

AGENDA

Regulatory Sub Committee

Date: **Thursday 28 May 2015**

Time: **11.00 am**

Place: **Committee Room 1, The Shire Hall, St Peter's Square,
Hereford, HR1 2HX**

Notes: Please note the **time, date** and **venue** of the meeting.

For any further information please contact:

Clive Lloyd, Governance Services

Tel: 01432 260249

Email: clive.lloyd@herefordshire.gov.uk

If you would like help to understand this document, or would like it in another format, please call Clive Lloyd, Governance Services on 01432 260249 or e-mail clive.lloyd@herefordshire.gov.uk in advance of the meeting.

Agenda for the Meeting of the Regulatory Sub Committee

Membership

To be confirmed

AGENDA

| | | Pages |
|-----------|---|--------------|
| 1. | ELECTION OF CHAIRMAN To elect a Chairman for the hearing. | |
| 2. | DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the agenda. | |
| 3. | TO CONSIDER AN APPLICATION FOR A VARIATION TO THE PREMISES LICENCE IN RESPECT OF 'PLAY, 51-55 BLUE SCHOOL STREET, HEREFORD, HR1 2AR' - LICENSING ACT 2003. To consider an application for a variation to the premises licence in respect of 'Play, 51-55 Blue School Street, Hereford, HR1 2AR' – Licensing Act 2003. | 9 - 50 |

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- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
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HEREFORDSHIRE COUNCIL

SHIRE HALL, ST PETERS SQUARE, HEREFORD HR1 2HX.

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In the event of a fire or emergency the alarm bell will ring continuously.

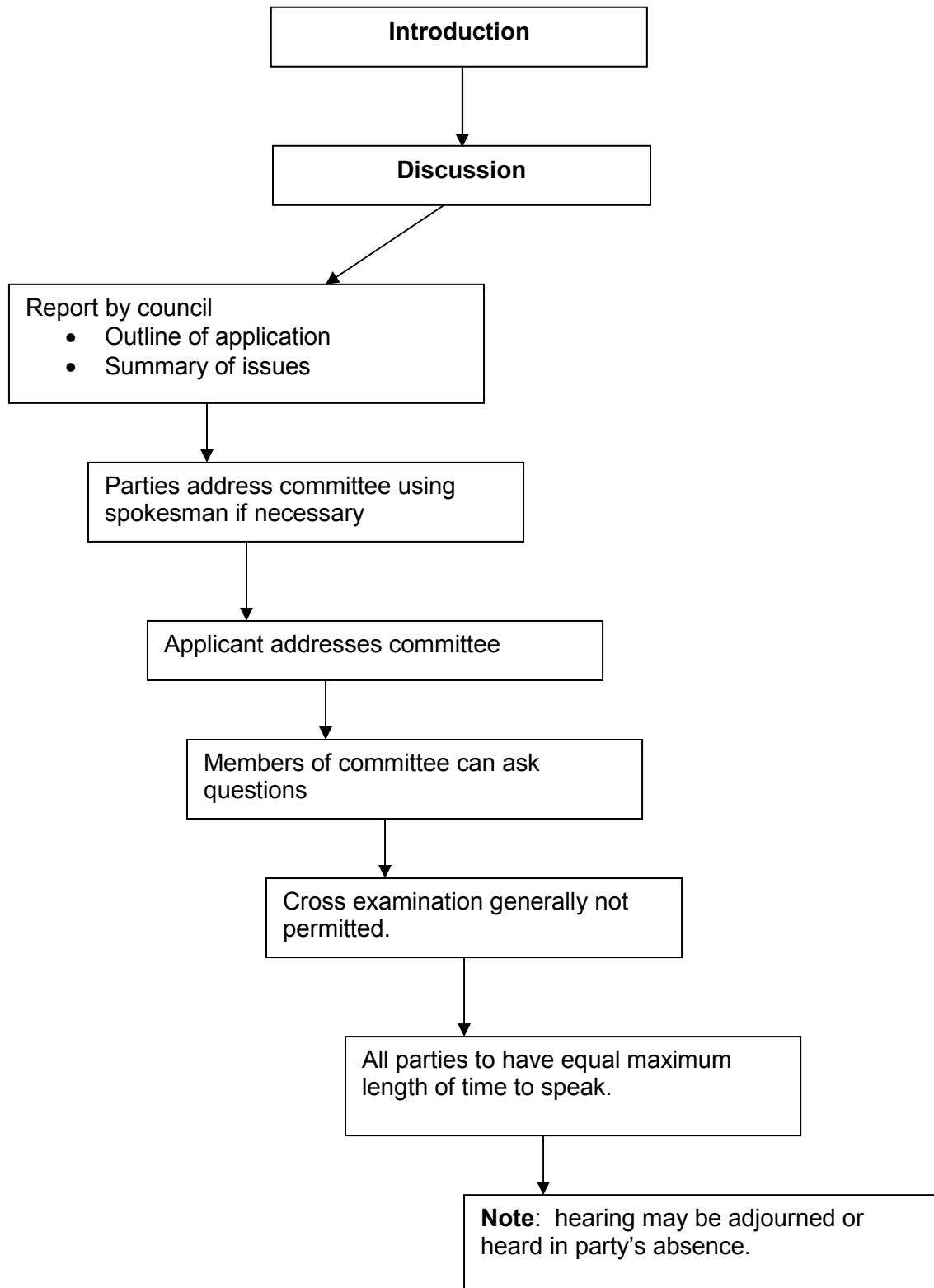
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Please do not allow any items of clothing, etc. to obstruct any of the exits.

Do not delay your vacation of the building by stopping or returning to collect coats or other personal belongings.

Licensing Hearing Flowchart





| | |
|-------------------------|---|
| Meeting: | Regulatory Sub-Committee |
| Meeting date: | 28 MAY 2015 |
| Title of report: | TO CONSIDER AN APPLICATION FOR A VARIATION TO THE PREMISES LICENCE IN RESPECT OF 'PLAY, 51-55 BLUE SCHOOL STREET, HEREFORD, HR1 2AR' – LICENSING ACT 2003. |
| Report by: | LICENSING OFFICER |

Classification

Open

Key Decision

This is not an executive decision.

Wards Affected

Central Ward

Purpose

To consider an application for a variation to the premises licence in respect of 'Play, 51-55 Blue School Street, Hereford, HR1 2AR' – Licensing Act 2003.

Recommendation

That:

The Sub-Committee determine the application with a view to promoting the licensing objectives in the overall interests of the local community. They should give appropriate weight to:

- The steps that are appropriate to promote the licensing objectives,
- The representations (including supporting information) presented by all parties,
- The Guidance issued to local authorities under Section 182 of the Licensing Act 2003, and
- The Herefordshire Council Licensing Policy.

Options

1. There are a number of options open to the Sub-Committee:
 - a) Grant the licence subject to conditions that are consistent with the operating schedule accompanying the application and the mandatory conditions set out in the Licensing Act 2003,
 - c) Grant the licence subject to modified conditions to that of the operating schedule where the committee considers it appropriate for the promotion of the licensing objectives and add mandatory conditions set out in the Licensing Act 2003,
 - d) To exclude from the scope of the licence any of the licensable activities to which the application relates,
 - e) To refuse to specify a person in the licence as the premise supervisor, or
 - f) To reject the application.
 - g) Adjourn the matter, to a set date, if the committee feel that to do so would be in the public interest

Reasons for Recommendations

2. Ensures compliance with the Licensing Act 2003.

Key Considerations

3. **Licence Application**
The application for a variation to the premises licence has received representation and is brought before the committee for determination.
4. The details of the application are:

| | | |
|--|--|---|
| Applicant | B & R Leisure Play Nightclub, Blue School Street, Hereford, HR1 2AR | |
| Solicitor | N/K | |
| Type of application: Variation | Date received: 1st April 2015 | 28 Days consultation ended 29th April 2015 |

5. **Summary of Application**

The application requests the variation to the existing premises licence:
Films, Indoor Sporting Events, Live Music, Performance of Dance, Anything Similar to Regulated Entertainment,

All days 20:30 – 04:00

Live Music

All days 18:30 – 04:00

Late Night Refreshment

All days 23:00 – 04:00

Sale/Supply of alcohol

All days 10:30 – 03:30

Hours premises open to the public

All days 18:00 – 04:00

Non Standard Timings: An additional hour to the terminal hour on the following notable days; St Georges Day, St Davids Day, St Patricks Day, St Andrews Day, Burns Night, Valentines Night, Halloween, on all bank Holidays and the Friday, Saturday and Sunday preceding all Bank Holidays, Maundy Thursday, Christmas Eve, Saturday before Christmas, Bonfire Night, The Night known as A-Level Thursday (2nd Thursday of August). An additional hour to the standard and non-standard times on the day when British Summertime commences. From the end of permitted hours on New Years Eve to the start of permitted hours New Years Day.

6. **Current Licence**

A performance of live music; Any playing of recorded music; Performance of Dance; Provision of entertainment facilities - Dancing; other regulated entertainment

Monday to Sunday 18:30 - 03:00

An exhibition of a film;

Monday, Thursday-Saturday: 20:30 - 03:00

Tuesday: 19:00 – 02:30

Wednesday, Sunday : 20:30 - 02:30

Provision of entertainment facilities; Making music; Other entertainment facilities;

Monday: 20:30 – 03:00

Tuesday: 19:00 – 02:30

Wednesday: 20:30 – 02:00

Thursday-Saturday: 20:30 - 03:30

Sunday : 20:30 - 02:30

Provision of late night refreshment:

Monday, Thursday-Saturday: 23:00 - 03:00

Tuesday: 23:00 – 02:30

Wednesday, Sunday: 23:00 - 02:00

Sale by retail of alcohol:

Monday to Sunday: 18:30 - 03:00

Non standard timings:

Sunday before Bank Holiday Monday; A Level Thursday; Easter Thursday until 03:00

Boxing Night until 03:30

From the end of Permitted hours on New Years Eve to the start of Permitted Hours New Years Day

An additional hour at the commencement of British Summer Time

7. **Summary of Representations**

A copy of the representations can be found within the background papers.

Representations have been made by:

Three (3) of the Responsible Authorities (Police, Environmental Health and the Licensing Authority)

Only the Environmental Health representation has been agreed.

8. The matter is therefore bought before Committee for determination.

Community Impact

9. Any decision is unlikely to have any impact on the local community.

Equality duty

10. There are no equality or human rights issues in relation to the content of this report.

Financial implications

11. There are unlikely to be any financial implications for the authority at this time.

Legal Implications

12. The Committee should be aware of a number of stated cases which have appeared before the Administrative Court and are binding on the Licensing Authority.

The case of Daniel Thwaites Plc v Wirral Borough Magistrates' Court (Case No: CO/5533/2006) at the High Court of Justice Queen's Bench Division Administrative Court on 6 May 2008, [2008] EWHC 838 (Admin), 2008 WL 1968943, Before the Honourable Mrs Justice Black.

In this case it was summed up that: -

A licensing authority must have regard to guidance issued by the Secretary of State under section 182. Licensing authorities may depart from it if they have reason to do so but will need to give full reasons for their actions.

Furthermore the Thwaites case established that only conditions should be attached to a licence with a view to promoting the Licensing objectives and that 'real

evidence' must be presented to support the reason for imposing these conditions.

This judgement is further supported in the case of *The Queen on the Application of Bristol Council v Bristol Magistrates' Court*, CO/6920/2008 High Court of Justice Queen's Bench Division The Administrative Court, 24 February 2009, [2009] EWHC 625 (Admin) 2009 WL 648859 in which it was said:

'Licensing authorities should only impose conditions which are necessary and proportionate for the promotion for licensing objectives'.

In addition to this it was stated that any condition attached to the licence should be an enforceable condition.

The case of *Luminar Leisure Ltd v Wakefield Magistrates' Court*, *Brooke Leisure Limited*, *Classic Properties Limited*, *Wakefield Metropolitan District Council*, heard before the High Court of Justice, Queen's Bench Division The Administrative Court, 18 April 2008, [2008] EWHC 1002 (Admin) would appear to be relative in this matter.

This matter involved an application by Luminar for a nightclub which was located just outside the Wakefield Cumulative Impact Area. The application was granted by the Local Authority and that decision was subsequently appealed.

The judge allowed the appeal on the grounds 'because of the effect which the increase in the number of people attending such a venue in Westgate would have, generally, on crime and disorder in the area'.

The matter was further appealed to the High Court by way of case stated.

Three questions were posed for the Judge to address. The last question asked was 'Was it a proportionate response to refuse the licence rather than to impose conditions on any licence?'

In respect of this it was stated 'To put a limit on the extent to which cumulative impact is legally relevant is something which seems to me not to be permitted by the statute. But with all that this condition was not sought. So the answer to question 3 is "yes"'.

The premises is within the area covered by the Herefordshire Council Special Policy (Cumulative Impact Policy).

The case of *Luminar Leisure Ltd v Wakefield Magistrates' Court*, *Brooke Leisure Limited*, *Classic Properties Limited*, *Wakefield Metropolitan District Council*, heard before the High Court of Justice, Queen's Bench Division The Administrative Court, 18 April 2008, [2008] EWHC 1002 (Admin) would appear to be relative in this matter.

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The stated case of 'The Queen on the application of JD Wethersoon PLC v Guildford Borough Council which appeared in front of the Honourable Mr Justice Beatson at the Queens Bench Division Administrative Court on 11th April 2006 at paragraph 73 stated:

'The guidance provides that, where a cumulative impact policy is so adopted, there will be a rebuttable presumption that applications for new premises licences or material variations will normally be refused. To that extent, where there is such a policy, the guidance must permit an individual application to be considered on the basis of the rebuttable presumption so that the burden of proof lies on the applicant. In any event, if an area is so affected by serious alcohol related crime that the evidential basis for the special policy exists, requiring an applicant for a variation of the hours of premises in the area to demonstrate that the variation would not add to the area's problems does not mean that the "merits" of the application are not considered. A reversed burden of proof does not preclude consideration of the "merits" of an application.

Right of Appeal

13. Schedule 5 gives a right of appeal which states:

Variation of licence under section 35

- 4(1) This paragraph applies where an application to vary a premises licence is granted (in whole or in part) under section 35.
- (2) The applicant may appeal against any decision to modify the conditions of the licence under subsection (4)(a) of that section.
- (3) Where a person who made relevant representations in relation to the application desires to contend—
- (a) that any variation made ought not to have been made, or

(b) that, when varying the licence, the licensing authority ought not to have modified the conditions of the licence, or ought to have modified them in a different way, under subsection (4)(a) of that section,

he may appeal against the decision.

(4) In sub-paragraph (3) “relevant representations” has the meaning given in section 35(5).

Section 9 states that any such appeal must be made to a Magistrates Court for the area in which the premises are situated within 21 days of notification of the decision.

Risk Management

14. There is little risk associated with the decision at this time as the legislation allows a right of appeal to the Magistrates Court.

Consultees

15. All responsible authorities and members of the public living within Herefordshire.

Appendices

- a. Application Form
- b. Police Representation
- c. Environmental Health Representation
- d. Local Authority Representation

Background Papers

None.

County of Herefordshire District Council
Application to vary a premises licence under the Licensing Act 2003

HEREFORD CUSTOMER SERVICES
 FRANKLIN HOUSE
 Tel 01432 280500 Fax 01432 383389
13 MAR 2015
 To: _____
 Ackd _____ File _____

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.

RECEIVED
 17 MAR 2015
 TO:

We B&R leisure T/A Play Nightclub

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

| |
|--|
| Premises licence number PR 00565 |
|--|

Part 1 – Premises Details

| | | | |
|--|----------|----------|---------|
| Postal address of premises or, if none, ordnance survey map reference or description Play 51-55 Blueschool Street, | | | |
| Post town | Hereford | Postcode | HR1 2Ar |
| | | | |

| | |
|---|--------------|
| Telephone number at premises (if any) | 01432 270009 |
| Non-domestic rateable value of premises | £55,000 |

Part 2 – Applicant details

| | | | |
|---|----------------------|----------|--|
| Daytime contact telephone number | 01432 270009 | | |
| E-mail address (optional) | ████████████████████ | | |
| Current postal address if different from premises address | As above | | |
| Post town | | Postcode | |

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes

If not, from what date do you want the variation to take effect?

| | | |
|----|----|------|
| DD | MM | YYYY |
| | | |

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

1. To extend permitted hours for the sale of alcohol, regulated entertainment and late night refreshment until 0330 Monday – Sunday
2. To extend the terminal hour for opening hours until 0400 Monday – Sunday
3. To add in Non Standard timings as detailed in the application

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

| Plays Standard days and timings (please read guidance note 6) | | | <u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 2) | Indoors | <input type="checkbox"/> |
|---|-------|--------|--|----------|--------------------------|
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | <u>Please give further details here</u> (please read guidance note 3) | | |
| Mon | | | | | |
| Tue | | | <u>State any seasonal variations for performing plays</u> (please read guidance note 4) | | |
| Wed | | | | | |
| Thur | | | <u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 5) | | |
| Fri | | | | | |
| Sat | | | | | |
| Sun | | | | | |

B

| | | | | | |
|---|-------|--------|---|----------|-------------------------------------|
| Films Standard days and timings (please read guidance note 6) | | | <u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2) | Indoors | <input checked="" type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | <u>Please give further details here</u> (please read guidance note 3) Amplified music, video, sport entertainment programs and any entertainment of a like kind. | | |
| Mon | 2030 | 0400 | | | |
| Tue | 2030 | 0400 | <u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4) | | |
| Wed | 2030 | 0400 | | | |
| Thur | 2030 | 0400 | <u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5) An additional hour to the terminal hour on the following notable days : St Georges Day, St Davids Day, St Patricks Day, St Andrews day, Burns Night, Valentines Night, Halloween, on all Bank Holidays and the Friday, Saturday and Sunday proceeding all Bank Holidays, Maundy Thursday, Christmas Eve, The Saturday before Christmas, Bonfire Night, the night known as A Level Thursday, 2 nd Thursday of August. An additional hour to the standard and non-standard times on the day when British Summertime commences. New Years Eve – from the end of permitted hours on New Years Eve to the start of permitted hours on New Years day. | | |
| Fri | 2030 | 0400 | | | |
| Sat | 2030 | 0400 | | | |
| Sun | 2030 | 0400 | | | |

C

| Indoor sporting events Standard days and timings (please read guidance note 6) | | | Please give further details (please read guidance note 3) The ability to be able to provide pool/table tennis type events should the venue be changed to accommodate a student base with the onset of the new university |
|--|-------|--------|---|
| Day | Start | Finish | |
| Mon | 2030 | 0400 | |
| | | | |
| Tue | 2030 | 0400 | State any seasonal variations for indoor sporting events (please read guidance note 4) |
| | | | |
| Wed | 2030 | 0400 | |
| | | | |
| Thur | 2030 | 0400 | Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5) |
| | | | |
| Fri | 2030 | 0400 | An additional hour to the terminal hour on the following notable days : St Georges Day, St Davids Day, St Patricks Day, St Andrews day, Burns Night, Valentines Night, Halloween, on all Bank Holidays and the Friday, Saturday and Sunday proceeding all Bank Holidays, Maundy Thursday, Christmas Eve, The Saturday before Christmas, Bonfire Night, the night known as A Level Thursday, 2 nd Thursday of August. |
| | | | |
| Sat | 2030 | 0400 | |
| | | | |
| Sun | 2030 | 0400 | An additional hour to the standard and non-standard times on the day when British Summertime commences. New Years Eve – from the end of permitted hours on New Years Eve to the start of permitted hours on New Years day. |
| | | | |

D

| | | | | | |
|--|-------|--------|--|----------|--------------------------|
| Boxing or wrestling entertainments Standard days and timings (please read guidance note 6) | | | Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2) | Indoors | <input type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | Please give further details here (please read guidance note 3) | | |
| Mon | | | | | |
| Tue | | | State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4) | | |
| Wed | | | | | |
| Thur | | | Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5) | | |
| Fri | | | | | |
| Sat | | | | | |
| Sun | | | | | |

E

| | | | | | |
|--|-------|--------|---|----------|-------------------------------------|
| Live music Standard days and timings (please read guidance note 6) | | | <u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 2) | Indoors | <input checked="" type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | <u>Please give further details here</u> (please read guidance note 3) Music may be varied including live artists singing, karaoke, DJ and other of a similar nature. | | |
| Mon | 2030 | 0400 | | | |
| Tue | 2030 | 0400 | <u>State any seasonal variations for the performance of live music</u> (please read guidance note 4) | | |
| Wed | 2030 | 0400 | | | |
| Thur | 2030 | 0400 | <u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 5) An additional hour to the terminal hour on the following notable days : St Georges Day, St Davids Day, St Patricks Day, St Andrews day, Burns Night, Valentines Night, Halloween, on all Bank Holidays and the Friday, Saturday and Sunday proceeding all Bank Holidays, Maundy Thursday, Christmas Eve, The Saturday before Christmas, Bonfire Night, the night known as A Level Thursday, 2 nd Thursday of August. An additional hour to the standard and non-standard times on the day when British Summertime commences. New Years Eve – from the end of permitted hours on New Years Eve to the start of permitted hours on New Years day. | | |
| Fri | 2030 | 0400 | | | |
| Sat | 2030 | 0400 | | | |
| Sun | 2030 | 0400 | | | |

F

| | | | | | | | | |
|--|-------|--------|--|----------|-------------------------------------|---|--|--|
| Recorded music Standard days and timings (please read guidance note 6) | | | <u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 2) | Indoors | <input type="checkbox"/> | | | |
| | | | | Outdoors | <input type="checkbox"/> | | | |
| | | | | Both | <input checked="" type="checkbox"/> | | | |
| Day | Start | Finish | <u>Please give further details here</u> (please read guidance note 3) Music provided by DJs or jukebox through an amplified system. | | | | | |
| Mon | 1830 | 0400 | | | | | | |
| Tue | 1830 | 0400 | | | | | | |
| Wed | 1830 | 0400 | | | | <u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4) | | |
| Thur | 1830 | 0400 | | | | | | |
| Fri | 1830 | 0400 | | | | <u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 5) An additional hour to the terminal hour on the following notable days : St Georges Day, St Davids Day, St Patricks Day, St Andrews day, Burns Night, Valentines Night, Halloween, on all Bank Holidays and the Friday, Saturday and Sunday proceeding all Bank Holidays, Maundy Thursday, Christmas Eve, The Saturday before Christmas, Bonfire Night, the night known as A Level Thursday, 2 nd Thursday of August. An additional hour to the standard and non-standard times on the day when British Summertime commences. New Years Eve – from the end of permitted hours on New Years Eve to the start of permitted hours on New Years day. | | |
| Sat | 1830 | 0400 | | | | | | |
| Sun | 1830 | 0400 | | | | | | |

G

| | | | | | |
|--|-------|--------|---|----------|-------------------------------------|
| Performances of dance Standard days and timings (please read guidance note 6) | | | <u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2) | Indoors | <input checked="" type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | <u>Please give further details here</u> (please read guidance note 3) Dancing by persons throughout the premises. | | |
| Mon | 2030 | 0400 | | | |
| Tue | 2030 | 0400 | <u>State any seasonal variations for the performance of dance</u> (please read guidance note 4) | | |
| Wed | 2030 | 0400 | | | |
| Thur | 2030 | 0400 | <u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5) An additional hour to the terminal hour on the following notable days : St Georges Day, St Davids Day, St Patricks Day, St Andrews day, Burns Night, Valentines Night, Halloween, on all Bank Holidays and the Friday, Saturday and Sunday proceeding all Bank Holidays, Maundy Thursday, Christmas Eve, The Saturday before Christmas, Bonfire Night, the night known as A Level Thursday, 2 nd Thursday of August. An additional hour to the standard and non-standard times on the day when British Summertime commences. New Years Eve – from the end of permitted hours on New Years Eve to the start of permitted hours on New Years day. | | |
| Fri | 2030 | 0400 | | | |
| Sat | 2030 | 0400 | | | |
| Sun | 2030 | 0400 | | | |

H

| | | | | | |
|---|-------|--------|---|----------|-------------------------------------|
| Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6) | | | Please give a description of the type of entertainment you will be providing | | |
| Day | Start | Finish | Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2) | Indoors | <input type="checkbox"/> |
| Mon | 2030 | 0400 | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input checked="" type="checkbox"/> |
| Tue | 2030 | 0400 | Please give further details here (please read guidance note 3) | | |
| | | | | | |
| Wed | 2030 | 0400 | State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4) | | |
| | | | | | |
| Thur | 2030 | 0400 | Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5) An additional hour to the terminal hour on the following notable days : St Georges Day, St Davids Day, St Patricks Day, St Andrews day, Burns Night, Valentines Night, Halloween, on all Bank Holidays and the Friday, Saturday and Sunday proceeding all Bank Holidays, Maundy Thursday, Christmas Eve, The Saturday before Christmas, Bonfire Night, the night known as A Level Thursday, 2 nd Thursday of August. An additional hour to the standard and non-standard times on the day when British Summertime commences. New Years Eve – from the end of permitted hours on New Years Eve to the start of permitted hours on New Years day. | | |
| Fri | 2030 | 0400 | | | |
| Sat | 2030 | 0400 | (please read guidance note 5) | | |
| Sun | 2030 | 0400 | | | |

I

| | | | | | |
|---|-------|--------|---|----------|-------------------------------------|
| Late night refreshment Standard days and timings (please read guidance note 6) | | | <u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 2) | Indoors | <input checked="" type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | <u>Please give further details here</u> (please read guidance note 3) Hot food and drink provided as and when required | | |
| Mon | 2030 | 0400 | | | |
| Tue | 2030 | 0400 | | | |
| Wed | 2030 | 0400 | <u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4) | | |
| Thur | 2030 | 0400 | | | |
| Fri | 2030 | 0400 | <u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5) An additional hour to the terminal hour on the following notable days : St Georges Day, St Davids Day, St Patricks Day, St Andrews day, Burns Night, Valentines Night, Halloween, on all Bank Holidays and the Friday, Saturday and Sunday proceeding all Bank Holidays, Maundy Thursday, Christmas Eve, The Saturday before Christmas, Bonfire Night, the night known as A Level Thursday, 2 nd Thursday of August. An additional hour to the standard and non-standard times on the day when British Summertime commences. New Years Eve – from the end of permitted hours on New Years Eve to the start of permitted hours on New Years day. | | |
| Sat | 2030 | 0400 | | | |
| Sun | 2030 | 0400 | | | |

J

| | | | | | |
|--|-------|--------|---|------------------|-------------------------------------|
| Supply of alcohol Standard days and timings (please read guidance note 6) | | | Will the supply of alcohol be for consumption – please tick (please read guidance note 7) | On the premises | <input type="checkbox"/> |
| | | | | Off the premises | <input type="checkbox"/> |
| | | | | Both | <input checked="" type="checkbox"/> |
| Day | Start | Finish | State any seasonal variations for the supply of alcohol (please read guidance note 4) | | |
| Mon | 1030 | 0330 | | | |
| Tue | 1030 | 0330 | | | |
| Wed | 1030 | 0330 | | | |
| Thur | 1030 | 0330 | | | |
| Fri | 1030 | 0330 | | | |
| Sat | 1030 | 0330 | | | |
| Sun | 1030 | 0330 | <p>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)</p> <p>An additional hour to the terminal hour on the following notable days : St Georges Day, St Davids Day, St Patricks Day, St Andrews day, Burns Night, Valentines Night, Halloween, on all Bank Holidays and the Friday, Saturday and Sunday proceeding all Bank Holidays, Maundy Thursday, Christmas Eve, The Saturday before Christmas, Bonfire Night, the night known as A Level Thursday, 2nd Thursday of August.</p> <p>An additional hour to the standard and non-standard times on the day when British Summertime commences.</p> <p>New Years Eve – from the end of permitted hours on New Years Eve to the start of permitted hours on New Years day.</p> | | |

K

| |
|---|
| <p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).</p> <p>NONE</p> |
|---|

L

| Hours premises are open to the public Standard days and timings (please read guidance note 6) | | | State any seasonal variations (please read guidance note 4) |
|---|-------|--------|---|
| Day | Start | Finish | |
| Mon | 1800 | 0400 | <p>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)</p> <p>An additional hour to the terminal hour on the following notable days : St Georges Day, St Davids Day, St Patricks Day, St Andrews day, Burns Night, Valentines Night, Halloween, on all Bank Holidays and the Friday, Saturday and Sunday proceeding all Bank Holidays, Maundy Thursday, Christmas Eve, The Saturday before Christmas, Bonfire Night, the night known as A Level Thursday, 2nd Thursday of August.</p> <p>An additional hour to the standard and non-standard times on the day when British Summertime commences.</p> <p>New Years Eve – from the end of permitted hours on New Years Eve to the start of permitted hours on New Years day.</p> |
| Tue | 1800 | 0400 | |
| Wed | 1800 | 0400 | |
| Thur | 1800 | 0400 | |
| Fri | 1800 | 0400 | |
| Sat | 1800 | 0400 | |
| Sun | 1800 | 0400 | |
| | | | |
| | | | |
| | | | |

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

The premises licence holder has considered the impact of the proposed variation and notes that the premises fall within the cumulative impact policy area.

Pre consultation has taken place with the Licensing Authority and West Mercia Police.

The premises has operated with a number of temporary event notices to the hours that have been requested which has not had a negative impact on the licensing objectives. Further the premises believe that the extension of hours at the premises will have a positive effect on the licensing objectives.

This is because at present the premises currently still hold a significant number of people at 3am. With a 4 am terminal hour, this will give further time for people to disperse from the venue. This recognises that people are entering town later with more people staying till the end of the night – extending by 30 minutes will enable customers to leave in an orderly manner and ease the problem of taxis being available at that time in the morning. A more gradual dispersal is desirable and safer for customers.

The premises have also made enquires in relation to crime and disorder associated with the premises which has shown a significant decrease year on year of incidents.

The premises have also considered the Herefordshire Licensing Policy. The licensing policy references zoning of hours as being avoided and rather references a general principle of later opening so that customers can leave for natural reasons, slower over longer periods will be promoted to prevent concentrations of people on the streets.

The cumulative impact policy in Hereford has been in existence for a number of years. The purpose of the policy as stated in annex a, looks at the undesirable consequences where there is a cumulative effect of licensed premises, for example an increase in crime both against property and persons, an increase in noise and disturbance to residents, traffic congestion and or parking difficulties. There is NO evidence to suggest that the venue has caused an increase here, in fact the results of Hereford Police and HANDs efforts show a decrease in crime. There have been no complaints of noise against the venue at this time, no parking issues or increase of traffic. The outside of the premises is cleaned up by venue staff each evening after trade.

The operating schedule has also been redrafted in order to show steps to promote the licensing objectives and further show how by extending operating hours will not impact on the special policy contained in the council licensing policy.

In particular, it is also submitted that the inclusion of the last admission time of 0300 for paying customers into the venues admission policy will be introduced. It is hoped that this will encourage customers to enter the venue earlier.

b) The prevention of crime and disorder

1. CCTV will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions, particularly facial recognition on entrance of exits cameras. Cameras shall encompass all ingress and egress to the premises, fire exits, outside areas and all areas where the sale/supply of alcohol occurs.
2. CCTV will cover external areas at the front of the premises (Blueschool Street) to cover any areas used for customer queuing.
Equipment MUST be maintained in good working order, be correctly time and date stamped, recordings MUST be kept in date order, numbered sequentially and kept for a

period of 31 days. Copies of the CCTV will be made available to the Police as soon as reasonable practicable and in any event within 48 hours of the request. In the event of a serious incident (as defined at the time by the duty senior police commander for the area) copies of the CCTV will be made available to the Police on demand.

The premises licence holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format EITHER DISC or VHS to the Police or an authorized person (as defined by Section 13 of the Licensing Act 2003).

The recording equipment and tapes/discs shall be kept in a secure environment under the control of the DPS or other responsible named individual. An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded.

In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS/Duty Manager MUST report the failure to the Police on contact number '101' immediately.

SIA Licensed Door Staff - remain as current licence

The Premises Licence Holder or DPS or a person nominated by them in writing for the purpose, shall maintain a register of door supervisors which shall be kept on the premises showing the names and addresses of the door supervisors, their badge numbers and shall be signed by the door supervisors as they commence and conclude duty. The register shall be made available on demand for inspection by an 'authorised person' (as defined by Section 13 of the Licensing Act 2003), or the Police or an authorised officer of the SIA.

3. An incident log must be kept at the premises, and made immediately available on request to an authorised person (as defined by Section 13 of the Licensing Act 2002) or the Police, which must record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (d) any incidents of disorder
- (e) seizures of drugs or offensive weapons
- (f) any faults in the CCTV system or searching equipment or scanning equipment
- (g) any persons refused entry to the premises
- (h) any visit by a relevant authority or emergency service

4. A system shall be in place which is capable of recording at the time, any refusal of sale of alcohol. The recording shall show the date and time and operators identity. Such information will be made available to an authorized person (as defined by Section 13 of the Licensing Act 2002) or the police on demand at any time after the 24 hour period following the sale

5. No customers carrying open bottles upon entry shall be admitted to the premises at any times when they are open for licensable activities.

6. No open containers shall be removed from the premises.

7. The premises shall be an active member of the locally operated pub watch scheme while such a scheme or similar exists.

8. A Hereford City centre 'Pub Watch Radio' shall be held at the premises. A responsible person shall log on at the control centre at the commencement of licensable activities. A responsible person shall monitor the radio throughout the period which the premises are open for licensable activities. Any information likely to have an impact on any of the licensing objectives shall be transmitted on the radio immediately.

9. A Personal Licence holder will be on the premises from 9pm until the end of Licensable activities on all days when the premises operates until the end of licensable activities.

10. All staff engaged in the sale of alcohol to be trained in Responsible alcohol retailing to the minimum standard of BIIAB level 1 or any other training recognised and agreed with Herefordshire Council within one month of commencing employment at the premises. (Where there are existing staff this training shall be completed within 3 months of the date that this condition first appears on the licence). Training records shall be kept on the premises and shall be produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.

11. The premises will operate with a minimum of one "floor walkers" who will be on duty as a minimum on Friday and Saturday nights and Sundays preceding a Bank Holiday from the time when the number of customers reaches 100 until close. The 'floor walkers' responsibilities are set out in the 'floor walkers' policy attached to this operating schedule.

c) Public safety

1. The maximum permitted numbers of persons in the premises including staff shall not exceed the numbers set within the fire risk assessment for the premises.
2. A system shall be in place which is capable of showing the number of persons on the premises at any time after 8.30 pm until the end of licensable activities on all days when open. This number shall be given immediately on demand to an authorised person (as defined by Section 13 of the Licensing Act 2002) or police.
3. The reasonable requirements of the Building Control officer will be complied with.
4. All electrical wiring and distribution systems shall be tested at least once a year and signed off by a competent person who is NICEIC qualified. The sign off certificate shall be produced to an authorised person (as defined by Section 13 of the Licensing Act 2002) or Police on demand.

d) The prevention of public nuisance

1. Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all exits to the premises requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
2. 'Noise' from the premises should not be 'audible or discernable' within any occupied permanent structure where people normally reside or sleep, when assessed with windows and doors closed. 'In this condition; 'Noise' -is defined as sound which is created by entertainment consisting of either vocal (recorded or live) or instrumental music (recorded or live) or a combination of both. Audible or discernable' -is defined as 'noise' which is distinct above the general hubbub of activity on the site which can be identified by the human ear as originating from discrete sources from the licensed site'.
3. On all days (except Christmas Day and non standard timings) last time of entry for all paying customers will be 0300hrs.
4. All external doors to the beer garden must be kept closed except for entrance and exit at all times from 2200hrs. Windows shall be closed at 23:00 hours and adequate ventilation provided.
5. The exhibition of films entertainment and shall be controlled by the licensee.
6. The premises will operate a dispersal area at the premises a copy of which is attached to the operating schedule and further copies will be provided to the Licensing Authority and Responsible Authorities upon request.

e) The protection of children from harm

1. Persons under the age of 18 will not be allowed on the premises at any time.
Save for –
Recognised performers for example X Factor acts and similar.

Teen Nights – 14 -18 years

In the event of an event taking place commonly known as a 'Teen Night' (14years to 18years), the following shall apply –

All alcohol drinks shall be removed from the bar area and alcohol dispensers rendered unusable for the duration of the event. Non alcoholic drinks shall only be made available for the duration of the event – including free drinking water on request.

A minimum of 1 (one) female SIA door supervisor will be employed

A search policy will be implemented. The policy shall be produced on demand of an authorised person' (as defined by Section 13 of the Licensing Act 2003) or the police or an authorised Trading Standards Officer of Herefordshire Council.

At each and every event and for the duration of the event there shall be present within the entertainment area of the event a person who has received training as approved by Herefordshire Council in respect of the safeguarding of Children to a minimum of level

Youth events – 16+ nights

Any bar at the premises shall be separate from the area used for regulated entertainment (as defined by the Licensing Act 2003) by a physical

permanent barrier

No person under 18 shall be permitted access to the bar area unless accompanied by a parent, guardian or responsible person aged over 21. SIA registered door staff shall be employed at any entry/exit to any bar SIA registered door staff shall be employed in other areas (excluding the bar) on a risk assessment basis.

Each and every person entering the bar shall on every occasion on entry be subject to the Challenge 21 policy

2. The premises shall operate a Challenge 21 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of an authorised person' (as defined by Section 13 of the Licensing Act 2003) or the police or an authorised Trading Standards Officer of Herefordshire Council. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any bar advertising the scheme operated.

3. A written or electronic register of refusals will be kept including a description of the people who have been unable to provide required Identification to prove their age. Such records shall be kept for a period of 12 months and will be collected on a daily basis by the Designated Premises Supervisor and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.

4. No adult entertainment or services or activities must take place at the premises (Adult Entertainment includes, but is not restricted to, such entertainment or services which would generally include topless bar staff, striptease, lap-table, or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language) save for private hire events, not open to the general public.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). **If signing on behalf of the applicant, please state in what capacity.**

| | |
|-----------|------------|
| Signature | [Redacted] |
| Date | 13.03.2015 |
| Capacity | D.P.S. |

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

| | |
|-----------|--|
| Signature | |
| Date | |
| Capacity | |

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

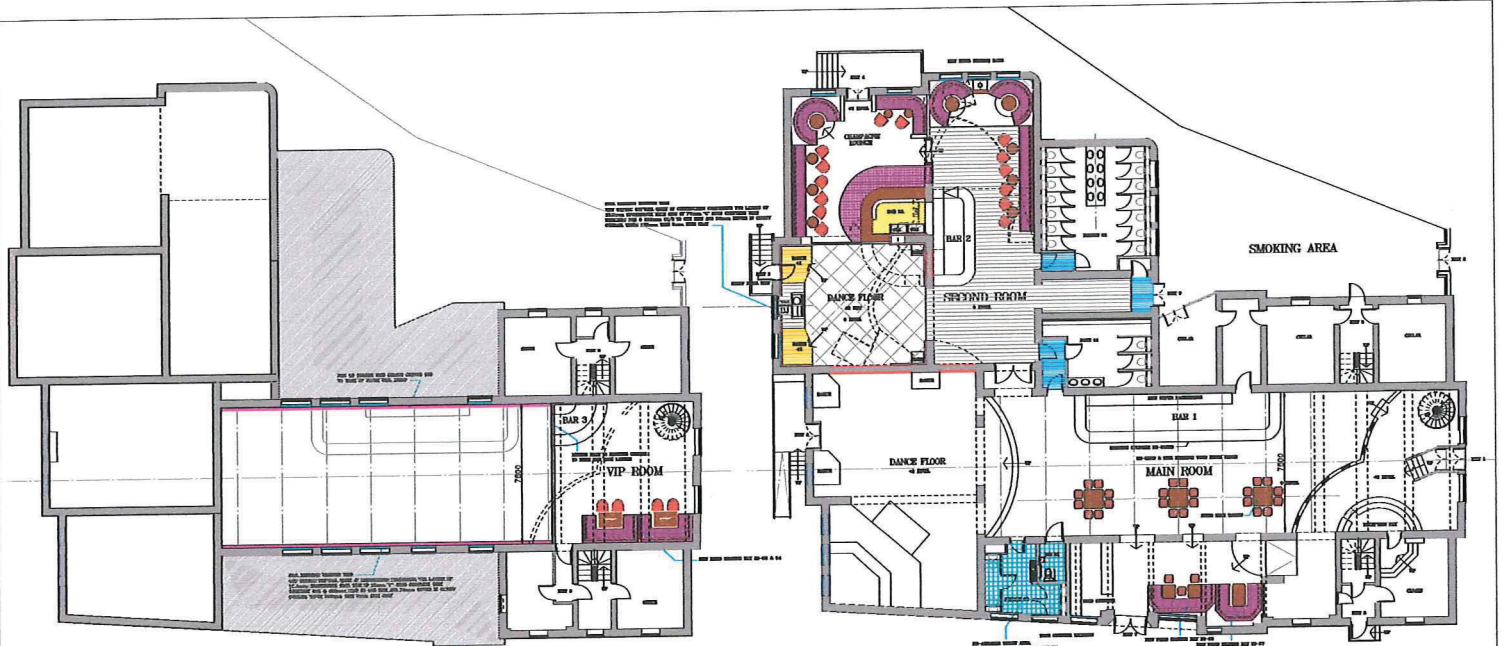
| | | | |
|---|--|-----------|--|
| | | | |
| Post town | | Post code | |
| Telephone number (if any) | | | |
| If you would prefer us to correspond with you by e-mail, your e-mail address (optional) | | | |

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

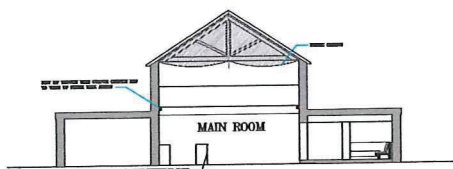
1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.

5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

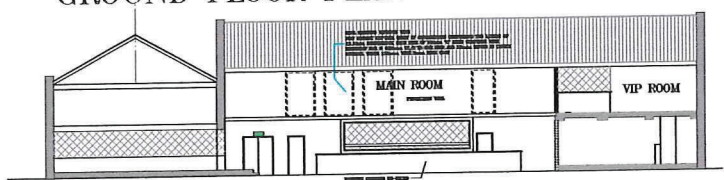


FIRST FLOOR PLAN

GROUND FLOOR PLAN



CROSS SECTION



LATERAL SECTION

| | |
|--|--|
| | Name: EDS DESIGN Job No: STAN 09/01/01 Client: STAN 09/01/01 Date: 10/01/01 Scale: 1:500 Drawn by: STAN 09/01/01 Checked by: STAN 09/01/01 Project No: 1109-09-002C |
| | Drawn by: EDS Checked by: EDS Project No: 1109-09-002C |
| | Drawn by: EDS Checked by: EDS Project No: 1109-09-002C |
| | Drawn by: EDS Checked by: EDS Project No: 1109-09-002C |

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NOT PROTECTIVELY MARKED

West Mercia Police are in receipt of an application to vary the premises licence for a location known as **Play Night Club, Blueschool Street, Hereford**. The application is to extend licensable activities and to remove certain licence conditions and to add additional conditions to amend certain existing conditions.

West Mercia have considered this application with regards to the fact that the location is within an area designated as a special policy within the licensing policy for Herefordshire District Council - commonly known as the cumulative impact policy (zone - CIZ).

In addition West Mercia Police have considered the requirement to effectively promote the licensing objectives and to consider the history of the venue and its popularity within the late night economy of Hereford city centre.

The applicant has submitted steps to further promote the licensing objectives and to consider the impact on the CIZ. West Mercia Police has held a number of meetings with the applicant to gain a better understanding of the application to see what steps they are to take to ensure that the application does not impact on the CIZ in a negative manner by undermining it.

As a result of these discussions West Mercia Police do not object to this application. They would however seek to promote the licensing objectives by applying the below licensing conditions to any premises licence granted. In our view they are necessary, achievable and enforceable.

The representations make reference to a number of policies, West Mercia Police will want to see these policies prior to (and if so) this application being granted.

1. CCTV will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly facial recognition.

Cameras shall encompass all ingress and egress to the premises, fire exits, outside areas, and all areas where the sale/ supply of alcohol occurs.

Equipment MUST be maintained in good working order, be correctly time and date stamped, recordings MUST be kept in date order, numbered sequentially and kept for a period of 31 days and handed to Police on demand. The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format EITHER DISC or VHS to the Police, an authorised Herefordshire Trading Standards Officer or the Local Authority on demand if the request is made due to a serious incident (as defined by a senior police officer of the rank of Police Inspector or above); on all other occasions it will be provided within a period of no more than 48hrs., from the time the request is made.

The Recording equipment and tapes/discs shall be kept in a secure environment under the control of the DPS or other responsible named individual.

In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Police on contact number '101' immediately.

2. An incident log must be kept at the premises. Incident log records will be retained for a period of 12 months from the date it occurred. It will be made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003), an authorised Herefordshire Trading Standards Officer or the Police, which must record the following:

- All crimes reported to the venue
- All ejections of patrons
- Any incidents of disorder
- Seizures of drugs or offensive weapons
- Any faults in the CCTV system or searching equipment or scanning equipment
- Any refusal of the sale of alcohol.

3. The venue shall operate a last entry time for all customers. (Save for 'late night workers' who will provide written information that they have come from a place of work which has concluded after the last entry time). There shall be no re entry to premises allowed after these times.

When licensed for licensable activities to 0400hrs, last entry will be 0230hrs. On days when non standard times apply, the last entry time will be 0330hrs

4. A minimum of 1 (one) SIA registered door supervisor will be deployed at the front (main) door to the venue 30 minutes prior to the commencement of the last entry time, until the end of all licensable activities.
5. The premises licence holder or designated premises supervisor will give written notice a minimum of 14 days to the police and the Licensing Authority prior to any children event and teen/16+ event.
6. The DPS and all other staff shall ensure that no open containers containing alcohol are taken off the premises by customers.
7. The premises shall be an active member of any locally operating pub watch scheme while such a scheme or similar exists.
8. A minimum of 1 (one) 'pub watch' radio shall be held on the premises. It will be switched on and monitored at all times when the premises is open and undertaking licensable activities.
9. A personal licence holder will be on the premises from 2100hrs on all days from opening until the end of licensable activities
10. The premises licence holder will have a floor walker policy which will be provided on request to the police and Licensing Authority.
11. The maximum permitted numbers of persons in the premises including staff shall be in accordance with the premises Fire Risk Assessment.
12. A system shall be in place which is capable of showing the number of persons on the premises from 2030hrs until the end of licensable hours. This number shall be given immediately on demand to an officer from the Licensing Authority or police
13. Noise or vibration shall not emanate from the premises so as to cause a nuisance.
14. The Premises Licence Holder or DPS or the responsible person must immediately comply with any request to adjust noise levels/ frequency spectra made by an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police
15. After 2400hrs (midnight), any external areas of the premises used for licensable activities shall be monitored by the designated premises supervisor or appointed member of staff, to prevent public nuisance.

16. No amplified regulated entertainment will take place in any external areas after 2400hrs (midnight)
17. Prominent, clear and legible signage shall be displayed at all exits to the premises requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
18. No 'bottling out' will take place at the venue between the hours of 2300hrs and 0700hrs between 23:00 and 07:00.

19. Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all exits to the premises requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

20. 'Noise' from the premises should not be 'audible or discernable' within an occupied permanent structure where people normally reside or sleep, when assessed with windows and doors closed. 'In this condition; 'Noise' -is defined as sound which is created by entertainment consisting of either vocal (recorded or live) or instrumental music (recorded or live) or a combination of both. Audible or discernable' -is defined as 'noise' which is distinct above the general hubbub of activity on the site which can be identified by the human ear as originating from discrete sources from the licensed site'.

21. All external doors to the beer garden must be kept closed except for entrance and exit at all times from 2200hrs. Windows shall be closed at 23:00 hours and adequate ventilation provided.

22. No person under the age of 18 years (save for employees or performing artists) will not be allowed on the premises at anytime when the premises undertakes licensable activities – (save for times when teen events or 16+ events take place.) In addition when performers are engaged at the premises and they are under the age of 18 years, they will be accompanied by a responsible person of the age of 21 years or above

23. Children events - (defined as age 14 – 18yr events)

No alcohol shall be visible and alcohol dispensers rendered unusable for the duration of the event. Non-alcoholic beverages only shall be made available and the premises shall offer a free supply of drinking water;

A search policy will be implemented, any drink containers found will be removed from individuals seeking to gain entry;

At each and every event and for the full duration of the event there shall be present within the entertainment area a person who has received training as approved by Herefordshire Council in respect of the Safeguarding of Children to a minimum of Level 2.

Additional persons who have received safeguarding awareness skills shall be present at a ratio of 1:100 for the first 100 children and 1:50 thereafter. Such safeguarding awareness skills to be documented and records retained for a period of 12 months.

With the exception of staff and performers, an upper age of 18 years will be in place for customers and guests attending the premises.

24. Youth events/16+ nights:

Any bar at the premises shall be separate from the area used for regulated entertainment (as defined by the Licensing Act 2003);

No person under 18 shall be permitted access to the bar area unless accompanied by a parent, guardian or responsible person aged over 21;

Each and every person entering the bar shall on every occasion on entry be subject to the Challenge 25 policy;

A valid driver's licence, a valid passport or an identity card carrying the PASS hologram shall be the only acceptable documentation in respect of proof age;

No alcohol shall be removed from any bar area;

A bar area, which will contain non-alcoholic beverages shall be made available at the premises and shall offer a free supply of drinking water;

At each and every event and for the full duration of the event there shall be present within the entertainment area a person who has received training as approved by Herefordshire Council in respect of the Safeguarding of Children to a minimum of Level 2;

Additional persons who have received safeguarding awareness skills shall be present at a ratio of 1:100 for the first 100 customers and 1:50 thereafter. Such safeguarding awareness skills to be documented and records retained for a period of 12 months.

25. The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of an authorised person' (as defined by Section 13 of the Licensing Act 2003), an authorised Herefordshire Trading Standards Officer or the police. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any bar advertising the scheme operated.

26. All staff engaged in the sale of alcohol to be trained in responsible alcohol retailing to the minimum standard of BIIAB level 1 or any equivalent training course approved by Herefordshire Council Trading Standards within 1 month of commencing employment at the premises. Where there are existing staff this training shall be completed within 3 months of the date that this condition first appears on the licence. All trained staff will be retrained every 6 months. Training records shall be kept at the premises and produced to West Mercia Police, an 'authorised person' (as defined by S13 of the Licensing Act 2003) or an authorised trading standards officer of Herefordshire Council.

27. All staff (including SIA registered door staff) dealing with customers/guests will be trained in 'drug awareness' (drug awareness skills will involve the recognition of suspected illegal substances, their seizure and security until handed to the police and procedure to follow with regards to dealing with a member of the public who is suspected of being under the influence of an illegal drug, or in possession of a suspected illegal drug). This training will be provided within 4 weeks of employment and will be refreshed every 12 months. All existing staff will be trained within 4 weeks of this condition being applied to the premises licence. Training records will be made available on demand to the Licensing Authority, the police or other authorised person defined by S13 Licensing Act 2003. All training records will be retained for 12 months

28. A documented search policy shall be in place, and will be available for inspection by the police and the Licensing Authority upon request. Details of the search policy to be adopted for any event/function is to be contained in the written risk assessment

29. A documented dispersal policy shall be in place, and will be available for inspection by the Police and the Licensing Authority upon request.

30. No adult entertainment or services or activities must take place at the premises (Adult Entertainment includes, but is not restricted to, such entertainment or services which would generally include topless bar staff, striptease, lap-table, or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language).

These are the minimum conditions West Mercia Police would wish to see to any premises licence variation granted to this location

Regards

Jim Mooney (on behalf of Inspector 0795 SEMPER)
Harm Reduction/Community Safety Dept.,
Licensing & Harm Reduction Coordinator,
Policing Unit - Herefordshire,
West Mercia Police.
DDI 01432 347102
Switchboard '101' x 4702
james.mooney@westmercia.pnn.police.uk
[In Herefordshire we protect people from harm](#)

MEMORANDUM

To : **LICENSING OFFICER**

From : **Arran Semple**

Tel : **01432 261753** My Ref : **ASE/173837/EBO/PR00565**

Date : **23 March 2015** Your Ref :

**LICENSING ACT 2003
APPLICATION FOR NEW OR VARIATION OF PREMISES LICENCE
PLAY NIGHTCLUB, 55 BLUE SCHOOL STREET, HEREFORD, HEREFORDSHIRE, HR1
2AR**

Having assessed the above application, I would like to make the following representation:

| Representation | Industry Guidance |
|---|------------------------------|
| PREVENTION OF CRIME & DISORDER | |
| PUBLIC SAFETY | |
| <p>PREVENTION OF PUBLIC NUISANCE</p> <p>No waste such as bottles or refuse shall be placed outside the premises between 23:00 and 7:00.</p> <p>Where amplified regulated entertainment is provided, the premises licence holder or DPS or a responsible person nominated by either in writing will monitor noise emanating from the premises to ensure that no noise nuisance is being caused and where there is shall cause the noise to be reduced. A written record shall be kept on the premises detailing the name of the person carrying out the monitoring, the monitoring locations, the date and time and the result obtained. Such record shall be made available on demand of an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or police.</p> | |
| PROTECTION OF CHILDREN FROM HARM | |

REFERENCES

Please Reference the industry guidance from which your representation has been sourced.

**ARRAN SEMPLE
SENIOR TECHNICAL OFFICER
HEREFORDSHIRE COUNCIL**

Representation made by the Local Authority

I am an officer authorised under the Licensing Act 2003.

I refer to the application made for a variation to the premises licence in respect of the 'Play Nightclub, 51-55 Blue School Street, Hereford, HR1 2AR

The application is confusing as it is not clear what the applicant is requesting.

The summary box of the application states:

1. To extend permitted hours for the sale of alcohol, regulated entertainment and late night refreshment until 0330 Monday – Sunday
2. To extend the terminal hour for opening hours until 0400 Monday – Sunday
3. To add in Non Standard timings as detailed in the application requests the following licensable activities during the hours shown:

Yet the operating schedule states a terminal hour for all regulated entertainment of 0400 hours with a terminal hour of 0330 hours for alcohol.

In addition to this there is a request for an additional hour for numerous days of the year which would mean a terminal hour on these days of 0500 hours with premises closure at 0600 hours.

The Licensing Authority must **object** to the licence as applied for.

It is disappointing that whilst the applicants makes reference to the Special Policy they have failed to consider the impact on the public nuisance licensing objective caused their customers as they move away from the premises into residential areas.

The applicant states that the reason for extending the hours is because at 3 am the premises still holds a significant number of people. It is our opinion that the extending of the hours is neither the right nor the proper way to deal with the issues and will fail to promote the licensing objectives.

In principle the authority would not object to the hours being extended to 4 am in respect of the closing hours of the premises and late night refreshment. Furthermore it would not oppose the provision of recorded music being played at a background level until 4 am to aid dispersal. The extending of any other licensable activity will fail to address the problem and will only result in the problems presented being extended further into the early hours of the morning.

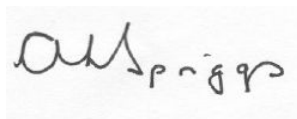
The authority objects to the proposed non-standard timings in their entirety.

The guidance under Section 182 of the Act states:

- 8.34 Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives that they understand:
- the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;
 - any risk posed to the local area by the applicants' proposed licensable activities; and
 - any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.

- 8.35 Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.
- 8.36 It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives.

Whilst the applicant has made reference to some of these issues they have failed to produce any 'real evidence' to support the statements made within the application.

A handwritten signature in black ink, appearing to read 'Fred Spriggs', is written on a light-colored rectangular background.

Fred Spriggs
Licensing Officer