

**Representation made by the Local Authority**

I am an officer authorised under the Licensing Act 2003.

I refer to the application made for a new premises licence in respect of the 'Left Bank, Hereford, HR4 9DG'.

The application requests the following licensable activities during the hours shown:

All days of the week 9 am to midnight:

- Plays (Indoors & Outdoors)
- Films (Indoors)
- Live music (Outdoors)
- Recorded music (Outdoors)
- Dance (Outdoors)

All days Late night refreshment 2300 to 0200 indoor and outdoor

All days - 24 hours

- Alcohol
- Recorded music (indoors)
- Life Music (Indoors)
- Dance (Indoors)

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

It is disappointing that the applicant appears to have failed to consider the Authority's Policy which would have directed them to the 'Model Pool of Conditions' and ensured that suitably worded conditions were offered.

Furthermore 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.

The authority is already aware of a licensed premises within close proximity to these premises which is already subject to noise complaints.

There are a considerable number of residential premises within the area of the premises to which this application relates. The applicant has given no consideration to the hours applied for in relation to the impact on local residents.

I am aware that the premises have planning restrictions placed upon it in relation to hours and also use of the outside areas.

The hours in relation to the premises are as follows:

Ground Floor

0800 to 0030 Monday to Saturday

0800 to 2330 Sundays

First and Second Floors

0800 to 0100 Monday to Thursday

0800 to 0200 Friday and Saturday

0800 to midnight Sundays

In addition to this a condition states that there shall be no amplified music or amplified entertainment on any of the terraces or balconies.

It is noted that these conditions were imposed to protect the amenities of occupiers of nearby dwellings.

Whilst this application is made under the Licensing Act and is not a re-run of the planning permission, as the Licensing Authority we believe that the hours shown within the planning application are both reasonable and proportionate. The hours shown will help promote the licensing objective of the prevention of public nuisance.

The Licensing Authority would be willing to withdraw its representation if the applicant was willing to agree with the following conditions on the licence:

1. Hours of operation for all licensable activities shall be:

Ground Floor

0800 to 0030 Monday to Saturday

0800 to 2330 Sundays

First and Second Floors

0800 to 0100 Monday to Thursday

0800 to 0200 Friday and Saturday

0800 to midnight Sundays

2. 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. A monitor shall be mounted on the wall at the premises where it is clearly visible to all members of the public. The monitor shall show the live CCTV footage being recorded. 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 the DPS or appointed member of staff is capable and competent at downloading any CCTV footage onto recordable media which shall be handed to the Police/Local Authority on demand. 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.

3. The DPS will employ SIA door staff at times when risk assessment dictates door supervision to be necessary. The risk assessment for each event shall be recorded in writing, kept at the premises and 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.
4. 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.
5. An incident log must be kept at the premises. Incident log records will be retained for a period of 12 months from the date of incident. 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:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received
  - (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 refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service
6. All bar 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 Trading Standards. (All existing staff shall be trained within one month of the date that this condition appears on this licence. All new staff shall be trained within one month of taking up employment. All staff shall be re-trained twelve months thereafter. Training records shall be kept on the premises which shall show the name of the training course attended, the date of the training, the name of the person undertaking the training and shall be produced to the police, an authorised Herefordshire Trading Standards Officer or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) on demand.
7. Noise or vibration shall not emanate from the premises so as to cause a nuisance.
8. 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
9. 'Noise' from the premises must not be 'audible or discernible' within any occupied permanent structure where people normally reside or sleep, when assessed with windows and doors closed. 'In these conditions; '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 discernible' - 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 premises'.

10. External areas of the premises shall not be used for licensable activities after 2300hrs.
11. No amplified entertainment shall take place in any external areas.
12. All staff shall be trained within one month of taking up employment. All staff shall be re-trained six monthly thereafter. The training shall include:
  - Drugs Awareness
  - Conflict resolution
  - Selling to under age person
  - Selling to drunksTraining records shall be kept on the premises which shall show the area of training covered, the date of the training, the name of the person and shall be signed by the trainer and trainee. This shall be produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) on demand.
13. The DPS and all other staff shall ensure that no vessels are taken off the premises by customers.
14. All staff shall wear clothing which identifies them as members of staff of the premises.
15. First aid  
A HSE Compliant Industrial High Response First Aid Kit for 21-50 people shall be kept fully stocked at the premises and kept behind the bar. Such kit shall contain:
  - 1 x Guidance Leaflet
  - 60 x Washproof Plasters
  - 6 x Eye Pads with Bandage
  - 8 x Triangular Bandages
  - 12 x Safety Pins
  - 16 x Assorted Sterile Dressings
  - 20 Moist Wipes
  - 3 Pairs Disposable Gloves
16. An accredited First aid trained person must be on duty at all times when the premises operate for licensable activities. [An accredited First Aid trained Person is defined as a person who holds a current certificate in first aid at work (FAW) issued by a training organisation approved by the Health & Safety Executive (HSE) or a current certificate in emergency first aid at work (EFAW) issued by a training organisation approved by the HSE or by a recognised awarding body of Ofqual or the Scottish Qualifications Authority or any other equivalent qualifications accepted by the Licensing Authority]
17. Electrical & Gas Installations  
All electrical wiring and distribution systems shall be tested at least once a year and signed off by a competent person whose name is shown within the Local Authority Building Control Part P Competent Persons Register (<http://www.competentperson.co.uk/search.asp>). The sign off certificate shall be

produced to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or Police on demand.

18. Any and all gas appliances (except cellar gas) used in the premises must be tested at least once a year and signed off by a competent person whose name appears within the current Gas Safety register (GSR). The sign off certificate shall be produced to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or Police on demand.

### Special Effects

19. The installation and use of laser beams, pyrotechnics or real flames, explosive or highly flammable or smoke producing agent, for any purpose shall not be permitted without prior notification to the Licensing Authority. Notification, together with a detailed description of the method of use, shall be made to the Licensing Authority not less than 14 days prior to the day on which the laser equipment is to be used.
20. The use of foam shall not be permitted without prior notification, in writing, to the Licensing Authority.

### Disabled people

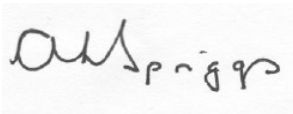
21. When disabled people are present, arrangements must exist to enable their safe evacuation in the event of an emergency. Details of the arrangements shall be recorded in writing and shall be made immediately available to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police on demand.
22. Disabled people on the premises must be made aware of the evacuation procedure.
23. All exits doors must be capable of being opened without the use of a key, card, code or similar means.
24. Automatic emergency lighting, powered by an independent source, shall be provided. Any emergency lighting batteries shall be fully charged before the admission of the public, members or guests. In the event of the failure of normal lighting, arrangements shall be in place to ensure that the public, members or guests leave the premises within the period of one-third of the total predicted life of the emergency lighting battery, unless within that time normal lighting has been restored and the battery has been fully re-charged.

### Capacity limits

25. 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.
26. All doors and windows at the premises shall be kept closed after 2300 except during immediate access and egress.
27. Where 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 at least every 60 minutes 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.

28. 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.
29. 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) 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.
30. A written 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.
31. 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).
32. No person under the age of 18 years shall be permitted to be on the premises after 2300 hour other than a member of staff employed at the premises or a child of the premises licence holder or DPS



**Fred Spriggs**  
**Licensing Officer**