

Tel: (01642) 245432

FOR THE CHAIR AND MEMBERS OF THE LICENSING SUB-COMMITTEE FOR 25 APRIL 2014

APPLICATION TO TRANSFER PREMISES LICENCE

Applicant: Andrew John Pickering

Ref.No. PR 0145

Premises: Sassari's, 193/195 Linthorpe Road Linthorpe Middlesbrough TS1 4AG

Application received: 13 March 2014

Summary of Current Licensable Activities:

Live Music, Recorded Music, Facilities for Dancing, Late Night Refreshment, Sale of Alcohol, Performances of Dance

Hours of Licensable Activities:

Monday to Saturday: 11am to 2am

Sunday: 12 noon to 1am

Full details of the application and a copy of the current premises licence have been reproduced at Appendix 1.

1. Notification to Chief Officer of Police:

Notification of the application was submitted to the Chief Officer of Police on 13 March 2014.

2. Legislation

In relation to applications to transfer a Premises Licence, the Police are the only relevant authority able to object to the application and that objection must be on the grounds of the Prevention of Crime and Disorder. When determining an Application to transfer a Premises Licence, the Licensing Authority is required to refuse an application if they are satisfied that it is necessary to promote the crime prevention objective.

3. Background

The premises consist of a restaurant with additional facilities for music and dancing located in a commercial area of Linthorpe Road. Prior to the introduction of the Licensing Act 2003, the premises operated with the benefit of a Justices On Licence and a Public Entertainment Licence.



4. The Representations

On 24 March 2014 a representation was received from Cleveland Police which objected to the application on the grounds of the Prevention of Crime and Disorder. A copy of that representation is attached at Appendix 2

5. The Licensing Policy

Members are referred to the following relevant sections of the Council's Licensing Policy.

Prevention of Crime and Disorder

Pages 32 to 42

6. Guidance to the Licensing Act 2003

Members are referred to the following relevant sections of the Guidance.

Prevention of Crime and Disorder

Starting at para 2.1

7. Members' Options

Members may consider the following options:

- 1. Grant the application and specify the time at which the transfer takes effect.
- 2. Refuse the application.

Members are reminded that any aggrieved party (i.e. Applicant, Responsible Authority, Interested Party) may appeal any decision of the Licensing Committee to the Magistrates' Court.

Contact Officer:

Tim Hodgkinson

Principal Licensing Officer

Tel. 728720

For admin use only:	F	or	ad	lmin	use	on	y:
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Decision:

Reasons:

Application to transfer premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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	(Insert name of applicant)									
	to transfer the premises licence d sing Act 2003 for the premises des									
Premi	ses licence number	MRO/PR	01	15/019170						
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				Leonary 13	140					
				2000	1014					
Post t	own Middlesbrough	Post cod	le	TS1 4AG						
	hone number at premises (if any) 218600									
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Part 2	- Applicant details			13/3	2 2					
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ii.	as a partnership			please complete section (B)						
iii.	as an unincorporated association or			please complete section (B)						
iv.	other (for example a statutory corpo	oration)		please complete section (B)						
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Surname				<u>F</u>	irst name	S	
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Current postal address if different from premises address				11 1			
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(B) OTHER APPLICANTS Please provide name and registered address of applicant in full. Where appropriate							
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Address							
Registered number (where applicable)							
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E-mail address (optional)					,

 I have made or enclosed payment I have enclosed the consent form 	signed by the existing premises
licence holder or my statement as I have enclosed the premises licer I have sent a copy of this applicati I understand that if I do not comply application will be rejected	nce or relevant part of it or explanation on to the chief officer of police today
IT IS AN OFFENCE, LIABLE ON CONVICTHE STANDARD SCALE, UNDER SECTO MAKE A FALSE STATEMENT IN OR APPLICATION	TION 158 OF THE LICENSING ACT 2003
Part 4 – Signatures (please read guidal	nce note 2)
Signature of applicant or applicant's so (See guidance note 3). If signing on beh capacity.	olicitor or other duly authorised agent alf of the applicant please state in what
Signature Made Ly	
Date 13th March 2014	
For joint applicants signature of 2 nd applicant agent (please read guidance applicant please state in what capacity Signature	note 4). If signing on behalf of the
	·····
Date	
Capacity	
Contact name (where not previously give correspondence associated with this appearie Hodgson D&B Licensing Consultants 161, Castle Road,	ven) and postal address for pplication (please read guidance note 5)
Post town	Post Code
Redcar	Post Code TS10 2LY
Redcar Telephone number (if any) 07533831728	TS10 2LY 8
Redcar	TS10 2LY 8 th you by e-mail your e-mail address

Dear

I Behnam Bayat the premises holder of Premises Licence Number MRO/PRO145/019170 relating to 193 to 195 Linthorpe Road, Middlesbrough, TS1 4AG confirm my conditional consent (upon the conditions below being satisfied) to the transfer of the said Premises Licence to Andrew John Pickering. The conditions to be satisfied before I will grant unconditional consent to the transfer of the said Licence are:-

- 1. The completion by Andrew John Pickering of a Lease for 10 years of Premises at 193 to 195 Linthorpe Road, Middlesbrough at an annual rent of £40,000 for the first year, then £45,000 per year for the next 2 years and thereafter subject to an upwards only rent review, the Tenant accepting full responsibility for keeping the building and its structure in good and tenantable repair.
- 2. The payment to me of a premium of £50,000 upon completion of the said Lease.

Dated 12 This day of ward	2014
Signed	

Middlesbrough Council



PREMISES LICENCE

Part A

Premises licence number	MBRO/PR0145/019170
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Part 1 - Premises	uetans	
Postal address of p	remises, or if none, ordna	nce survey map reference or description
193/195 Linthorpe Ro Linthorpe	oad	
Post town	Post code	
Middlesbrough	TS1 4AG	
Telephone number		
218600		

Where the licence is time limited the dates	
N/A	

Licensable activities authorised by the licence

Live Music Recorded Music Performances of Dance Facilities for dancing Late Night Refreshment Sale of Alcohol

The times the licence authorises the carrying out of licensable activities

LIVE MUSIC

Monday to Saturday: 11am to 2am

Sunday: 12 noon to 1am

RECORDED MUSIC

Monday to Saturday: 11am to 2am

Sunday: 12 noon to 1am

PERFORMANCES OF DANCE

Monday to Saturday: 11am to 2am

Sunday: 12 noon to 1am

FACILITIES FOR DANCING

Monday to Saturday: 11am to 2am

Sunday: 12 noon to 1am

LATE NIGHT REFRESHMENTS

Monday to Saturday: 11pm to 2am

Sunday: 11pm to 1am

SALE OF ALCOHOL ON AND OFF PREMISES

Monday to Saturday: 11am to 2am

Sunday: 12 noon to 1am

The opening hours of the premises

Monday to Saturday: 9am to 2.30am

Sunday: 11am to 1.30am

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 Behnam Bayat 42 The Front Middleton One Row Darlington DL2 1AU

01325 401185

benbayat@hotmail.com

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

N/A

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

Mr Behnam Bayat 42 The Front Middleton One Row Darlington DL2 1AU

01325 401185

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

05/01245/PERCON Darlington Borough Council

Granted on 3 September 2005

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.

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:

Monday to Saturday: 11am to 2am

Sunday: 12 noon to 1am

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 consumption of the alcohol on the premises;
- b) 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:
- c) 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;
- d) Consumption of the alcohol on the premises or the taking of 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 caried 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;
- 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

CHILDREN

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.

PUBLIC ENTERTAINMENT - FIRST FLOOR ONLY

1. The number of persons allowed on the premises during the performance of public entertainment shall not exceed: 150

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 confirm 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 prove 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 an 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 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 and notice must be given 28 days prior to the proposed exhibition.

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/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.

The sale of hot food and drink may be provided for up to 30 minutes after the end of permitted hours by virtue of the previous Justices' Licence.

LICENSING OBJECTIVES

GENERAL - ALL FOUR LICENSING OBJECTIVES

None

THE PREVENTION OF CRIME AND DISORDER

- 1. Staff will be trained.
- 2. When required, licensed and approved door supervisors will be employed.
- 3. Low priced drinks will not be offered for sale.
- 4. The licensee will be observant for potential problems.
- 5. The premises should be fitted with digital colour CCTV, on the first floor only, and all footage recorded should be kept for a minimum period of 31 days and any CD roms used should be kept in a locked and secure cabinet.
- 6. All glasses should be made from toughened glass.
- 7. No time-led or all inclusive drinks promotions shall be allowed at any time.
- 8. Glasses, open bottles or other open containers shall not be permitted to leave the licensed area.
- 9. An incident book should be kept fully up to date at all times, this book refers to incidents of crime and disorder only and is not intended as a duplication of any other books kept, for example accident or health and safety books.

PUBLIC SAFETY

- 1. Staff will be trained to be observant.
- 2. All reasonable requests and requirements from local authorities will be adhered to.

THE PREVENTION OF PUBLIC NUISANCE

- 1. Staff will be trained and qualified and experienced staff will be on duty at all times.
- 2. Licensable hours will not be exceeded.

THE PROTECTION OF CHILDREN FROM HARM

- 1. The premises operate a restriction policy in relation to the age of persons permitted on the premises.
- 2. Children must be accompanied by an adult.
- 3. Proof of age identification will be required.

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

Not Applicable