premises Licence which permits the sale of alcohol by retail A letter dated 3 September 2010 from Fraser Brown Solicitors to Nottingham City Council Other material with the papers before the Panel
<b>8. Issue for Determination</b>	Whether it is necessary and proportionate to take any one or more of the interim steps identified below pending the full review of the licence, and if so to determine whether those interim steps shall take effect immediately or at some later date but prior to the full review:-  <u>Steps which may be taken</u> <ol style="list-style-type: none"><li>1. To modify the conditions of the licence and/or</li><li>2. To exclude the sale of alcohol by retail from the scope of the licence and/or</li><li>3. To remove the designated premises supervisor; and/or</li><li>4. To suspend the premises licence</li></ol>

	<p>The Police have formally requested that the Panel consider their request.</p>
<p><b>9. Decision</b></p>	<p>The Panel considered the application and other documentation mentioned in section 7 of this report and found that:-</p> <p><b>B Bar was licensed for the sale of alcohol and that a senior member of Nottinghamshire Police, namely Steven Cooper had given a certificate in accordance with s 53A(1)(b) Licensing Act 2003 that the B Bar premises, in his opinion were associated with both serious crime and serious disorder. The Panel therefore concluded that the application for summary review of the premises licence was valid.</b></p> <p><b>The Panel noted the facts mentioned by the Police in the application, and, in particular, those relating to serious disorder that took place on 30 August 2010 which resulted in 3 persons being injured by weapons such that hospital treatment was required. This incident started inside the premises and CCTV evidence of the incident was provided to the police.</b></p> <p><b>The Panel noted the glassing incidents in April 2008 and September 2009 and the breaches of the licence conditions mentioned in the application. However the application for review was on the basis that the premises are associated with serious crime and serious disorder, in accordance with s 53A(1)(b) Licensing Act 2003 and felt that its decision should be informed by the factual situation linked to the crime and disorder mentioned by the police.</b></p> <p><b>Based on police evidence the Panel decided that there had been serious crime and serious disorder and proceeded to consider the interim steps that might be taken in accordance with section 53B Licensing Act 2003 as detailed in section 8 above.</b></p> <p><b>The first consideration was the view of the police that the premises attracted an undesirable crowd, by reason of the type of music played. This view was based on their experience. The police were also concerned about the lack of effective door supervisors and the history of disorder-related incidents that required police attendance. Furthermore the police expressed their view that they had lost confidence in the operator's ability to manage the premises and uphold the licensing objectives.</b></p> <p><b>The Panel then considered the steps that might be taken</b></p> <ol style="list-style-type: none"> <li><b>1. Modification of licence conditions</b></li> </ol> <p><b>No details were supplied by the police of the type of</b></p>

weapons used. Even if Glassware had been the weapons imposition of a condition requiring safe glassware would be inappropriate at this stage, before a full review. Given the police's concerns about management of the premises, and their past history, the Panel felt that there was a real possibility that conditions would not be adhered to.

**2. Exclusion of licensable activity from the scope of the licence**

As regards exclusion of a licensable activity, the premises were an attraction and would remain so. It considered that exclusion of certain licensable activities would disappoint customers and might lead to disorder.

**3 The revocation of the licence**

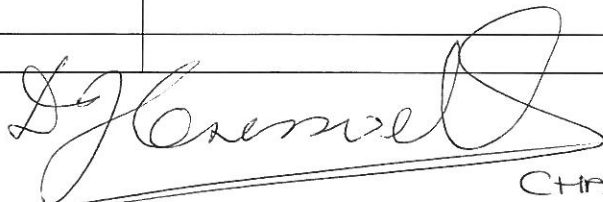
The panel felt that this would be inappropriate, in advance of fuller awareness of the facts, which was likely to be forthcoming at a full review hearing.

**4. Suspension of the Licence**

The Panel felt that this would be a suitable immediate measure to prevent serious crime and serious disorder in accordance with the licensing objectives. In arriving at this conclusion it considered the matters set out at 1 to 3 above and had regard to the possible costs implications of imposing conditions, in circumstances where a full review would be likely to lead to better promotion of the licensing objectives.

The Panel therefore decided to suspend the licence until the licensing panel's decision on the review of the licence that is required to take place in accordance with section 53A(2)(b) Licensing Act 2003.

Signed:



Dated:

CHAIR  
3RD SEPTEMBER 2010

## 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  
036304

#### Part 1 – Premises details

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

B Bar  
34A and 34B Heathcoat Street

Post town	Nottingham	Post code	NG1 3AA
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Telephone number	0115 9599800
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Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

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

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

**Live Music - Ground Floor:**

Monday	from 10.30 hrs to 01.00 hrs the following morning
Tuesday	from 10.30 hrs to 01.00 hrs the following morning
Wednesday	from 10.30 hrs to 01.00 hrs the following morning
Thursday	from 10.30 hrs to 01.00 hrs the following morning
Friday	from 10.30 hrs to 01.30 hrs the following morning
Saturday	from 10.30 hrs to 01.30 hrs the following morning
Sunday	from 12.00 hrs to 24.00 hrs the following morning
New Year's Eve	from the start of permitted hours on New Year's Eve to the end of permitted hours on New Year's Day.

**Recorded Music** may be played for 24 hours per day.

**Provision of Facilities for Dancing - Ground Floor:**

Monday	from 10.30 hrs to 01.00 hrs the following morning
Tuesday	from 10.30 hrs to 01.00 hrs the following morning
Wednesday	from 10.30 hrs to 01.00 hrs the following morning
Thursday	from 10.30 hrs to 01.00 hrs the following morning
Friday	from 10.30 hrs to 01.30 hrs the following morning
Saturday	from 10.30 hrs to 01.30 hrs the following morning
Sunday	from 12.00 hrs to 24.00 hrs
New Year's Eve	from the start of permitted hours on New Year's Eve to the end of permitted hours on New Year's Day.

**Late Night Refreshment:**

Monday	from 23.00 hrs to 01.30 hrs the following morning
Tuesday	from 23.00 hrs to 01.30 hrs the following morning
Wednesday	from 23.00 hrs to 01.30 hrs the following morning
Thursday	from 23.00 hrs to 01.30 hrs the following morning
Friday	from 23.00 hrs to 02.00 hrs the following morning
Saturday	from 23.00 hrs to 02.00 hrs the following morning
Sunday	from 23.00 hrs to 00.30 hrs the following morning
New Year's Eve	from the start of permitted hours on New Year's Eve to the end of permitted hours on New Year's Day.

**Alcohol Sales:**

Monday	from 10.00 hrs to 01.00 hrs the following morning
Tuesday	from 10.00 hrs to 01.00 hrs the following morning
Wednesday	from 10.00 hrs to 01.00 hrs the following morning
Thursday	from 10.00 hrs to 01.00 hrs the following morning
Friday	from 10.00 hrs to 01.30 hrs the following morning
Saturday	from 10.00 hrs to 01.30 hrs the following morning
Sunday	from 12.00 hrs to 24.00 hrs the following morning
New Year's Eve	from the start of permitted hours on New Year's Eve to the end of permitted hours on New Year's Day.

**The opening hours of the premises**

At the licensee's discretion, but licensable activities are only to be provided as outlined above.

**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**

Tajinder Singh, 138 Wollaton Vale, Wollaton, Nottingham NG8 2PL

(Transferred 9 February 2008)

**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**

Suckhvinder Singh Swali

(Varied 9 February 2008)

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

035002 - Nottingham City Council

Signed: .....  .....  
Licensing Officer

Dated: 31 August 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

### On Licence with Special Hours Certificate.

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

(1) The permitted hours shall commence:-

- On days, other than Sundays, Christmas Day, and Good Friday, at 10 am.
- On Sundays, Christmas Day and Good Friday at noon

(NB For New Years Eve permitted hours commence at 10am unless New Years Eve falls on a Sunday when they shall commence at Noon).

(2) Subject to the following paragraphs, the permitted hours on Monday to Thursday shall extend until one o'clock the following morning, Friday and Saturday shall extend until 1.30 am the following morning.

(a) the permitted hours shall end at midnight on any day on which music and dancing is not provided after midnight; and

(b) on any day that music and dancing end between midnight and two o'clock in the morning, the permitted hours shall end when the music and dancing end

(3) In relation to the morning on which summer time begins, paragraph (2) of this condition shall have effect with the substitution of references to three o'clock in the morning for references to two o'clock in the morning or one hour following the hour actually specified in the certificate where the certificate currently requires closure between 1 a.m. and 2 a.m.

(4) Except as provided in (5) below the permitted hours on Sundays shall extend until thirty minutes past midnight in the following morning *or if an earlier hour is specified in the certificate, that hour* except that –

(a) the permitted hours shall end at midnight on any Sunday on which music and dancing is not provided after midnight:

(b) where music and dancing end between midnight on any Sunday and thirty minutes past midnight, the permitted hours on that Sunday shall end when the music and dancing end,



(5) On Sundays immediately before bank holidays other than Easter Sunday, the permitted hours shall extend until 2am the following morning except that-

(a) the permitted hours shall end at midnight on any Sunday on which the music or dancing is not provided after midnight;

(b) where music and dancing end between midnight on any Sunday and 2 am, the permitted hours on that Sunday shall end when the music and dancing end

(6) On New Year's Eve the permitted hours shall extend through from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, to midnight on 31<sup>st</sup> December).

(7) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.

The above restrictions do 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.

#### Justices Licence Conditions

1. If persons are waiting for admission to the premises on the highway adjacent to the premises, there shall be supervision of that area by a door supervisor.
2. No person shall be employed as a door supervisor unless he holds a current registration from the Nottingham City Council. The Licensee is to ensure that such people wear, and clearly display, the registration badge at all times while on duty, except when this requirement is waived or varied by Nottingham City Council.

A record containing the names, addresses and dates of birth of door supervisors shall be made daily, kept for at least three months and be available for inspection by the Police and the Licensing Justices.

When, in an emergency, it is not possible to employ or otherwise engage a registered door supervisor, a temporary door supervisor may be appointed for up to 7 days subject to the City Council's 'Emergency Procedure'.

3. CCTV cameras shall be installed and maintained in the premises in accordance with the Police Licensing Officers recommendations and tapes shall be retained and made available for 31 days to Police and Licensing Committee.
4. The maximum occupancy figure for the premises shall be stipulated from time to time by the appropriate authority and notified to the Licensing Committee. A notice of the occupancy figure shall be displayed at the entrance to the premises.

#### Standard Public Entertainment Licence Conditions

##### ENTERTAINMENT LICENCE CONDITIONS - 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**

1. Maximum occupancy: - 160 persons 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.

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

N/A

#### **Annex 4 – Plans**

Drawing submitted with application dated 1 July 2005.

Dated: 31 August 2005