

## ANNEX C

## FORM FOR APPLYING FOR A SUMMARY LICENCE REVIEW

[Insert name and address of relevant licensing authority and its reference number (optional)]

Middlesbrough Council  
 PO Box 65  
 Vancouver House  
 Gurney Street Middlesbrough  
 TS1 1QP

**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 Sergeant 0944 Paul Higgins [on behalf of] the chief officer of police for the Cleveland 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:

**Club Bongo International  
 Bridge Street West**

Post town: Middlesbrough

Post code (if known): **TS2 1AW**

**2. Premises licence details:**

Name of premises licence holder (if known): Mr Abduli Essa Warsama

Number of premises licence holder (if known): MBRO/PRO052/18190

**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 his 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]

Club Bongo International is an established night club in Middlesbrough which has received increased Police attention over the years. In 2009, the Police held meetings with the Designated Premises Supervisor at the time and, due to concerns around non production of CCTV by staff at the club (which was a condition on the premises licence) the premises was placed on an Action Plan.

On 23rd October 2010 Police conducted a Licensed inspection and the CCTV was not recording as per the condition on the licence. As a consequence, the DPS at the time was given a Police Caution for an offence under section 136 of the Licensing Act 2003.

Although the general situation of disorder improved in 2010, there were further incidents of disorder at the premises towards the end of 2011 and once again, problems with the production of CCTV. As a consequence of this, the Designated Premises Supervisor was replaced by another. Meetings were then held in February 2012, where problems of disorder were discussed in addition to the recurring problem of the premises failing to provide CCTV for incidents. The premises were warned again that if things did not improve then a review of the premises would be sought.

In March 2012, an application was received to vary the DPS again this time to Rashid Ahmed. Police met Ahmed on the 17th April 2012 and explained the previous problems experienced in relation to disorder, the failure to provide CCTV and the consequences should the situation not improve.

Around 1.45hrs on Sunday 27th October 2013, a 34 year old male, (the victim) attended Club Bongo in the company of his girlfriend and two other female family members. After being served at the bar, the 4 of them walked into the smoking area. After being in the smoking area for around only 5 minutes, a male started to be abusive to one of the victim's female family members. This escalated into a fight in which a number of people have attacked the victim who was taken to the floor, where he has been bitten on the cheek and slashed with a blade down the face. Door staff have eventually come into the area and ejected the victim out of the side door.

The male, who was covered in blood, was ejected out of the side door onto Bridge Street West by the door staff and went to hospital in a taxi where he required 70 stitches to repair the wound to his face due to the blade having cut right through the male's cheek.

Police investigating the assault have established that there is no CCTV of this

night as the CCTV has not recorded since August 2013, the premises blaming a power cut.

In summary it is of concern that, despite repeated warnings about the failure to provide CCTV, there is no footage of the incident on 27th October 2013. Cleveland Police believe that the incident constitutes a serious crime where a dangerous weapon was used. This application has been submitted to speed up the review process and therefore immediate action is required to prevent a further serious crime occurring within the premises.



Signature of applicant:  
Date: 31<sup>st</sup> October 2013  
Capacity: Police Sergeant

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

Address:

Telephone number(s): 01642 303176

Email: paul.higgins@cleveland.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.

[Chief Constable of Cleveland Police  
c/o Chief Superintendent Glenn Gudgeon  
PO Box 70  
Ladgate Lane  
Middlesbrough]

**CERTIFICATE UNDER SECTION 53A(1)(b) OF THE LICENSING ACT 2003**

I hereby certify that in my opinion the premises described below are associated with serious crime / serious disorder / both serious crime and serious disorder<sup>1</sup>.

*Premises<sup>2</sup>:*

Club Bongo International  
Bridge Street West  
Middlesbrough  
TS2 1AW

Premises licence number (if known): MBRO/PRO052/018190

Name of premises supervisor (if known): Premises Licence Holder - Abdul Essa WARSAMA

I am a Chief Superintendent <sup>3</sup> in the Cleveland police force.

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case, because<sup>4</sup>:

Club Bongo International is an established night club in Middlesbrough which has received increased Police attention over the years. In 2009, the Police held meetings with the Designated Premises Supervisor at the time and, due to concerns around non production of CCTV by staff at the club (which was a condition on the premises licence) the premises was placed on an Action Plan.

On 23<sup>rd</sup> October 2010 Police conducted a Licensed inspection and the CCTV

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<sup>1</sup> Delete as applicable.

<sup>2</sup> Include business name and address and any other relevant identifying details.

<sup>3</sup> Insert rank of officer giving the certificate, which must be superintendent or above.

<sup>4</sup> Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned.

was not recording as per the condition on the licence. As a consequence, the DPS at the time was given a Police Caution for an offence under section 136 of the Licensing Act 2003.

Although the general situation of disorder improved in 2010, there were further incidents of disorder at the premises towards the end of 2011 and once again, problems with the production of CCTV. As a consequence of this, the Designated Premises Supervisor was replaced by another. Meetings were then held in February 2012, where problems of disorder were discussed in addition to the recurring problem of the premises failing to provide CCTV for incidents. The premises were warned again that if things did not improve then a review of the premises would be sought.

In March 2012, an application was received to vary the DPS again this time to Rashid Ahmed. Police met Ahmed on the 17<sup>th</sup> April 2012 and explained the previous problems experienced in relation to disorder, the failure to provide CCTV and the consequences should the situation not improve.

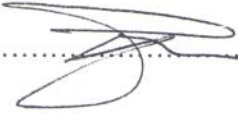
Around 1.45hrs on Sunday 27<sup>th</sup> October 2013, a 34 year old male, (the victim) attended Club Bongo in the company of his girlfriend and two other female family members. After being served at the bar, the 4 of them walked into the smoking area. After being in the smoking area for around only 5 minutes, a male started to be abusive to one of the victim's female family members. This escalated into a fight in which a number of people have attacked the victim who was taken to the floor, where he has been bitten on the cheek and slashed with a blade down the face. Door staff have eventually came into the area and ejected the victim out of the side door.

The male, who was covered in blood, was ejected out of the side door onto Bridge Street West by the door staff and went to hospital in a taxi where he required 70 stitches to repair the wound to his face due to the blade having cut right through the male's cheek.

Police investigating the assault have established that there is no CCTV of this night as the CCTV has not recorded since August 2013, the premises blaming a power cut.

In summary it is of concern that, despite repeated warnings about the failure to provide CCTV, there is no footage of the incident on 27<sup>th</sup> October 2013. Cleveland Police believe that the incident constitutes a serious crime where a dangerous weapon was used. This application has been submitted to speed up the review process and therefore immediate action is required to prevent a further serious crime occurring within the premises.

NAME..... Glenn Gudgans .....

Signed.....  .....

Dated..... 31-10-13 .....

Middlesbrough  
Council



## PREMISES LICENCE

### Part A

Premises licence number

MBRO/PR0052/018190

#### Part 1 - Premises details

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	
Club Bongo International Bongo Club 11-12 Bridge Street West St Hildas	
<b>Post town</b>	<b>Post code</b>
Middlesbrough	TS2 1AW
<b>Telephone number</b>	
01642 246697	

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

N/A

#### Licensable activities authorised by the licence

Live Music  
Recorded Music  
Performances of Dance  
Activity like music/dance  
Facility for making music  
Facilities for dancing  
Facility like music/dance  
Sale of Alcohol  
Late Night Refreshment

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

##### LIVE MUSIC

11.00am to 03.30am Monday to Sunday

##### RECORDED MUSIC

11.00am to 03.30am Monday to Sunday

##### PERFORMANCES OF DANCE

11.00am to 03.30am Monday to Sunday

ACTIVITIES LIKE MUSIC/DANCE

11.00am to 03.30am Monday to Sunday

FACILITIES FOR MAKING MUSIC

11.00am to 03.30am Monday to Sunday

FACILITIES FOR DANCING

11.00am to 03.30am Monday to Sunday

FACILITIES LIKE MUSIC/DANCING

11.00am to 03.30am Monday to Sunday

SALE OF ALCOHOL ON AND OFF THE PREMISES

11.00am to 03.00am Monday to Sunday

LATE NIGHT REFRESHMENT

11.00pm to 03.00am Monday to Sunday

**The opening hours of the premises**

8.00pm to 03.30am Monday to Sunday

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

Alcohol sales permitted ON and OFF the premises



## Part 2

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

Mr Abdul Essa Warsama  
22a The Grove  
Marton  
Middlesbrough TS7 8AP  
  
01642 225291

**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**

Mr Rashid Mohamed Ahmed  
16 Foxheads Court  
Newport  
Middlesbrough  
TS1 5PL  
  
07507468078

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

MBRO/PL1008/075259 issued by Middlesbrough Borough Council

Granted on 26 March 2012

Authorised Officer

## Annex 1 - Mandatory conditions

Mandatory conditions in accordance with Section 19 of the Licensing Act 2003:

Where a premises licence authorises the supply of alcohol:

- (i) No supply of alcohol may be made under the premises licence:
  - (a) At a time when there is no designated premises supervisor in respect of the premises licence, or
  - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (ii) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

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 or 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 other person is unable to drink without assistance by reason of 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 premise 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: 1/2 pint;

(ii) gin, rum, vodka or whiskey: 25ml or 35ml; and

(iii) still wine in a glass: 125ml; and

(b) customers are made aware of the availability of these measures.

Mandatory conditions in accordance with Section 21 of the Licensing Act 2003:

(1) Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must be licensed by the Security Industry Authority.

(2) But nothing in subsection (1) requires such a condition to be imposed -

(a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films), or

(b) in respect of premises in relation to -

(i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or

(ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

For the purposes of this section -

(a) 'security activity' means an activity to which paragraph 2(1)(a) of that Schedule applies, and

(b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

## Annex 2 - Conditions consistent with the operating Schedule

### Embedded Restrictions

#### ON LICENCES

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

In this condition, permitted hours means:

- 1) 11.00am to 03.00 Monday to Sunday
- 2) On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day (or if there are no permitted hours on the following day, midnight on 31 December).

The above restrictions do not prohibit:

- a) During the first 20 minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- b) During the first 30 minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
- c) Consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
- d) The ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- e) The sale of alcohol to a trader or club for the purposes of the trade or club;
- f) 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;
- g) The taking of alcohol from the premises by a person residing there; or
- h) 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
- i) 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

#### LICENSING ACT, 1964

##### Licence Conditions

No intoxicating Liquor shall be sold or supplied otherwise than to a person who before his admission to the said premises after 10.30pm had paid a charge for admission of not less than £1.50 on Fridays and Saturdays or £1.00 on any other weekday.

##### Children

No person under 18 years of age shall be admitted to the premises

## **PUBLIC ENTERTAINMENT**

1. The number of persons allowed on the premises during the performance of public entertainment shall not exceed: 400 (Four Hundred).
2. All doors required as a means of escape in case of fire shall open in the line of egress if possible and, where this is not possible, the inward opening doors which are accessed through the fire doors should be securely fastened in the open position at all times when the Public are upon the premises.
3. The area below the fire shutter which separates out two means of escape routes must be kept clear of obstructions so that it can move into position whenever the fire alarms are activated.

PUBLIC ENTERTAINMENT LICENCE CONDITIONS MADE BY THE MIDDLESBROUGH BOROUGH COUNCIL ("THE COUNCIL") BY RESOLUTION ON 18 NOVEMBER 1998 UNDER THE POWERS CONFERRED BY THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT, 1982.

### Standard Conditions

The following standard conditions pertain to all premises licensed for Public Entertainment except those for Music and Singing (Automatic Gramophones).

1. The Licensee shall affix and display in some conspicuous place on the door or entrance to the said premises an inscription in large capital letters "Licensed in Pursuance of Act of Parliament for Public Entertainment". A copy of both the entertainment licence and these conditions must be displayed in a prominent position at or near the entrance to the building where the entertainment is to take place.
2. The Licensee shall to the best of his/her ability maintain and keep good order and decent behaviour on the licensed premises at all times when public entertainment is taking place.
3. The Licensee shall provide to the Council, Chief of Police and Fire a system to control entry thus identifying the number of persons present on the premises at any given point during which public entertainment is taking place.
4. The Licensee shall produce on demand to any authorised officer of either the Council, the Police or the Fire Brigade evidence of the number of persons present on the premises at any given moment in time.
5. The premises shall be provided with an adequate number of exits clearly indicated by signs displaying a pictogram symbol or alternatively a combination of text and pictogram illuminated by both mains and secondary lighting and conform with the relevant code of practice. All doors required as means of escape in case of fire shall open in the line of egress or where this is not possible be securely fastened in the open position at all times that the public are present on the premises.
6. The means of ingress and egress and the passages and gangways shall, during the whole time that the licensed premises are used for the purposes of this licence, be kept free, unobstructed and adequately lighted.
7. Any door required for means of escape in case of fire if fastened during the time the public are in the building, shall be secured during such times by automatic bolts only. Doors fitted with automatic bolts shall be indicated "PUSH BAR TO OPEN" in conspicuous and distinctive block lettering.

8. An emergency lighting system which complies with the relevant British Standard specification shall be provided and maintained in the premises and associated escape routes and should fulfil the following functions: a) to indicate clearly the escape routes to provide illumination along escape routes to allow safe movement towards and through the exits provided; b) to ensure that the fire alarm call points and fire fighting equipment provided along escape routes can be easily located; c) to provide illumination to external means of escape arrangements.

9. The emergency lighting system shall be tested prior to each public admittance and in addition the system shall be examined by a qualified electrician at periods not exceeding 12 months. All periodic tests and examinations shall be recorded in a log book kept on the premises.

10. The arrangements for a closed seated audience (multiple seating) shall accord with the following: · the seating must at all times be so disposed as to provide free and unobstructed access to all exit doors. · width of gangways to be 1060mm (3ft 6in) minimum · width of setways to be 305mm (1ft) minimum

11. Where the permitted numbers are between 250 and 400 persons, all seats shall be either securely fixed to the floor or battened together in lengths not less than 4 not more than 12.

12. Where the permitted numbers exceed 400 persons, condition iv shall apply and additionally all the rows of seats shall be firmly secured together.

13. Any attachment used for securing a seat on rows of seats shall be so arranged as to not trail on the floor or cause any obstruction.

14. Notices giving instruction on how to call the Fire Brigade must be permanently displayed adjacent to any telephones in the premises and any outbreaks of fire, however slight, must be reported immediately to the Fire Brigade.

15. A means of giving warning in case of a fire shall be provided and approved by the Council. The fire warning system should be tested prior to each public admittance and in addition shall be examined by a qualified person at least once every year. All tests and examinations shall be recorded in a log book which is to be kept on the premises.

16. Fire fighting equipment shall be provided and sited as required by the council. The equipment shall be tested and examined by a competent person at periods not exceeding 12 months and the results are to be recorded in a log book which is to be kept on the premises.

17. A relay system must be fitted to the fire alarm circuit which in the event of the alarm being activated will interrupt the power supply to all electrical sockets/equipment used for the amplification of sound. (This is to avoid the possibility of the alarm not being heard above recorded/live music etc;).

18. All members of staff employed at the premises shall be given instruction and training as their duties in the event of fire or other emergencies and records as to such training shall be kept in a log book kept on the premises.

19. In all premises where it is deemed necessary by the Council, a diagrammatic plan showing clearly the escape routes and the seating pattern shall be publicly displayed.

20. All stoves, open fires and other heating appliances shall form an integral part of the structure and shall be efficiently and effectively fixed and guarded. Portable heating in public areas of the premises shall only be used as a temporary measure, where as a last resort becomes necessary and shall be used in accordance with the guidance issued by the Council. If the period of use is to exceed 24 hours the prior approval of the Council must be obtained.

21. No drapery or scenery other than permanent curtains and drapery of heavy and not readily inflammable materials shall be permitted except curtain or drapery materials which are rendered fire resistant.

22. The hanging of curtains over doors shall be permitted provided that such curtains are: · made to part at the centre and be secured at their sides · hang clear off the door by a least 50mm (2inches) and be easily moveable on their fittings · be of material which is not readily combustible · be so hung as not to conceal any notices indicating the purpose of the door.

23. The electrical installations must comply with I.E.E. or any other regulations in force in connection with the use of electricity. All electrical installations shall be inspected annually by a Chartered Electrical Engineer, or a member of the Electrical Contact's Association or a Certificate holder of the National Inspection Council for Electrical Installation Contracting or the local Electricity Board. The results and details on inspection must be recorded in a log book kept on the premises.

24. All mats or door coverings shall be secured so as not to be a source of danger to persons using the premises and any drapes used in the auditorium shall be so hung as to prevent trailing on the floor. On all steps and staircases the edges of the treads must be clearly defined so as to be conspicuous.

25. Where practicable, continuous and uninterrupted handrails to all staircases must be fixed at a height above the nosing of the steps of 840mm (2ft 9in) and these handrails must not project more than 75mm (3in) over the width of the stairway. The open side of any staircase must be projected with a securely fixed balustrade, railing or wall extending to a minimum height of 110mm (3ft 4in) above the nosing of the steps in addition to the provision of handrails at the required height of 840mm (2ft 9in). Any spaces contained between members forming the balustrade or railing, shall not exceed 125mm (5in). Any staircase more than 1800mm (5ft 11in) wide shall be provided with a secure and substantial handrail down the middle.

26. All parts of the premises and all fittings and apparatus therein including seating, door fastenings and notices, and the lighting, heating, electrical, ventilation, sanitary accommodation, washing facilities and other installations, must be maintained at all times in good order and condition to the satisfaction of the Council.

27. a) At no time shall any member of the public be exposed to a weighted equivalent continuous noise sound level (LAeq) exceeding 100dB measured over a 1 hour period. At no time shall the 5 minute LAeq exceed 102dB at the nearest point in the premises to a fully operational loudspeaker that the attending public are allowed to approach. b) The premises shall be arranged to provide "noise rest areas" equivalent to at least 25% of the total public area of the premises. In "noise rest areas" the LAeq shall not exceed 85dB(LAeq) measured for 5 minutes over the average floor area. Where it is not

possible to provide "noise rest areas" then at no time shall any member of the public be exposed to a level of noise exceeding 95dB (LAeq) measured over a 1 hour period. c) No person employed on the premises shall be exposed to an LAeq in excess of 90dB in accordance with the provisions in the Noise at Work Regulations 1989. Noise exposure of employed persons shall be reduced to the lowest level reasonably practicable. d) All necessary precautions shall be taken to prevent persons in the neighbourhood of the premises being disturbed by noise. e) Premises which operate licensed entertainment events using amplified music on more than one occasion each week shall display a notice in the entrance foyer of the premises in a prominent position with the wording "PATRONS ARE REMINDED THAT HIGH SOUND LEVELS CAN DAMAGE HEARING" , or alternative wording which has been approved in writing by the Licensing Authority.

28. Alterations or additions either permanent or temporary, to the structure, lighting, heating or other installations or to the approved seating, gangways or any other arrangements in the premises must not be made except with the prior written approval of the Council and 28 days notice must be given of proposed alterations together with 3 plans and a specification of all work.

29. Storage of necessary combustible materials shall be in a fire resistant enclosure in such a position as may be approved by the Council.

30. If it appears that the use of a product, fabric or finish might assist in the spread of a fire in the premises then the Council may require such product, material, fabric or finish to be replaced or to be treated in such a manner as to reduce this risk.

31. The use of special effects involving the use of lasers, naked flame, smoke production or any other process creating a risk of fire shall not be allowed without the written consent of the Council.

32. No exhibition, demonstration or performance of hypnotism shall be given on any person at the premises except with the written consent of the Council the Council and notice must be given 28 days prior to the proposed exhibition.

33. Adequate access shall be provided for emergency vehicles.

34. The maximum number of persons allowed to be present in the premises or specified part of the premises at any one time shall not exceed that stated on the licence.

35. The licensee shall ensure that at the place of entertainment, electrical socket outlets for use with permanent, temporary or portable electrical equipment intended to be used in the course of the entertainment shall be the type protected by a Residual Current Device (RCD) having a 30mA tripping circuit.

36. Any persons employed or engaged on the premises in the vetting of customers and/or the maintenance of public order at either any entrance to the premises or any part within shall be approved or provisionally approved by the Security Industry Authority (SIA).

37. That premises licensed for public entertainment up to 2am in the morning shall be permitted to extend that time by one hour on the day that British Summertime commences.

38. That the Licensee will implement a drugs policy to the satisfaction of the Council and Cleveland Police in respect of the premises to be licensed.



39. The Licensee must ensure that there will be a secure drugs deposit box approved by Cleveland Police, on all liquor licensed premises which are also licensed for Public Entertainment beyond 11.00pm which will be used along with a hard bound Drugs Register, in accordance with the guidelines laid down by Cleveland Police.

40. There will be provided in all premises licensed for Public Entertainment beyond 11.00pm, in an area separate from the dance area, which has seating, cool air (either by air conditioning or ventilation to the external air), and a reduced noise level in accordance with 27(b) of these standard conditions.

41. The Licensee shall ensure that free potable drinking water is to be made available other than in sanitary facilities and such availability is prominently advertised to patrons.

42. The Licensee shall ensure that a minimum of one qualified first aider is present at all premises licensed for Public Entertainment beyond 11.00pm.

43. The Licensee shall ensure that all safety equipment installed on the premises is validated as "YEAR 2000 COMPLIANT".

#### **EMBEDDED BENEFITS**

As the provisions of the Private Places of Entertainment (Licensing) Act 1967 was previously adopted and applied throughout the Borough of Middlesbrough, private entertainment for gain may be provided throughout the premises by virtue of the previous Justices' Licence and Public Entertainment Licence

Public Entertainment by way of music and singing only, which is provided solely by the reproduction of recorded sound, may be provided throughout the premises by virtue of the previous Justices' Licence.

### **LICENSING OBJECTIVES**

#### **THE PREVENTION OF CRIME AND DISORDER**

1. Admission to the club and security within the premises shall be under the control and supervision of qualified door staff, the number of whom on duty at any given time to be so far as this is possible in accordance with advice received from the Police Licensing Unit. At the date of application the police advice is that there shall be a minimum of three qualified doormen on duty throughout operating hours and this number shall increase to four when the Club function room is in use.

2. Known troublemakers, persons banned by Pubwatch or known to be subject to and ASBO are to be permanently excluded.

3. Club security staff will monitor the behaviour of guests while they queue to enter the premises and any person engaging in disorderly conduct or who appears to be under the influence of drink or drugs will not be admitted to the premises.

4. To assist with security the club will operate a number of CCTV cameras in and around

the premises in conjunction with video recording equipment. The club will preserve all CCTV footage for 31 days.

5. The club will record all incidents of serious violence in a log which shall be retained on the premises and shall be available for inspection by the Police and Local Authority.

6. Notices are posted throughout the Club advising guests that any concerns whatsoever with regard to the conduct or general behaviour or any person within the premises should be reported to a member of staff immediately.

7. The public toilets in the club are carefully monitored during operating hours and a written record of inspection maintained.

8. Persons under the age of 18 are not admitted to the premises. Security staff are trained to challenge any suspicious circumstance and adhere to the club's strict policy that only a passport, new style driving licence or card issued by the Local Authority are acceptable verification of age.

9. The club adopts a nil tolerance policy with regard to the use of illicit drugs upon the premises. Guests will be randomly searched and any drugs discovered will be confiscated and retained in a proper twin key approved drug box and the miscreant immediately ejected from the club and permanently excluded.

#### **PUBLIC SAFETY**

1. The club employs collectors during operating hours to circulate the tables and retrieve empty glasses.

2. Members and guests are forbidden to take drinks and/or bottles to be taken onto the dancefloor and any customer breaching this requirement will be ejected from the premises.

3. Drinks will be served in toughened safety glasses.

4. Notices are exhibited throughout the premises advising members and guests not to leave their drinks unattended.

5. Any unattended drinks shall be removed.

6. Members and guests are not permitted to leave the Club with drinks in the form of glasses, open bottles or other open containers.

7. The club will comply with any reasonable safety recommendation from Cleveland Fire Brigade.

8. The club is equipped with a First Aid box and a minimum of one suitably qualified first aider will be on duty in the premises throughout operating hours.

#### **THE PREVENTION OF PUBLIC NUISANCE**

1. Noise. The club premises will be sound proofed and amplification of live and recorded entertainment is set at a level that is known from experience to be acceptable in the location. Members of staff will frequently monitor the level of sound outside during the latter part of the operating hours to ensure that there are no problems.

2. All live and recorded music ceases promptly at 03.30am prior to which announcements are made in the final thirty minutes reminding guests to disperse in a quiet and orderly manner and to refrain from slamming car doors or other boisterous behaviour.

3. The club has no history of noise complaint with the Local Authority although if any problem was to arise the club will undertake to work with the complainant and the Licensing Authority in order to find a solution.

4. Taxis. The Club recognises the potential for nuisance at nearby taxi ranks after the premises have

closed and to reduce congestion and possible friction have close links with several local companies so staff can order taxis in advance of the premises closure.

5. Litter. Waste from the clubs kitchens will be stored in secure metal bins to reduce the risk of vermin and unpleasant smells. General litter accumulating outside of the premises is collected at the end of operating hours and transferred to one of the Club litterbins.

6. Management and staff will oversee an orderly and respectable dispersal where necessary using the threat of disciplinary action.

#### **THE PROTECTION OF CHILDREN FROM HARM**

No person under the age of 18 will be admitted to the club.

Staff are trained to challenge any suspicious incidents and where appropriate will request proof of identity in the form of driving licence, passport or other Council approved verification of age.

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

Not Applicable

**Annex 4 - Plans**

As per plan submitted on 14 June 2005 Drawing No: TB0263/1