

AGENDA

Regulatory Sub Committee

Date: **Friday 27 November 2009**

Time: **2.00 pm**

Place: **The Council Chamber, Brockington, 35 Hafod Road,
Hereford**

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

For any further information please contact:

Ricky Clarke, Democratic Services Officer

Tel: 01432 261885

Email: rclarke@herefordshire.gov.uk

If you would like help to understand this document, or would like it in another format or language, please call Ricky Clarke, Democratic Services Officer on 01432 261885 or e-mail rclarke@herefordshire.gov.uk in advance of the meeting.

Agenda for the Meeting of the Regulatory Sub Committee

Membership

Chairman

Vice-Chairman

Councillor RC Hunt

Councillor P Jones CBE

Councillor JD Woodward

GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS

The Council's Members' Code of Conduct requires Councillors to declare against an Agenda item(s) the nature of an interest and whether the interest is personal or prejudicial. Councillors have to decide first whether or not they have a personal interest in the matter under discussion. They will then have to decide whether that personal interest is also prejudicial.

A personal interest is an interest that affects the Councillor more than most other people in the area. People in the area include those who live, work or have property in the area of the Council. Councillors will also have a personal interest if their partner, relative or a close friend, or an organisation that they or the member works for, is affected more than other people in the area. If they do have a personal interest, they must declare it but can stay and take part and vote in the meeting.

Whether an interest is prejudicial is a matter of judgement for each Councillor. What Councillors have to do is ask themselves whether a member of the public – if he or she knew all the facts – would think that the Councillor's interest was so important that their decision would be affected by it. If a Councillor has a prejudicial interest then they must declare what that interest is. A Councillor who has declared a prejudicial interest at a meeting may nevertheless be able to address that meeting, but only in circumstances where an ordinary member of the public would be also allowed to speak. In such circumstances, the Councillor concerned will have the same opportunity to address the meeting and on the same terms. However, a Councillor exercising their ability to speak in these circumstances must leave the meeting immediately after they have spoken.

AGENDA

	Pages
1. ELECTION OF CHAIRMAN To elect a Chairman for the hearing.	
2. APOLOGIES FOR ABSENCE To receive apologies for absence.	
3. NAMED SUBSTITUTES (IF ANY) To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.	
4. DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda.	
5. APPLICATION FOR A VARIATION OF THE PREMISES LICENCE 'DUSK, 100 COMMERCIAL ROAD, HEREFORD, HR1 2BJ.' To consider an application for a variation of the premises licence in respect of Dusk, 100 Commercial Road, Hereford, HR1 2BJ.	1 - 8
Background Papers - Dusk - Application Form	9 - 20
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The Public's Rights to Information and Attendance at Meetings

YOU HAVE A RIGHT TO: -

- 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.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.

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- The nearest bus stop to Brockington is located in Vineyard Road near to its junction with Old Eign Hill. The return journey can be made from the same bus stop.

HEREFORDSHIRE COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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You should then proceed to Assembly Point J which is located at the southern entrance to the car park. A check will be undertaken to ensure that those recorded as present have vacated the building following which further instructions will be given.

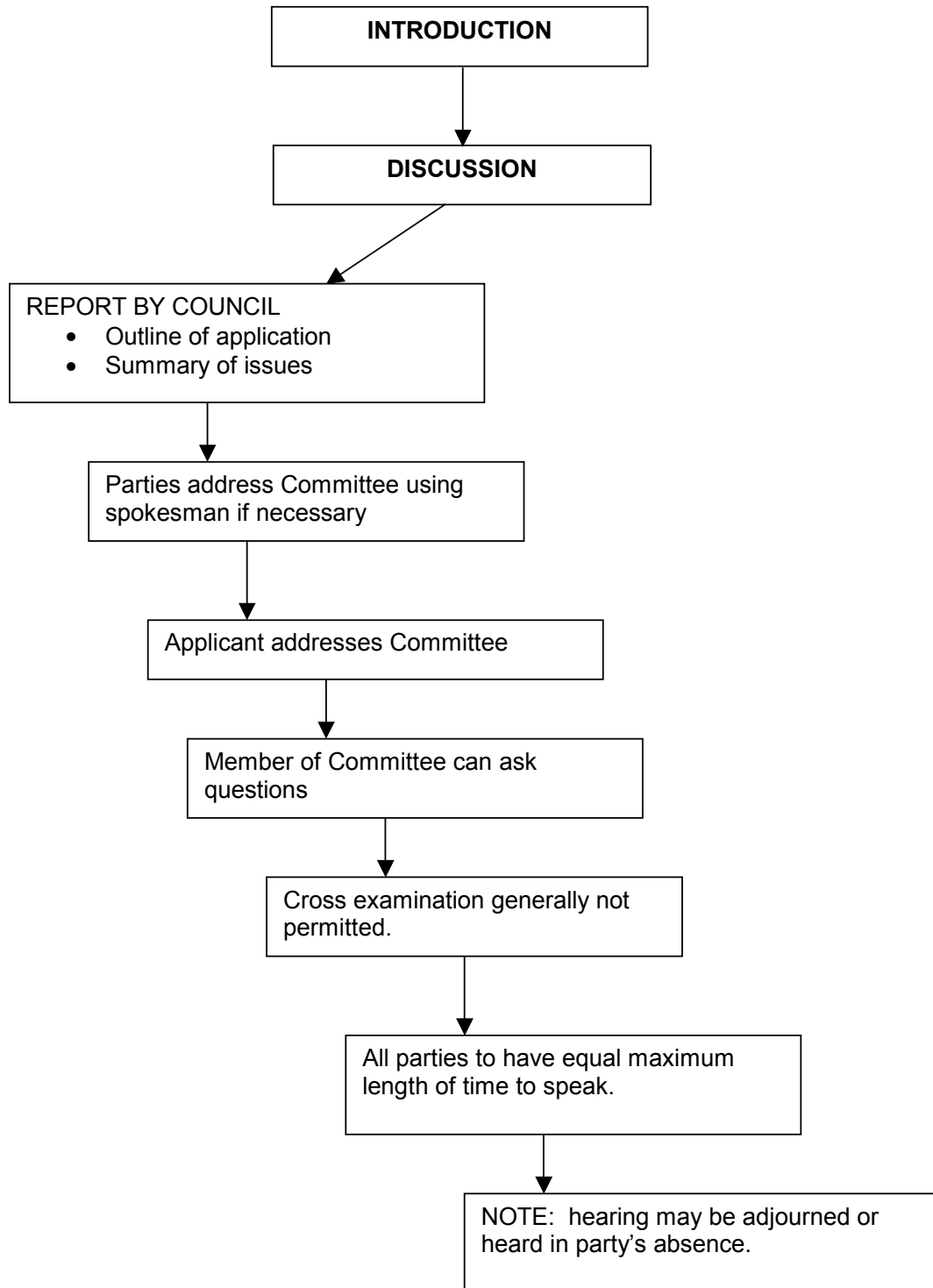
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LICENCING HEARING FLOW CHART



MEETING:	REGULATORY SUB COMMITTEE
DATE:	27 NOVEMBER 2009
TITLE OF REPORT:	APPLICATION FOR VARIATION OF PREMISES LICENCE 'DUSK, 100 COMMERCIAL ROAD, HEREFORD, HR1 2BJ.' - LICENSING ACT 2003
PORTFOLIO AREA:	ENVIRONMENT & CULTURE

CLASSIFICATION: Open

Wards Affected

Hereford City

Purpose

To consider an application for a variation of the premises licence in respect of the Dusk, 100 Commercial Road, Herford, HR1 2BJ.

Key Decision

This is not a Key Decision.

Recommendation

THAT the Sub-Committee determines 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 necessary 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.

Key Points Summary

- 1 Public Representation against the application
- No Representations from the Responsible Authorities

Further information on the subject of this report is available from
Fred Spriggs – Licensing Officer 01432 383542

Options

- 1 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,
- b) Grant the licence subject to modified conditions to that of the operating schedule where the committee considers it necessary for the promotion of the licensing objectives and add mandatory conditions set out in the Licensing Act 2003,
- c) To exclude from the scope of the licence any of the licensable activities to which the application relates,
- d) To refuse to specify a person in the licence as the premise supervisor, or
- e) To reject the application.

Reasons for Recommendations

- 2 Ensures compliance with the Licensing Act 2003.

Introduction and Background

3 Background Information

Applicant	Dusk, 100 Commercial Road, Hereford, HR1 2BJ	
	Helena Leisure 28 Ltd	
Solicitor	Poppleston Allen	
Type of application:	Date received:	28 Days consultation
New Application	2/10/09	30/10/09

Licence Application

- 7 The application for a variation of the premises licence has received a representation and is brought before the committee for determination.

Current Licence

- 8 The premises is currently licensed as follows: -
An exhibition of a film; A boxing or wrestling entertainment; A performance of live music; Any playing of recorded music; A performance of dance; Provision of facilities for Making music; Provision of facilities for Dancing; Sale by retail of alcohol
Monday-Sunday: 11:00 - 03:00

Provision of late night refreshment
Monday-Sunday: 23:00 - 03:00

Non-Standard Timings

An additional hour to the standard and non standard times on the day when British Summer Time Commences.

New Years Eve from 1100 to end of permitted hours on New Years Day

Seasonal variations: None

Summary of Application

- 9 The application is for An exhibition of a film; A boxing or wrestling entertainment; A performance of live music; Any playing of recorded music; A performance of dance; Provision of facilities for Making music; Provision of facilities for Dancing; Late Night Refreshment, (all indoors), Sale by retail of alcohol (on the premises)

The following hours have been applied for in respect of: -

All the licensable activities (except Late Night Refreshment)

Friday & Saturday 11:00 to 04:00

Late Night Refreshment

Friday & Saturday 23:00 to 04:00

- 10 The application applies for non-standard timings as follows:-

All licensable activities Bank Holiday Sundays until 0400 the following morning.

Summary of Representations

- 11 A copy of the representations made by the Local Resident can be found within the background papers.

- 12 No representations have been received from the Responsible Authorities.

- 13 These in main address the 2 licensing objectives of: -

Prevention of Public Nuisance

Key Considerations

- 14 To consider what action should be taken, if any, to promote the four licensing objectives in accordance with the recommendation.

Community Impact

- 15 The granting of the licence as applied for may have an impact on the Community.

Legal Implications

- 16 The Committee are reminded that these premises are within the area of the Herefordshire Council Special Policy (Appendix a).
- 17 The Committees attention is drawn to the Guidance issued under Section 182 which states at:
- 13.29 The effect of adopting a special policy of this kind is to create a rebuttable presumption that applications for new premises licences or club premises certificates or variations that are likely to add to the existing cumulative impact will normally be refused, following relevant representations, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.
- 18 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.
- 19 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.
- 20 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.
- 21 The case of R. (on the application of JD Wetherspoon Plc) v Guildford BC, 2006 EWHC 815 (Admin) in the High Court of Justice in the Queens Bench Division Administrative Court, Royal Courts of Justice, Strand, London, WC2A 2LL on Tuesday 11th April, 2006 before : The Honourable Mr Justice Beaton.
- 22 This case involved an application by JD Wetherspoon PLC at their Lloyds No.1 Premises in Guildford which involved an increase in hours within an area of Special Policy. In this case it was said that; -
- 'the words "material variation" are capable of including a variation of hours if such variation is directly relevant to the cumulative impact policy.'
- 23 Schedule 5 gives a right of appeal to: -
- Rejection of applications relating to premises licences
- 1 Where a licensing authority—
- (a) rejects an application for a premises licence under section 18,
 - (b) rejects (in whole or in part) an application to vary a premises licence under section 35,
 - (c) rejects an application to vary a premises licence to specify an individual as the premises supervisor under section 39, or
 - (d) rejects an application to transfer a premises licence under section 44,
- the applicant may appeal against the decision.

Decision to grant premises licence or impose conditions etc.

2(1) This paragraph applies where a licensing authority grants a premises licence under section 18.

(2) The holder of the licence may appeal against any decision—

(a) to impose conditions on the licence under subsection (2)(a) or (3)(b) of that section, or

(b) to take any step mentioned in subsection (4)(b) or (c) of that section (exclusion of licensable activity or refusal to specify person as premises supervisor).

(3) Where a person who made relevant representations in relation to the application desires to contend—

(a) that the licence ought not to have been granted, or

(b) that, on granting the licence, the licensing authority ought to have imposed different or additional conditions, or to have taken a step mentioned in subsection (4)(b) or (c) of that section,

he may appeal against the decision.

(4) In sub-paragraph (3) “relevant representations” has the meaning given in section 18(6).

24 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.

Consultees

25 Responsible authorities and persons living within the vicinity or with a business interest within the vicinity of the premises.

26 A copy of the application was served on the responsible authorities. This was backed up by an email sent to them by the Licensing Authority.

27 The notice of application was displayed on the premises prior to the start of the consultation period and for a period of 28 days. In addition, notice of the application was required to be published in a newspaper which was circulated within the vicinity of the premises.

28 The applicant has produced a copy of that advertisement. Whilst this covers the main application no reference has been made to the non-standard timings applied for.

Appendices

29 a. Special Policy
b. Public Representation

Background Papers

Background papers are available for inspection in the Council Chamber, Brockington, 35 Hafod Road, Hereford 30 minutes before the start of the hearing.

NOTES

Licensing Authority's power to exercise substantive discretionary powers.

**The British Beer and Pub Association (2) The Association of Licensed Multiple Retailers (3)
The British Institute of Inn keeping V Canterbury City Council.**

Contesting the validity of the Licensing policy that asks for certain requirements before the application has been submitted. In the summing up the Judge states; the scheme of the legislation is to leave it to applicants to determine what to include in their applications, subject to the requirements of Section 17 and the Regulations as to the prescribed form and the inclusion of a statement of specified matters in the operating schedule. An applicant, who makes the right judgement, so that the application gives rise to no relevant representations, is entitled to the grant of a licence without the imposition of conditions. The licensing authority has no power at all to lay down the contents of an application and has no power to assess an application, or exercise substantive discretionary powers in relation to it, unless there are relevant representations and the decision – making function under section 18 (3) is engaged.

Appendix One

Special Policy

1. There is a concentration of licensed premises in the Commercial Road Area of Hereford City which are already causing a cumulative and detrimental impact on the following licensing objectives:
 - The prevention of crime and disorder
 - Public Safety
 - The prevention of public nuisance
2. The specific areas made the subject of this special policy are as follows:-
 - The full length of Commercial Road from its junction with Blueschool Street to its junction with Aylestone Hill.
 - 100 metres of Blueschool Street, West from its junction with Commercial Road.
 - 50 metres of Bath Street, East from its junction with Commercial Square.
 - 50 metres of Commercial Street, South from its junction with Commercial Square.
 - 50 metres of Union Street, South from its junction with Commercial Square.
3. The Council has a Special Policy of refusing new licences whenever it receives relevant representations about the cumulative impact that it concludes should lead to refusal.
4. These conclusions will be drawn from an evidential basis. Consideration of the adoption of a Special Policy include:
 - Identification of concern about crime and disorder and public nuisance;
 - Consideration of whether it can be demonstrated that crime and disorder and nuisance are arising and are caused by the customers of licensed premises, and if so identifying the area and the boundaries of the area from which the problems are arising; or that risk factors are such that the area is reaching a point where a cumulative impact is imminent.
5. The effect of this is to create a rebuttal presumption that applications for new premises or material variations will normally be refused if relevant representations to that effect are made unless it can be demonstrated that the operation of the premises will not add to the cumulative impact already being experienced. The Special policy does not relieve responsible authorities or interested parties of the need to make a relevant representation.
6. Special Policies will be reviewed regularly to assess if they are still needed or if they require expansion.

County of Herefordshire District Council

Application to vary a premises licence under the Licensing Act 2003

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.

We Helena Leisure 28 Limited
 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 PR00028

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Dusk 100 Commercial Road			
Post town	Hereford	Post code	HR1 2BJ

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£60,100.00

Part 2 – Applicant details

Daytime contact telephone number			
E-mail address (optional)			
Current postal address if different from premises address	15 Titan Court Laporte Way		
Post Town	Luton	Postcode	LU4 8EF

Part 3 - Variation

Please tick yes

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

If not do you want the variation to take effect from

Day	Month	Year												
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Please describe briefly the nature of the proposed variation (Please see guidance note 1)
To extend the sale of alcohol, regulated entertainment and late night refreshment until 0400 the following morning Fridays, Saturdays and Bank Holiday Sundays.

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 yes

- 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 entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

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

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

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play 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					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			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 (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon			NO CHANGE		
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur					
Fri	11:00	04:00	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 (please read guidance note 5)		
Sat	11:00	04:00			
Sun			Bank Holiday Sundays until 0400 the following morning. All other hours to remain as existing.		

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 4)
Tue			
Wed			
Thur			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			
Sat			
Sun			

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 checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Both	<input type="checkbox"/>	Please give further details here (please read guidance note 3)
Tue			NO CHANGE		
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
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	11:00	04:00			
Sat	11:00	04:00			
Sun					
			Bank Holiday Sundays until 0400 the following morning. All other hours to remain as existing.		

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) NO CHANGE		
Mon					
Tue			State any seasonal variations for the performance of live music (please read guidance note 4)		
Wed					
Thur			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 (please read guidance note 5) Bank Holiday Sundays until 0400 the following morning. All other hours to remain as existing.		
Fri	11:00	04:00			
Sat	11:00	04:00			
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) NO CHANGE		
Mon					
Tue			State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Wed					
Thur			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 (please read guidance note 5) Bank Holiday Sundays until 0400 the following morning. All other hours to remain as existing.		
Fri	11:00	04:00			
Sat	11:00	04:00			
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)		Indoors	<input checked="" type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)			
Mon			NO CHANGE			
Tue						
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)			
Thur						
Fri	11:00	04:00	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 (please read guidance note 5)			
Sat	11:00	04:00				
Sun			Bank Holiday Sundays until 0400 the following morning. All other hours to remain as existing.			

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					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 3)			
Wed						
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)			
Fri						
Sat			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)			
Sun						

Provision of facilities for making music Standard days and timings (please read guidance note 6)			Please give a description of the facilities for making music you will be providing	
Day			Will the facilities for making music be indoors or outdoors or both – please tick (please read guidance note 2)	
			Indoors	<input checked="" type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	
Tue			NO CHANGE	
Wed			State any seasonal variations for the provision of facilities for making music (please read guidance note 4)	
Thur				
Fri	11:00	04:00	Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sat	11:00	04:00		
Sun			Bank Holiday Sundays until 0400 the following morning. All other hours to remain as existing.	

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick (see guidance note 2)	
Day			Indoors	
			<input checked="" type="checkbox"/>	
			Outdoors	
			Both	
			<input type="checkbox"/>	
Mon			Please give further details here (please read guidance note 3)	
Tue			NO CHANGE	
Wed			State any seasonal variations for providing dancing facilities (please read guidance note 4)	
Thur				
Fri	11:00	04:00	Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sat	11:00	04:00		
Sun			Bank Holiday Sundays until 0400 the following morning. All other hours to remain as existing.	

K

Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment facility you will be providing		
Day	Start	Finish	Will the entertainment facility be indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 3)		
Wed					
Thur			State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j (please read guidance note 4)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3) NO CHANGE		
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur					
Fri	23:00	04:00	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 (please read guidance note 5)		
Sat	23:00	04:00			
Sun			Bank Holiday Sundays until 0400 the following morning. All other hours to remain as existing.		

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon					
Tue					
Wed					
Thur					
Fri	11:00	04:00			
Sat	11:00	04:00			
Sun			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)		
			Bank Holiday Sundays until 0400 the following morning. All other hours to remain as existing.		

N

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)

None

O

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					
Tue					
Wed					
Thur					
Fri	1100	04:30			
Sat	11:00	04:30			
Sun			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)		
			Bank Holiday Sundays until 0430 the following morning. All other hours to remain as existing.		

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
None

Please tick yes

- 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 failed to enclose the premises licence or relevant part of premises licence

P 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,e) (please read guidance note 9)

These premises will continue to observe the existing conditions on the Premise Licence Operating Schedule during the extended hours as amended by this application.

b) The prevention of crime and disorder

See box a) above.

c) Public safety

See box a) above.

d) The prevention of public nuisance

See box a) above.

e) The protection of children from harm

See box a) above.


Please tick yes

- 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 CONVICTION TO A FINE UP TO 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	
Date	01 October 2009
Capacity	Poppleston Allen Solicitors <i>for and on behalf of the applicant</i>

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)

Angela Gardner - P33464/199
 Poppleston Allen Solicitors
 37 Stoney Street
 The Lace Market

Post town	Nottingham	Post code	NG1 1LS
Telephone number (if any)	0115 9349 157		
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			
a.gardner@popall.co.uk			

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, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. 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, 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, both 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.

TO THE LICENCE DEPT.

REFERENCE DUSK NIGHT CLUB. COMMERCIAL RD.

PLEASE FIND ENCLOSED OUR REASONS FOR YOU TO
REVOKE THE APPLICATION FOR EXTENDED HOURS, SUBMITTED BY THE ABOVE NAMED
ESTABLISHMENT.

DEPT. OF LICENSING SECTION
RECEIVED
26 OCT 2009

AT THIS MOMENT IN TIME WE ARE ~~TO ALL HAVING~~
PROBLEMS WITH LATE NIGHT REVELLERS IN
COMMERCIAL RD. WANDERING THE ROAD SINGING
SHOUTING OUT SIDE OUR HOME AND EATING COLD
FOOD SERVED BY THE PREMISES NEXT DOOR TILL
4AM IN THE MORNING & EVEN LATER DEPENDING
ON DEMAND. CAUSING US MANY SLEEPLESS NIGHTS,
ESPECIALLY ON WEEK ENDS.

IF YOU EXTEND THESE UNSOCIABLE OPENING HOURS
YOU WILL ONLY COMPOUND OUR PROBLEMS.

THE OTHER MAJOR PROBLEM ARE TAXIS. THEY PARK
IN SINGLE & DOUBLE LINES, DOWN THE LENGTH
OF THE ROAD. IGNORING PARKING RESTRICTIONS
CAUSING NOISE & POLLUTION. WAITING TO PICK UP
LATE NIGHT REVELLERS FROM THIS ESTABLISHMENT
AND OTHERS IN OUR VICINITY. THERE ARE DESIGNATED
PICK UP POINTS, BUT THEY DO NOT ADHERE TO THESE
ZONES & THE AUTHORITIES DO NOT POLICE OR
MONITOR THIS PROBLEM.

SO PLEASE IN NOT GRANTING THIS APPLICATION
YOU WILL NOT GO AGAINST THE THE OPINION.

OF THE NATION & GOVERNMENT THAT THERE
IS A GREAT NEED TO RESOLVE THE PROBLEM
OF BINGE DRINKING ANTI SOCIAL BEHAVIOR
& LONG EVENING HOURS
THE SOLUTION IS IN YOUR HANDS
SO PLEASE DON'T THROW IT AWAY AND WE RETURN
TO THE OLD PROBLEMS OF COMMERCIAL RT.