

REPORT OF CORPORATE DIRECTOR FOR COMMUNITIES

REVIEW OF PREMISES LICENCE

Premises concerned	<p>Umoja Africa Club 62 Arnold Road Nottingham NG6 0DZ</p> <p>Please see attached Premises Licence</p>
Premises licence holder	Samual Kariuki Kinuthia
Party submitting review	<p>Malcolm Turner on behalf of the Chief Constable Nottinghamshire Police HQ Sherwood Lodge Arnold Nottingham NG5 2HQ</p> <p>Please see attached application.</p>
Date application Received: Last date for representations:	<p>16 June 2011</p> <p>14 July 2011</p> <p>The Licensing Officer displayed public notice of this application in accordance with the Licensing Act 2003 (Premises Licence) Regulations 2005 from 17 June 2011 to 14 July 2011 inclusive.</p>
Relevant representations received	<p><u>Responsible Authority:</u> Noise & Pollution Control, Nottingham City Council has submitted a representation in support of the review application on the grounds of the prevention of public nuisance.</p> <p><u>Interested Party:</u> Councillor Alex Norris has submitted a representation in support of the review application on the grounds of the prevention of crime & disorder, public safety and the prevention of public nuisance.</p> <p>See representations for full details.</p>
Matters which the Authority has asked the parties to clarify	<ol style="list-style-type: none"> 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.


Issues	
Issue 1	<p>Whether it is necessary and proportionate to take any of the steps identified below in order to promote (1) the prevention of crime & disorder (2) public safety (3) the prevention of public nuisance or whether no action is necessary to promote the licensing objectives.</p> <p>The applicant has requested the Licensing Authority to review the premises licence with a view to revoking the same.</p>
Relevant Legislation	S51 – 53 Licensing Act 2003
Relevant Policy	Paragraphs 6.44 and 6.45 of the Statement of Licensing Policy.
Relevant Guidance	Paragraphs 2 - 8 Chapter 1, Paragraphs 1- 40 Chapter 2 and paragraphs 1-27, Chapter 11 of the guidance issued under section 182 of the Licensing Act 2003.
Steps which the Licensing Authority may take	<ol style="list-style-type: none"> 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 4. To suspend the whole premises licence for a period not exceeding 3 months; or 5. To revoke the licence.
Published documents referred to in compiling this report	<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>

Andrew Errington
Director of Community Protection
Central Police Station, North Church Street, Nottingham NG1 4BH



Contact Officer: Sue Bowler, Licensing Officer 0115 9152089



Umoja Africa Club

 City Boundary

0 16.6 Meters

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This map is a user generated static output from NOMAD mapping site and is for reference only.



**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 Malcolm Turner

(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

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Umoja Africa Club 62 Arnold Road		Community & Culture - Licensing Time received 16 JUN 2011
Post town Nottingham	Post code (if known) NG6 0DZ	

Name of premises licence holder or club holding club premises certificate (if known) Samuel Kariuki Kinuthia
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Number of premises licence or club premises certificate (if known) 037801

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 Chief Constable Nottinghamshire Police Headquarters Sherwood Lodge Arnold Nottingham NG5 2HQ
Telephone number (if any) 0300 300 99 99 x 813 3845
E-mail address (optional) Jayne.walker@nottinghamshire.pnn.police.uk

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

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

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

The Clubs constitution states 'the club is formed to promote and encourage sport recreational entertainment and social intercourse amongst members, with the emphasis on the playing of snooker billiards and other associated games...'

The Police believe the premises are operating otherwise than in accordance with their premises licence and will provide evidence to this effect.

There are currently ongoing investigations into breaches of the premises licence with a view to prosecuting those involved.

Since 17 December 2009 the Police have issued a number of verbal and written warnings.

From 2009 there have been numerous complaints from local residents of noise emanating from the premises. These complaints have been and are currently being, investigated by the Environmental Health Officer in the Noise and Pollution Control Section of Environmental Health.

Officers when visiting the premises to investigate incidents have identified the smell of cannabis coming from inside the venue.

Numerous visits have been carried out at the premises by the City Licensing Enforcement Officers to offer advice and support to the various Premises

Licence Holders and Designated Premises Supervisors. 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, resulting in crime and disorder, public nuisance and Public safety incidents.

During one such unlicensed event gun shots were reported to have been heard by local residents in the early hours of the morning. That one incident resulted in 51 Nottinghamshire Police Officers attending the venue, which should have been closed, and surrounding area. The blatant continued disregard for failing to operate in accordance with the premises licence seriously undermines the public safety objective.

The operators for the venue admit to breaching the licence on numerous occasions stating financial difficulties as the reason to trade for longer hours.

The only reasonable and proportionate action is to revoke the premises licence to support the licensing objectives. The Police do not believe there are any other steps that can be taken to address the issues that surround the management of the club and unlicensed activities that take place.

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

Designated Premises Supervisor Paul Mwangi Appointed 22 October 2009

Premises Licence Holder Joseph Njoroge Appointed 21 October 2009

13 DECEMBER 2009

Incident number 00005-13122009 – Complaint of noise.

17 DECEMBER 2009

Visit made by Police Licensing Officer, Mr David Browitt, to the venue with the Noise Pollution Officer, Mr Phil Strutt to discuss the recent noise complaint. Identified breach of the premises licence, namely operating outside of current hours and have unlicensed activities. Present during the meeting was the DPS Paul Mwangi. The Premises Licence Holder at the time of the visit was Joseph Njoroge.

17 December 2009

Verbal warning given to the DPS.

Designated Premises Supervisor Martin Mulwaiti Appointed 25 January 2010 to remove Paul Mwangi off the licence.

08 MAY 2010

Incident number 000975-08052010 – Complaint of noise and breaches of the licence.

22 JUNE 2010

Visit made by Police Licensing Officer, Mr David Browitt, to the venue in company with Philip Strutt, a Noise Pollution Officer from Nottingham City Council to discuss noise complaint. Joseph Njoroge present in the absence of the DPS. Compliance check carried out and breach of condition identified. He was also advised by Mr Strutt regarding the noise complaints.

22 June 2010

Verbal warning given to the PLH

28 JULY 2010

Compliance check of the premises licence carried out by Police Licensing Officer, Mr David Browitt. Present during the visit PLH, Joseph NJOROGÉ. The DPS Martin Mulwaiti failed again to attend the meeting. Breach of condition identified and unauthorised licensable activities admitted by Mr Njoroge on 23 and 24 July 2010.

Joseph Njoroge appointed DPS 6 August 2010 to remove Martin Mulwaiti off the licence.

Joseph Njoroge removed as premises licence holder to be replaced by Samuel Kinuthia on 3 September 2010.

22 SEPTEMBER 2010

Written warning issued to Joseph NJOROGÉ in relation to the visit to the venue on the 28th for failure to maintain the visitors book and the sale of alcohol outside the permitted hours. Since this date Martin Mulwaiti has not been located.

26 SEPTEMBER 2010

Incident number 000220-26092010 – Complaint of damage.

02 OCTOBER 2010

Incident number 000168-02102010 - Complaint of damage.

05 DECEMBER 2010

Incident number 000136-05122010 – Complaint of assault.

06 DECEMBER 2010

Incident number 000216-06122010 – Complaint of noise and alleged breaches of the licence.

Joseph Njoroge removed as DPS 8 December 2010

20 DECEMBER 2010

Incident number 000001-20122010 – Complaint of noise

21 DECEMBER 2010

At 10am Police Licensing Officer, Mr David Browitt, visited the venue and there saw the PLH Samuel Kinuthia, where discussions took place regarding a complaint of noise from the venue and the sale of alcohol after permitted hours on the 5th December 2010.

Paul Mburu appointed DPS 23 December 2010 (current)

06 JANUARY 2011

At 1115 Police Licensing Officer, Mr David Browitt, saw Joseph NJORGOE at the venue where a discussion took place regarding the breaches of the licence on the 5th December 2010

He was given a written warning for the sale of alcohol outside permitted hours on this date.

27 FEBRUARY 2011

Incident number 000036-27022011 – Complaint of disorder.

Incident number 000206-27022011 – Complaint of noise.

27 MARCH 2011

Incident number 000059-27032011 – Complaint of noise and alleged breaches of the licence. Police Officers attended and identified the sale of alcohol taking place. They returned later that morning and again saw alcohol being sold.

02 APRIL 2011

Incident number 000192-02042011 – Complaint of noise.

05 APRIL 2011

At 1215 Police Licensing Officer, Mr David Browitt, visited the venue and there saw the PLH, Samuel Kinuthia and the DPS Paul Mburu. Discussions took place regarding the issues identified at the venue during the early hours of the 27th March 2011 when police attended the venue following allegations of noise and the sale of alcohol after permitted hours. Visitor book seized.

24 APRIL 2011

Incident number 000048-24042011 - Complaint of noise and alleged breaches of the licence.

Incident number 000065-24042011 – Complaint of noise.

Incident number 000189-24042011 - Complaint of noise and alleged breaches of the licence.

Incident number 000196-24042011 – Report of gunshots outside the venue.

27 April 2011

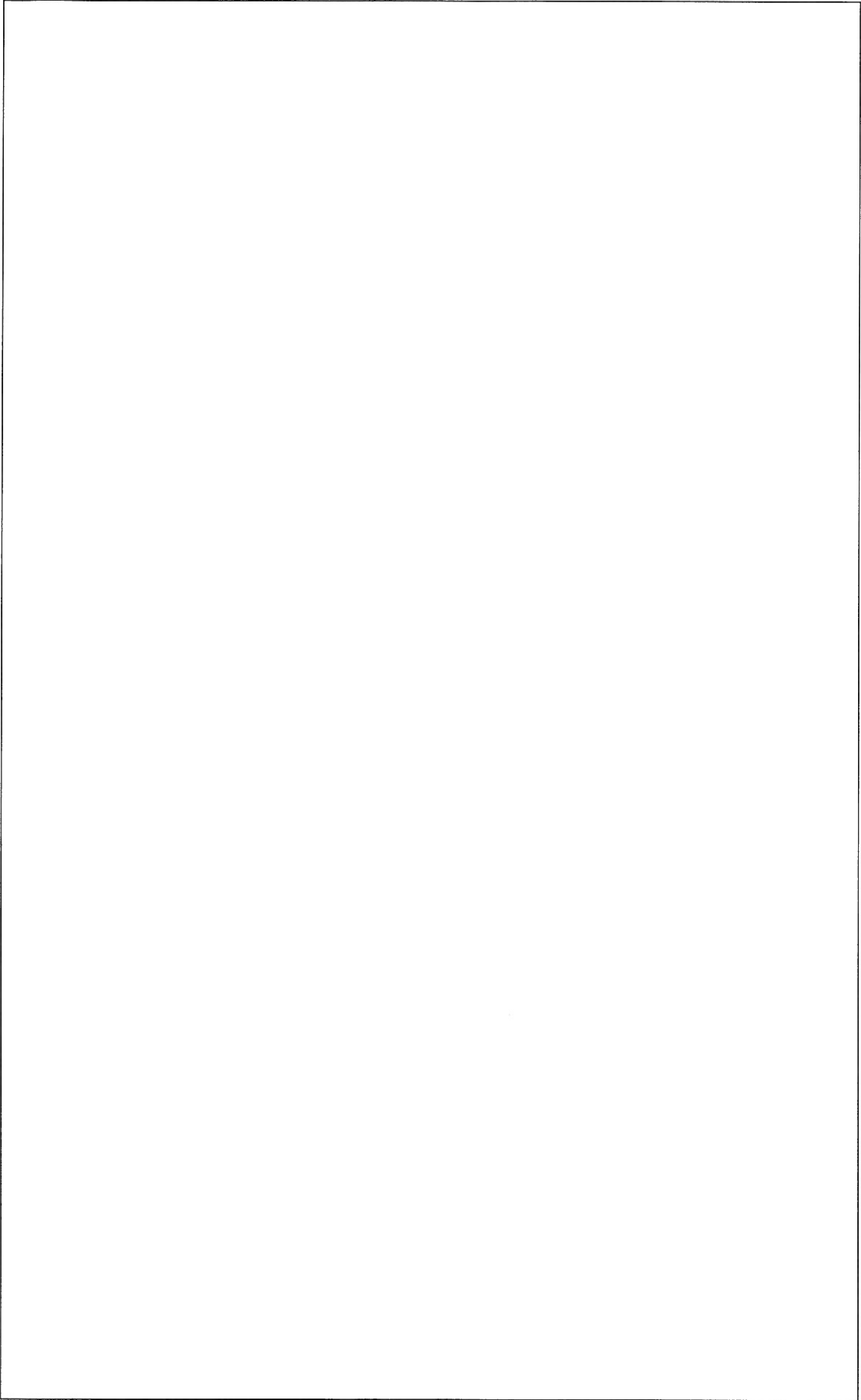
The venue visited by Detective Constable Karl Overton who saw both Samuel Kinuthi and Paul Mburu.

07 MAY 2011

Incident number 000032-07052011 – Complaint of damage to door of the venue.

Emails detailing the concerns of local residents sent to Councillor Mick Newton and forwarded on to the Licensing Department at the Nottingham City Council, Neighbourhood Policing Inspector and Noise Pollution Department.

Local news coverage of the serious incident in April 2011.



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

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 

Date 14.6.11

Capacity FORCE SOLICITOR

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5) Mr M Turner Force Solicitor Legal Services Department Force Headquarters Sherwood Lodge Arnold	
Post town Nottingham	Post Code NG5 8PP
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.



Notification to Licensing Authority of Representation under Licensing Act 2003

1. Name of Responsible Authority making representation:

- a. Your name: **Philip Strutt**
[Environmental Health Officer – Noise and Pollution Control]
- b. Your address: **Community Protection
Environmental Health and Trading Standards
Noise and Pollution Control
Lawrence House
Talbot Street
Nottingham
NG1 5NT**
- c. Your phone number: **0115 9156402**
- d. Your e-mail address: **philip.strutt@nottinghamcity.gov.uk**

2. Please identify the application you wish to make a representation about.

- a. Name and address of application premises:
**Umoja Africa Club
62 Arnold Road
Nottingham
NG6 0DZ**
- b. Nature of application: **Review**

City Development - Licensing
time received _____
21 JUN 2011
£ _____

3. Which of the licensing objectives does your representation relate to? Please delete as appropriate ².

- a. **The Prevention of Public Nuisance.**

Details of the representation(s)

4. Please give details of your representation(s) including details as to why you feel the application would be unlikely to promote the objective(s) you have ticked above and including as much evidence as possible in support of your representation. Please continue on a separate sheet if necessary.

Under section 51(a) of the Licensing Act 2003 we have been notified by the Licensing Authority of an application to review the premises licence, served by a Responsible Authority namely Nottinghamshire Police.

Under Section 51(b) of the Licensing Act 2003 we are making a representation in support of the review.

Since the club opened in 2009 we have had a number of noise complaints about loud amplified music which have resulted in the service of noise abatement notices on both the Premises License Holder and Designated Premises Supervisor. The frequency of the noise complaints and our advice both verbally and in writing and the service of notice demonstrates continued bad management of the premises. Therefore in my opinion this shows that the 'prevention of public nuisance' objective of the Licensing Act 2003 is not being promoted.

Information in support of the representation

Please see attached statement and supporting documents

5. If you are suggesting that conditions should be attached to any licence granted please give the wording of the proposed condition(s) and state why you feel they are necessary and proportionate. Please continue on a separate sheet if necessary.
6. Please indicate any parts of the Licensing Authority's Statement of Policy that you feel may be relevant to your representation ³.

Indication of those relevant parts will be given prior to a Panel Hearing.

7. Please indicate any parts of the Guidance issued under S 182 of the licensing Act 2003, which you feel may be relevant to your representation ⁴.

Indication of those relevant parts will be given prior to a Panel Hearing.

8. As you have made a representation the Application may need to be determined at a hearing of the Licensing Committee or one of its Panels. At this stage would you intend to attend such a hearing⁵? Please circle as appropriate.

Yes No

9. If you intend to attend any hearing that may be held it would be helpful at this stage if you could give an indication as to how long you think you would need to make your representation(s).

Not Known

Signed: Philip Strutt



Date: 20 June 2011



Representation for Review under the Licensing Act 2003

Please note that the contents of this representation will be disclosed to the applicant, other interested parties and responsible authorities. They may also be discussed at a public hearing. If you do not want your telephone number and e-mail address to be disclosed please let us know.

1. Please state the following:
 - a. Your name Cllr Alex Norris
 - b. Your address C/O Nottingham City Council, Station Street, Nottingham, NG2 3NG
 - c. Your phone number 07793026488
 - d. Your e-mail address alex.norris@nottinghamcity.gov.uk
2. Capacity in which this representation is made ¹. Please delete as appropriate – are you:-
 - a. Holder of the premises licence?
 - b. Responsible Authority?
 - c. **An Interested Party?**
3. Please identify the application you wish to make a representation about.
 - a. Name and address of application premises.

Umoja Africa Club, 62 Arnold Road
 - b. **Review of the premises** licence /club premises certificate
4. Which of the licensing objectives does your representation relate to? Please delete as appropriate ².
 - a. **The prevention of crime and disorder.**
 - b. **Public safety.**
 - c. **The prevention of public nuisance.**
 - d. The protection of children.

5. Please give details of your representation(s) including why you feel the current licence/certificate is or is not promoting the objective(s) you have ticked above and include as much evidence as possible in support of your representation. Please continue on a separate sheet if necessary.

I am making a representation for this licence to be revoked. As one of the Nottingham City Councillors for Basford ward this is an issue that has been raised with me by local residents.

I am speaking up as an advocate for local residents. The Police's application for a review shows that local residents have had to endure a string of nuisance events. As a Licensing Authority Nottingham City Council must try to prevent crime and disorder, protect public safety and prevent nuisance. This venue has been a source of behaviour that undermines these objectives. Residents have complained about excessive noise and that the premises operates outside of permitted hours. This nuisance is severely affecting their quality of life. Their concerns extend beyond nuisance, however. The Panel will be aware of the worrying reports of gunfire at this premises, clearly the objectives of protecting public safety and preventing public nuisance are at risk. This would be extremely concerning at any venue in our city, but the danger is even more acute when the location of this venue is considered. This is not a city centre location where Police routinely patrol, this venue is in a residential area isolated from other similar operations. We have a duty to protect this community.

Under normal circumstances my colleagues and I would collect a bundle of evidence to highlight the view of local residents. This is not an option in this case as people that I have spoken to do not wish to speak out as they feel intimidated – something that I feel is understandable given the nature of the concerns.

6. If you are suggesting condition(s) be attached to the licence/certificate please give the wording of the proposed condition(s) and state why you feel they are necessary and proportionate. Please continue on a separate sheet if necessary.

None, I hope the panel choose to revoke the licence.

7. Please indicate any parts of the Licensing Authority's Statement of Policy which you feel may be relevant to your representation³.

I believe that **1.3** is relevant as I do not believe a licensed premises operation in this area acting as they have acted constitutes "striking an appropriate balance between the needs of residents and the needs of businesses."

1.5 commits the Authority to working with partners. I believe that the Police's strong, evidence-based objection illustrates that our partners are very concerned about licensable activities continuing at this site.

1.8 highlights the need for decreasing anti-social behaviour in our neighbourhoods.

2.8 which highlights the Council's vision of reduced crime and reduced fear of crime.

2.12 commits the authority to "exercise its licensing functions to secure the safety of members of the public and staff" something at risk in this instance.

2.15 where "the Licensing Authority is committed to ensuring that the operation of licensed premises does not unreasonably interfere with the

personal comfort or amenity of immediate neighbours or the nearby community.”

6.10 discusses the suitability of a premises for the area. This will have been considered at the original point of licensing but I feel this now needs to be re-evaluated in the context of the Police’s concerns. This is discussed in **6.17**.

6.18 touches on noise concerns which is pertinent to this case.

This application is being brought forward in line with **6.44**.

6.45 covers the spirit of this objection. It provides that the panel ought to operate in the interests of the wider community and also that revocation may be considered even in the first instance.

8. Please indicate any parts of the Guidance issued under S 182 of the licensing Act 2003 which you feel may be relevant to your representation ⁴.

1.4 highlights “the necessary protection of local residents, whose lives can be blighted by disturbance and anti-social behaviour associated with the behaviour of some people visiting licensed premises of entertainment.”

1.21 reiterates the need to work in partnership.

1.22 establishes the importance of local residents in this process, which is the reason for my representation.

1.40 gives me the ability to participate in this process as an elected member.

2.19 highlights the need to be concerned with public safety.

2.32 discusses the need to protect local residents from nuisance, with **2.33** clarifies the common law implications.

9.3 covers the right to object, with **9.5** endorsing a Councillor’s role.

11.18 covers the power to revoke.

9. As you have made a representation the application may need to be determined at a hearing of the Licensing Committee or one of its Panels. At this stage would you intend to attend such a hearing⁵? Please circle as appropriate.

Yes

No

10. If you intend to attend any hearing that may be held it would be helpful at this stage if you could give an indication as to how long you think you would need to make your representation(s).

Maximum of 5 minutes, probably less

Signed Cllr Alex Norris

Date:13/07/11

Thank You for making your representation. Please send it to:-

**The Licensing Officer
Nottingham City Council
Derwent Building
Eastcroft Depot
London Road
Nottingham
NG2 3AH**

The Licensing Team will contact you in due course regarding the next stage of the process and the applicant or other interested parties may choose to contact you to discuss this matter further.

1. If you do not fall within any of these categories the Licensing Authority cannot take your representation into account. If you are acting as a representative you should indicate who it is that you represent and, evidence that you are authorised to make the representation eg letter of authority, extract of minutes where the matter has been discussed etc.
2. If your representation does not relate to any of the four licensing objectives your representation cannot be considered by the Licensing Authority.
3. We appreciate that not all persons making representations will be fully familiar with the Authority's Licensing Policy. It would be helpful to all concerned, however, if the parts which you feel are relevant could be highlighted here though a failure to do so will not of itself mean that your representation will not be considered. The Authority's policy is available www.nottinghamcity.gov.uk
4. We appreciate that not all persons making representations will be fully familiar with the Section 182 Guidance. It would be helpful to all concerned, however, if the parts which you feel relevant could be highlighted here though a failure to do so will not of itself mean that your representation will not be considered. The Guidance is available www.culture.gov.uk.
5. If you do not wish to attend, the contents of the representation and any further written material you wish to put forward may still be considered. However, any further material you put forward must relate to the representation made here and must not include new grounds of objection. You will be notified of the deadline for submitting additional material in due course.

Licensing Act 2003

Communities

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

Premises Licence

Premises licence number: 037801

Part 1 – Premises details

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

Umoja Africa Club
62 Arnold Road

Post town	Nottingham	Post code	NG6 0DZ
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Telephone number	
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Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

Recorded Music
Late Night Refreshment
Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities

Recorded Music

Monday	from 00.00 hrs to 23.59 hrs
Tuesday	from 00.00 hrs to 23.59 hrs
Wednesday	from 00.00 hrs to 23.59 hrs
Thursday	from 00.00 hrs to 23.59 hrs
Friday	from 00.00 hrs to 23.59 hrs
Saturday	from 00.00 hrs to 23.59 hrs
Sunday	from 00.00 hrs to 23.59 hrs

Late Night Refreshment

Monday	from 23.00 hrs to 23.30 hrs
Tuesday	from 23.00 hrs to 23.30 hrs
Wednesday	from 23.00 hrs to 23.30 hrs
Thursday	from 23.00 hrs to 23.30 hrs
Friday	from 23.00 hrs to 23.30 hrs
Saturday	from 23.00 hrs to 23.30 hrs

Alcohol Sales

Monday	from 10.00 hrs to 23.00 hrs
Tuesday	from 10.00 hrs to 23.00 hrs
Wednesday	from 10.00 hrs to 23.00 hrs
Thursday	from 10.00 hrs to 23.00 hrs
Friday	from 10.00 hrs to 23.00 hrs
Saturday	from 10.00 hrs to 23.00 hrs
Sunday	from 12.00 hrs to 22.30 hrs
Good Friday	from 12.00 hrs to 22.30 hrs
Christmas Day	from 12.00 hrs to 15.00 hrs and 19.00 hrs to 22.30 hrs
New Years Eve	from the start of permitted hours on New Years Eve to the end of permitted hours on New Years 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

Samuel Kariuki Kinuthia, 30 Truman Cross, Nottingham, NG3 1NJ

(Transferred 3 September 2010)

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

Paul Mburu

(Varied 23 December 2010)

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

055870 issued by Nottingham City Council

Signed:
Licensing Officer

Dated: 26 September 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.

S19 (4)(b) Licensing Act 2003

1. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children –
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise)
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act)
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on –
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that person is unable to drink without assistance by reason of a disability).
3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

4. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
5. The responsible person shall ensure that –
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) customers are made aware of the availability of these measures.

Annex 2 - Conditions consistent with the Operating Schedule

Embedded Restrictions

The licensee may also provide and permit

- Entertainment by way of music and singing but only by the reproduction of recorded sound*
- the consumption of late night refreshment for a period of 30 minutes after the permitted hours set out below

* this does not permit the use of Karaoke, Disk Jockeys, Compares etc

S.59, 60, 63, 70, 74, 76 Licensing Act 1964 - On Licence Permitted Hours

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

In this condition, permitted hours means:

- a. On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10 a.m. to 11 p.m.
- b. On Sundays, other than Christmas Day or New Year's Eve, 12 noon to 10.30 p.m.
- c. On Good Friday, 12 noon to 10.30 p.m.
- d. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
- e. On New Year's Eve, except on a Sunday, 10 a.m. to 11 p.m.
- f. On New Year's Eve on a Sunday, 12 noon to 10.30 p.m.
- g. On New Year's Eve 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, midnight on 31st December).

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.

Justices Licence Conditions

Any proposal to alter or amend or add to the approved conditions or rules, should be notified to the Nottingham and Notts Licensed Victuallers Association, the Police and the Licensing Justices.

The Rules of the Club shall state and it shall be a condition of this licence that the sale of intoxicants shall be restricted to members and their guests.

The Rules of the Club shall state and it shall be a condition of this licence that no person shall be admitted to membership or to the privileges of membership without an interval of at least two clear days elapsing between nomination or application (which must be writing) and admission.

The Rules of the Club shall state and it shall be a condition of this licence that the written nominations or applications for membership each endorsed with a note of the result of the application shall be retained for at least 12 months and there shall be kept up to date a list containing the names and addresses of members.

No guest shall be admitted to the premises unless introduced and accompanied to the Club premises by a member who is well known personally to the guest, and no member shall introduce more than four guests on any one day; or during one session of permitted hours. This rule shall not in any circumstances entitle a person employed by the Club as a member of its staff in any capacity to introduce a guest on any occasion whatsoever. The name and address of such guest shall be entered in a Visitors' Book kept for that purpose and signed legibly by the member introducing the guest.

The Rules of the Club shall state and it shall be a condition of this licence that the written nominations or applications, the list of members and the Visitors' Book shall be available on the premises for inspection by the Police at all reasonable times.

The Rules of the Club shall state and it shall be a condition of this licence that no intoxicating liquor shall be supplied on or on behalf of the Club for consumption off the premises except to a member in person.

A copy of the Rules of the Club, amended if necessary, to include the Conditions, be deposited with the Clerk to the Licensing Justices for the City of Nottingham and this licence shall not be effective until this condition is complied with.

The holder of this licence has given an undertaking that he will not apply for consent to Occasional Licences under Section 180 of the Licensing Act 1964.

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.

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

N/A

Annex 4 – Plans

Drawing dated 21 July 2005 and submitted with the application received 27 July 2005.

Dated: 26 September 2005