



NOTTINGHAM CITY COUNCIL
SPECIAL LICENSING PANEL

Date: Monday, 21 July 2014

Time: 10.30 am

Place: LB31 - Loxley House, Station Street, Nottingham, NG2 3NG

Councillors are requested to attend the above meeting to transact the following business

Deputy Chief Executive, Corporate Director and Chief Finance Officer

Constitutional Services Officer: Mark Leavesley Direct Dial: 0115 876 4302

AGENDA

Pages

- | | | |
|----------|--|--------|
| 1 | APOLOGIES FOR ABSENCE | |
| 2 | DECLARATIONS OF INTERESTS If you need any advice on declaring an interest, please contact the Constitutional Services Officer shown above, if possible before the day of the meeting | |
| 3 | APPLICATION FOR SUMMARY REVIEW OF PREMISES LICENCE: DOGMA, 9 BYARD LANE, NG1 2GJ Report of Corporate Director of Communities | 3 - 24 |

CITIZENS ATTENDING MEETINGS ARE ASKED TO ARRIVE AT LEAST 15 MINUTES BEFORE THE START OF THE MEETING TO BE ISSUED WITH VISITOR BADGES

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REPORT OF CORPORATE DIRECTOR FOR COMMUNITIES

SUMMARY REVIEW OF PREMISES LICENCE

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| Premises concerned | Dogma 9 Byard Lane Nottingham NG1 2GJ Please see attached Premises Licence |
| Premises licence holder | Edward & Moore Ltd 13 Pavilion Road Littleover Derby DE23 6XL |
| Party submitting summary review | Nottinghamshire Police |
| Date application Received: | 25 June 2014 |
| Last date for representations: | 9 July 2014 The Licensing Officer displayed a public notice of this application in accordance with the Licensing Act 2003 (Premises Licence) Regulations 2005 (as amended) from 26 June 2014 to 9 July 2014 inclusive. |
| Relevant representations received | None |
| Interim Steps already taken | In accordance with Section 53B of the Licensing Act 2003 the Licensing Authority determined on 26 June 2014 that the following interim steps should be taken in respect of the Premises Licence:- The licence should be suspended with immediate effect. |
| Matters which the Authority has asked the parties to clarify | 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 | <u>Whether it is appropriate 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 licensable activity from the scope of |

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| | <p>the licence permanently or for a temporary period of up to 3 months; and/or</p> <p>3. To remove the designated premises supervisor; and/or</p> <p>4. To suspend the whole premises licence for a period not exceeding 3 months; or</p> <p>5. To revoke the licence.</p> |
| Issue 2 | 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. |
| Relevant Legislation | Section 53C Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006) |
| Relevant Policy | Paragraphs 6.55 – 6.57 of the Statement of Licensing Policy |
| Relevant Guidance | 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 |
| Published documents referred to in compiling this report | 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. |

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

Contact Officer: Zoey Mayes: Tel: 0115 8761756

Licensing Act 2003

Communities

Licensing
Tamar Building
Eastcroft Depot
London Road
Nottingham
NG2 3AH
Tel: 0115 915 5555
Fax: 0115 876 1769

Premises Licence

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|--|
| Premises licence number 037469 |
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Part 1 – Premises details

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

Dogma
9 Byard Lane

| | | | |
|------------------|------------|------------------|---------|
| Post town | Nottingham | Post code | NG1 2GJ |
|------------------|------------|------------------|---------|

| | |
|-------------------------|---------------|
| Telephone number | 0115 988 6830 |
|-------------------------|---------------|

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| Where the licence is time limited the dates |
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Not applicable

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| Licensable activities authorised by the licence |
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Films-Indoors;
Live Music-Indoors;
Recorded Music-Indoors;
Dance-Indoors;
Facilities-Music-Indoors;
Facilities-Dance-Indoors;
Late Night Refreshments-Indoors;
Sale by retail of alcohol.

The times the licence authorises the carrying out of licensable activities

Films indoors

| | |
|-----------|---|
| Monday | from 09.00 hrs to 03.00 hrs the following morning |
| Tuesday | from 09.00 hrs to 03.00 hrs the following morning |
| Wednesday | from 09.00 hrs to 03.00 hrs the following morning |
| Thursday | from 09.00 hrs to 03.00 hrs the following morning |
| Friday | from 09.00 hrs to 03.00 hrs the following morning |
| Saturday | from 09.00 hrs to 03.00 hrs the following morning |
| Sunday | from 09.00 hrs to 03.00 hrs the following morning |

If applicable an additional hour to the standard and non-standard timings on the day when British Summertime commences.

On the occasion of the transmission of any international sporting event which falls outside the standard hours, timing to commence one hour before the start of the event and ending one hour after the end of the event.

On New Year's Eve from the end of permitted hours to the start of permitted hours on New Year's Day.

Live music indoors

| | |
|-----------|---|
| Monday | from 09.00 hrs to 03.00 hrs the following morning |
| Tuesday | from 09.00 hrs to 03.00 hrs the following morning |
| Wednesday | from 09.00 hrs to 03.00 hrs the following morning |
| Thursday | from 09.00 hrs to 03.00 hrs the following morning |
| Friday | from 09.00 hrs to 03.00 hrs the following morning |
| Saturday | from 09.00 hrs to 03.00 hrs the following morning |
| Sunday | from 09.00 hrs to 03.00 hrs the following morning |

If applicable an additional hour to the standard and non-standard timings on the day when British Summertime commences.

On the occasion of the transmission of any international sporting event which falls outside the standard hours, timing to commence one hour before the start of the event and ending one hour after the end of the event.

On New Year's Eve from the end of permitted hours to the start of permitted hours on New Year's Day.

Recorded music indoors

| | |
|-----------|---|
| Monday | from 09.00 hrs to 03.00 hrs the following morning |
| Tuesday | from 09.00 hrs to 03.00 hrs the following morning |
| Wednesday | from 09.00 hrs to 03.00 hrs the following morning |
| Thursday | from 09.00 hrs to 03.00 hrs the following morning |
| Friday | from 09.00 hrs to 03.00 hrs the following morning |
| Saturday | from 09.00 hrs to 03.00 hrs the following morning |
| Sunday | from 09.00 hrs to 03.00 hrs the following morning |

If applicable an additional hour to the standard and non-standard timings on the day when British Summertime commences.

On the occasion of the transmission of any international sporting event which falls outside the standard hours, timing to commence one hour before the start of the event and ending one hour after the end of the event.

On New Year's Eve from the end of permitted hours to the start of permitted hours on New Year's Day.

Dance indoors

Monday from 09.00 hrs to 03.00 hrs the following morning
Tuesday from 09.00 hrs to 03.00 hrs the following morning
Wednesday from 09.00 hrs to 03.00 hrs the following morning
Thursday from 09.00 hrs to 03.00 hrs the following morning
Friday from 09.00 hrs to 03.00 hrs the following morning
Saturday from 09.00 hrs to 03.00 hrs the following morning
Sunday from 09.00 hrs to 03.00 hrs the following morning

If applicable an additional hour to the standard and non-standard timings on the day when British Summertime commences.

On the occasion of the transmission of any international sporting event which falls outside the standard hours, timing to commence one hour before the start of the event and ending one hour after the end of the event.

On New Year's Eve from the end of permitted hours to the start of permitted hours on New Year's Day.

Facilities for music indoors

Monday from 09.00 hrs to 03.00 hrs the following morning
Tuesday from 09.00 hrs to 03.00 hrs the following morning
Wednesday from 09.00 hrs to 03.00 hrs the following morning
Thursday from 09.00 hrs to 03.00 hrs the following morning
Friday from 09.00 hrs to 03.00 hrs the following morning
Saturday from 09.00 hrs to 03.00 hrs the following morning
Sunday from 09.00 hrs to 03.00 hrs the following morning

If applicable an additional hour to the standard and non-standard timings on the day when British Summertime commences.

On the occasion of the transmission of any international sporting event which falls outside the standard hours, timing to commence one hour before the start of the event and ending one hour after the end of the event.

On New Year's Eve from the end of permitted hours to the start of permitted hours on New Year's Day.

Facilities - Dance - Indoors

Monday from 09.00 hrs to 03.00 hrs the following morning
Tuesday from 09.00 hrs to 03.00 hrs the following morning
Wednesday from 09.00 hrs to 03.00 hrs the following morning
Thursday from 09.00 hrs to 03.00 hrs the following morning
Friday from 09.00 hrs to 03.00 hrs the following morning
Saturday from 09.00 hrs to 03.00 hrs the following morning
Sunday from 09.00 hrs to 03.00 hrs the following morning

If applicable an additional hour to the standard and non-standard timings on the day when British Summertime commences.

On the occasion of the transmission of any international sporting event which falls outside the standard hours, timing to commence one hour before the start of the event and ending one hour after the end of the event.

On New Year's Eve from the end of permitted hours to the start of permitted hours on New Year's Day.

Late night refreshment indoors

Monday from 09.00 hrs to 03.00 hrs the following morning
Tuesday from 09.00 hrs to 03.00 hrs the following morning
Wednesday from 09.00 hrs to 03.00 hrs the following morning
Thursday from 09.00 hrs to 03.00 hrs the following morning
Friday from 09.00 hrs to 03.00 hrs the following morning
Saturday from 09.00 hrs to 03.00 hrs the following morning
Sunday from 09.00 hrs to 03.00 hrs the following morning

If applicable an additional hour to the standard and non-standard timings on the day when British Summertime commences.

On the occasion of the transmission of any international sporting event which falls outside the standard hours, timing to commence one hour before the start of the event and ending one hour after the end of the event.

On New Year's Eve from the end of permitted hours to the start of permitted hours on New Year's Day.

Alcohol Sales

Monday from 09.00 hrs to 03.00 hrs the following morning
Tuesday from 09.00 hrs to 03.00 hrs the following morning
Wednesday from 09.00 hrs to 03.00 hrs the following morning
Thursday from 09.00 hrs to 03.00 hrs the following morning
Friday from 09.00 hrs to 03.00 hrs the following morning
Saturday from 09.00 hrs to 03.00 hrs the following morning
Sunday from 09.00 hrs to 03.00 hrs the following morning

If applicable an additional hour to the standard and non-standard timings on the day when British Summertime commences.

On the occasion of the transmission of any international sporting event which falls outside the standard hours, timing to commence one hour before the start of the event and ending one hour after the end of the event.

On New Year's Eve from the end of permitted hours to the start of permitted hours on New Year's Day.

The opening hours of the premises

Monday from 09.00 hrs to 04.00 hrs the following morning
Tuesday from 09.00 hrs to 04.00 hrs the following morning
Wednesday from 09.00 hrs to 04.00 hrs the following morning
Thursday from 09.00 hrs to 04.00 hrs the following morning
Friday from 09.00 hrs to 04.00 hrs the following morning
Saturday from 09.00 hrs to 04.00 hrs the following morning
Sunday from 09.00 hrs to 04.00 hrs the following morning

An additional hour after the non-standard finish timings for the supply of alcohol.

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

Edward & Moore Ltd, 13 Pavilion Road, Littleover, Derby, DE23 6XL

(Transferred: 31 October 2013)

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

07027343

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

Craig Thompson

(Varied: 25 January 2014)

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

076473 issued by Nottingham City Council

Signed:.....

Licensing Officer

Dated: 2 October 2005
Amended: 25 April 2006

Annex 1 - Mandatory conditions

S. 19 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.
3. (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.
4. 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).
5. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
6. (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.
7. 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.

S. 20 Licensing Act 2003

The admission of children under the age of 18 to film exhibitions permitted under the terms of this licence shall be restricted in accordance with any recommendations made

- a. by the British Board of Film Classification (BBFC,) where the film has been classified by that Board, or
- b. by the Licensing Authority where no classification certificate has been granted by the BBFC, or, where the licensing authority has notified the licence holder that section 20 (3) (b) of the Licensing Act 2003 applies to the film.

Annex 2 - Conditions consistent with the Operating Schedule

1. Electrical sockets used by entertainers shall be fitted with residual current device protection (complying with BS 7671 Requirements for Electrical Installations) and labelled accordingly.
2. 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.
3. 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 others, seated or otherwise, are put at risk of injury.
4. A zero tolerance towards illegal drugs will operate at all times.
5. Customers will be encouraged to leave the premises quietly.
6. CCTV cameras shall be installed and maintained in the premises in accordance with Police Licensing Officers' recommendations and images shall be retained for 31 days and made available to the Police and other authorised persons.
7. When employed, door supervisors must be registered with the Security Industry Authority.
8. Arrangements will be made for the storage and disposal of refuse which do not cause a nuisance.
9. Any noise from the licensable activities provided will be monitored to prevent nuisance.
10. No children allowed on the premises after 2200 hours with the exception of the restaurant area.
11. A proof of age policy will operate at all times in relation to relevant licensable activities.

Standard Conditions of Entertainments Licence

22. a) 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.
- b) 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.

- c) 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.

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

Not applicable

Annex 4 – Plans

Plan received with the application on 3 August 2005
Drawing No: L-001
Date: July 05
Plan applicable from determination date of the licence.

2 October 2005

Document is Restricted

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