

Public Document Pack

Date of meeting Monday, 13th April, 2015
Time 2.00 pm
Venue Committee Room 2, Civic Offices, Merrial Street,
Newcastle-under-Lyme, Staffordshire, ST5 2AG
Contact Jan Barron 742224

Licensing Sub-Committee

AGENDA

PART 1 – OPEN AGENDA

- | | | |
|---|---|-----------------|
| 1 | Appendix A - Natural Justice Guidance Notes | (Pages 3 - 4) |
| 2 | Appendix B Human Rights Guidance Notes | (Pages 5 - 6) |
| 3 | Appendix C Procedure to be followed by the Sub-Committee | (Pages 7 - 8) |
| 4 | Application For a Premise Licence - The Seabridge. 174
Seabridge Lane, Seabridge, Newcastle, Staffs. | (Pages 9 - 10) |
| 5 | Background Information | (Pages 11 - 42) |
| 6 | Objection Letters | (Pages 43 - 46) |

Members: Councillors Hambleton, Mrs Williams and Mrs Winfield

PLEASE NOTE: The Council Chamber and Committee Room 1 are fitted with a loop system. In addition, there is a volume button on the base of the microphones. A portable loop system is available for all other rooms. Should you require this service, please contact Member Services during the afternoon prior to the meeting.

Members of the Council: If you identify any personal training/development requirements from any of the items included in this agenda or through issues raised during the meeting, please bring them to the attention of the Democratic Services Officer at the close of the meeting.

Meeting Quorums :- 16+= 5 Members; 10-15=4 Members; 5-9=3 Members; 5 or less = 2 Members.

Officers will be in attendance prior to the meeting for informal discussions on agenda items.

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GUIDANCE NOTES

NATURAL JUSTICE AND FAIRNESS

These are the principles used in the determination of just or fair processes and stem from the common law legal system.

According to Roman law, certain basic legal principles were so obvious that they should be applied universally without the need to be enacted into the law.

The rules of natural justice are now regularly applied by courts in both common law and civil law jurisdictions.

Natural justice operates on the principles that man is basically good, that a person of good intent should not be harmed and one should treat others as they would like to be treated.

Natural justice includes the notion of procedural fairness and may incorporate the following guidelines:-

- A person accused of a crime, or at risk of some form of loss, should be given adequate notice about the proceedings (including any charges);
- A person making a decision should declare any personal interest they may have in the proceedings;
- A person who makes a decision should be unbiased and act in good faith. He therefore cannot be one of the parties in the case, or have an interest in the outcome. This is expressed in the Latin maxim, *nemo iudex in causa sua*: "no man is permitted to be judge in his own cause";
- Proceedings should be conducted so they are fair to all the parties – expressed in the Latin maxim, *audi alteram* : "let the other side be heard";
- Each party to a proceeding is entitled to ask questions and contradict the evidence of the opposing party;
- A decision-maker should take into account relevant considerations and extenuating circumstances, and ignore irrelevant considerations;
- Justice should be seen to be done. If the community is satisfied that justice has been done they will continue to place their faith in the courts.

Where a person's legal rights are concerned, the principles of natural justice are bolstered by Article 6 of the European Convention on Human Rights which is now incorporated into domestic law.

THE RULE AGAINST BIAS

It is elementary to the rules of natural justice that the deciding body is to be free from bias.

The rule is that the body must be and be seen to be impartial, independent and disinterested.

There are two broad categories of bias:

- (a) Actual Bias: when the decision-maker has an economic interest in the outcome of the case (also known as a material or pecuniary interest) subject to the De Minimum doctrine;
- (b) Reasonable Apprehension: unbiased appearance is an essential part of procedural fairness. The test is whether, having regard to the circumstances, a well informed person ("reasonably informed bystander") would consider that the interest might have an influence on the exercise of the decision-maker's duties.

GUIDANCE NOTES

HUMAN RIGHTS ACT 1998

In addition to the Rules of Natural Justice, you must also have regard to the provisions of the Human Rights Act 1998.

Rights and Freedoms to be considered when determining matters

ARTICLE 6: RIGHT TO A FAIR TRIAL

1. In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgement shall be pronounced publicly, but the press and public may be excluded from all or part of the trial in the interest of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.
2. Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.
3. Everyone charged with a criminal offence has the following minimum rights:
 - (a) to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him;
 - (b) to have adequate time and facilities for the preparation of his defence;
 - (c) to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means, to pay for legal assistance, to be given it free when the interests of justice so require;
 - (d) to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
 - (e) to have the free assistance of an interpreter if he cannot understand or speak the language used in court.

ARTICLE 8: RIGHT TO RESPECT FOR PRIVATE AND FAMILY LIFE

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

ARTICLE 10: FREEDOM OF EXPRESSION

1. Everyone has the right to freedom of expression. This rights shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.

2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

ARTICLE 14: PROHIBITION OF DISCRIMINATION

The enjoyment of the rights and freedoms set fourth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

NB This is not a substantive right, but comes into play if other rights are likely to have been infringed. The prohibition is wide, but not exhaustive

ARTICLE 1: OF THE FIRST PROTOCOL PROTECTION OF PROPERTY

Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

NOTE Possessions, in this context, includes the right to apply for a licence, the right to hold and retain a licence, the goodwill of a business and liquor licences.

PROCEDURE TO BE FOLLOWED BY THE LICENSING SUB-COMMITTEE

NOTE:

All hearings will normally be held in public. However, the Licensing Sub-Committee may exclude the public from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing or that part of the hearing taking place in public. A party or that party's representatives may be treated as a member of the public and therefore excluded from the meeting for all or part of the hearing, and all parties have the right to be represented and to call witnesses.

The Clerk to the Committee will have the right to ask questions on behalf of the Committee of any party to the proceedings.

PROCEDURE:

1. The Chair of the Sub-Committee will open the meeting and introduce the members of the committee and call upon the parties to identify themselves and their representatives and to identify any witnesses they intend to call.
2. The Chair of the Sub-Committee will call upon the Clerk to the Committee to explain to the parties the procedures which will be followed at the hearing. Unless the Chair directs otherwise, each party will normally have a maximum period of one hour in which to give further information and call any witnesses in support of their case. In every case, all parties will have an equal maximum period.
3. The Chair of the Sub-Committee will then normally call upon the interested party or the responsible authority which has made a relevant representation against the grant of an application to provide evidence in support of their representation.
4. The applicant will then have an opportunity to question that person
5. Members of the Sub-Committee will then have the opportunity to question that party or responsible authority.
6. Any person who has made relevant representations will then call any witness in support.
7. The applicant will then have an opportunity to question that witness.
8. Members of the Sub-Committee will then have the opportunity to question that person.
9. Stages 6 to 8 will then be repeated for each person making relevant representations.
10. The applicant will then have the opportunity to give evidence in response to the application and in response to the relevant representations which have been made.
11. The interested party or responsible authority will then have an opportunity to question the applicant.

Appendix C

12. Members of the Sub-Committee will then have the opportunity to question the applicant.
13. Stages 10 to 12 will be repeated for any witnesses on behalf of the holder of the applicant.
14. The interested party or responsible authority will have the right to address the sub committee.
15. The applicant will have the right to address the Sub-Committee in summing up his case.
16. All parties will then leave the room while the Sub-Committee consider their decision.
17. The Sub-Committee will normally make their determination at the conclusion of the hearing, but when this is not possible, will make its determination within the period of five working days beginning with the day on which the hearing was held.

Application to/for: Minor Variation to a Premise Licence

Submitted by: The Seabridge, 174 Seabridge Lane, Newcastle under Lyme, Staffordshire, ST5 3HA

Portfolio: Safer Communities

Ward(s) affected: Seabridge

Purpose of the Report

An application for a minor variation to a premise licence has been received for the The Seabridge, 174 Seabridge Lane, Newcastle under Lyme, Staffordshire, ST5 3HA. Representations have been received from other parties on the basis that to grant the application would undermine the licensing objective relating to public nuisance. The application is to extend the opening hours of the premises to 07.00am to provide breakfast service. The applicant is not requesting any alterations to the permitted hours for licensable activities, the timings for such activities remain as existing.

Recommendations

The Sub-Committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

- (a) To grant the application as requested.
- (b) To reject or amend the application.

1. Details of Application

Applicants: Mitchells & Butlers leisure Retail Limited, 27 Fleet Street, Birmingham, West Midlands B3 1JP

Premises: The Seabridge, 174 Seabridge Lane, Newcastle under Lyme, Staffordshire, ST5 3HA

Application for:
Details of Requested Minor Variation:

OPENING HOURS OF THE PREMISE – Current	OPENING HOURS OF THE PREMISE (Indoors) – Requested
Monday to Sunday 10.00 00.00	Monday to Sunday 07.00 to 00.00

2. Consultation

Representations have been received from residents in the vicinity of the premises stating that to grant the licence would undermine the licensing objective concerning the prevention of public nuisance.

3. Policy Considerations

Licensing Objectives

The Licensing Act 2003 requires the Council to carry out its various licensing functions so as to promote the following four licensing objectives:

- i. the prevention of crime and disorder
- ii. public safety
- iii. the prevention of public nuisance
- iv. the protection of children from harm

Policy Statement

The Licensing Act 2003

The Licensing Act 2003 require the Council to publish a "Statement of Licensing Policy" that sets out the policies the Council will generally apply to promote the licensing objectives when making decisions on applications made under the Act.

The Council made a number of policy decisions in its Statement of Licensing Policy. The following policy decision is relevant to the application:

- I. the prevention of public nuisance – (paragraph 4.2)

Statutory Guidance relating to the Licensing Objectives relevant to the application:

- (i) Public nuisance - (paragraphs 2.18 to 2.24).

Copies of the Council's Statement of Licensing Policy and the Governments Statutory Guidance will be available at the Sub-Committee meeting.

4. Comments.

In making their decision on the application, the Sub-Committee are obliged to have regard to Statutory Guidance and the Council's own statement of Licensing Policy. The Sub-Committee must also have regard to all the representations made and the evidence they hear. However, the Sub-Committee must disregard any objections that do not relate to the promotion of any of the four licensing objectives.

The Sub-Committee must take such of the following steps as they consider appropriate for the promotion of the licensing objectives as set out in the paragraph above:

- i. grant the application as requested.
- ii. to reject or amend the application.

The Sub-Committee are asked to note that they may not reject the application merely because they consider it desirable to do so. It must actually be appropriate in order to promote the licensing objectives

DATE OF HEARING – MONDAY 13TH APRIL 2015 AT 2.00PM

Agenda Item 5

Newcastle-under-Lyme Borough Council

Application for a minor variation to a premises licence or ~~club premises certificate~~ 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, especially Note 1. 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 in black ink. Use additional sheets if necessary. Once completed please send your application to the relevant licensing authority. You may wish to keep a copy of the completed form for your records.

Mitchells & Butlers Leisure Retail Limited

(Insert name(s) of applicant)

We being the premises licence holder(s) / ~~club holding a club premises certificate~~, apply to vary a premises licence under section 41A / ~~club premises certificate under section 86A~~ of the Licensing Act 2003 for the premises described in Part 1 below.

Part 1 – Premises details

Postal address of premises (or, if none, ordnance survey map reference, or description) Seabridge 174 Seabridge Lane	
Post town Newcastle under Lyme	Post Code ST5 3HA

*Scanned
to
all
19.3.15
CR*

Telephone number at premises (if any)

01782 629574

Premises licence number/~~club premises certificate number~~

PL0142

Brief description of premises (Please see Guidance Note 2)

As existing

Part 2 – Applicant Details

Please tick ✓

We are the premises licence holder/~~club premises certificate holder~~
Contact phone number in working hours (if any)

0121 498 4000

Applicant Postal address IF DIFFERENT FROM PREMISES ADDRESS Mitchells & Butlers Leisure Retail Limited 27 Fleet Street	
Post town Birmingham	Postcode B3 1JP
Please provide email address if you would prefer us to contact you by email (optional) licensing.admin@mbplc.com	

Part 3 – Proposed variation(s)

Please tick ✓ yes

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

Day Month Year

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

Please describe the proposed variation(s) in detail in the box below and explain why you consider that they could not have an adverse effect on the promotion of any of the licensing objectives (See Guidance Note 1). This should include whether new or increased levels of licensable activities will be taking place indoors or outdoors (indoors may include a tent):

Details of proposed variations (Please see Guidance Note 3) To extend the opening hours of the premises (including any standard and non standard timings) to trade from 07:00 on Monday to Sunday, in order to serve breakfast. All licensable activities and timings for such licensable activities to remain as existing.

Details of proposed variations (Continued) See above
--

Part 4 – Operating Schedule

Please tick those parts of the Operating Schedule which would be subject to change if this application to vary were successful.

Provision of regulated entertainment

Please tick ✓ yes

- a. plays
- b. films
- c. indoor sporting events
- d. boxing or wrestling entertainment
- e. live music
- f. recorded music
- g. performances of dance
- h. anything of a similar description to that falling within (e), (f) or (g)

Provision of entertainment facilities for

Please tick ✓ yes

- i. making music
- j. dancing
- k. entertainment of a similar description to that falling within (i) or (j)

Provision of late night refreshment

Sale by retail of alcohol

(Note that this can only relate to reducing licensed hours, or moving them without any overall increase between 7am and 11pm)

Enclosures

- I have enclosed the premises licence/~~club premises certificate~~
- I have enclosed the relevant part of the premises licence/~~club premises certificate~~
- I have included a copy of the plan
(necessary if the proposed variation will affect the layout)

If you have not ticked one of the previous three boxes, please explain why in the box below.

Reasons why you have failed to enclose the premises licence/~~club premises certificate~~ or relevant parts.

N/A

Any further information to support your application. (See Guidance Note 4)

N/A

CHECKLIST:

Please tick ✓ yes

- I have made or enclosed payment of the fee or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have enclosed the plan, if appropriate, of the premises in scale (1mm to 100mm), unless otherwise agreed with the licensing authority
- I have enclosed the premises licence/~~club premises certificate~~ or relevant part
- of it or provided an explanation
- I understand that if I do not comply with the above requirements my application will be rejected.
- I understand that I am required to advertise my application by posting a white notice a or on the premises for ten consecutive working days commencing on, and including the day after the day when my application is given to the licensing authority.

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 and Contact Details

(See Guidance Note 5)

Premises Licence: Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent. (See Guidance Note 6) If signing on behalf of the applicant, please state your name and in what capacity you are authorised to sign:

Signature: 

Date: 16th March 2015

Capacity: We Poppleston Allen – Licensing Solicitors sign on behalf of and have authority to bind the applicant.

~~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 (See Guidance Note 7). If signing on behalf of the applicant please state in what capacity.~~

~~Signature:~~

~~Date:~~

~~Capacity: I / We (insert full name and capacity) sign on behalf of and have authority to bind the applicant.~~

~~Where the premises is a club~~

~~I (insert full name) make this application on behalf of the club and have authority to bind the club~~

~~Signature:~~

~~Date:~~

~~Capacity: I / We (insert full name and capacity) sign on behalf of and have authority to bind the applicant.~~

Contact name (where not previously given) and address for correspondence associated with this application. (See Guidance Note 8) Lisa Sharkey Poppleston Allen Solicitors 37 Stoney Street The Lace Market	
Post town Nottingham	Post code NG1 1LS
Telephone number (if any) 0115 9538504	If you would prefer us to correspond with you by email your email address (optional) l.sharkey@popall.co.uk

Notes for Guidance

1. General Note: The minor variations process can only be used for variations that could have no adverse impact on the promotion of any of the four licensing objectives. (These are: the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm.)

It cannot be used to:

- extend the period for which the licence or certificate has effect;
- transfer the licence or certificate from one premises to another;
- specify, in a premises licence, an individual as the premises supervisor
- add the sale by retail or supply of alcohol as an activity authorised by a licence or certificate;
- authorise the sale by retail or supply of alcohol at any time between 11pm and 7am;
- authorise an increase in the amount of time on any day during which alcohol may be sold by retail or supplied;
- include the alternative licence condition referred to in section 41D(3) in a premises licence.

2. Description of premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. This should include any activities in or associated with 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, etc.

3. Give full details of all the proposed variation(s). Failure to provide sufficient information may lead to the refusal of your application. Details should include a description of the proposed variation(s) in terms as precise as possible. If you are not precise, the licensing authority may decide that the changes you propose would be potentially broader in scope than you intend and reject your application as not being a 'minor' variation. You should also include a statement about why you consider the variations proposed could not have an impact on the licensing objectives listed in section 4(2) of the Act. You should cover each of the objectives that could possibly apply to your proposal (or if more than one, to each proposal) and say why you think there could be no adverse impact on that objective. Your application will be assisted by including as much information as you can about this. **(However, there is a box at the end of the form**

for 'further information', and this should be used for any relevant background information not directly related to the variation). Relevant information includes:

a) Variations to licensable activities/licensing hours (all timings should be given in 24 hour clock (e.g. 16.00). Only give details for the days of the week when you intend the premises to be used for the activity), such as:

- Whether new or increased levels of licensable activities will be taking place indoors or outdoors. Indoors may include a tent;
- Relevant further details, for example whether music will be amplified or unamplified;
- Standard days and timing when the activity will take place, including start and finish times;
- Any seasonal variations in timings, e.g. additional days during the summer;
- Non-standard timings, e.g. where you wish the activity to go on longer on a particular day such as Christmas Eve.

b) Variations to premises/club layout: If you are applying for a variation to the layout of your premises, you must include a revised plan. You should be aware that your application is likely to be refused if the proposed variation could:

- increase capacity for drinking on the premises;
- affect access between the public part of the premises and the rest of the premises or the street or public way, e.g. block emergency exits or routes to emergency exits; or
- impede the effective operation of a noise reduction measure.

c) Revisions, removals and additions of conditions: The minor variation process may be used to remove conditions which are out of date or invalid and to revise conditions which are unclear (as long as the intention and effect remains the same). It can also be used to add a new condition volunteered by the applicant or mutually agreed between the applicant and a responsible authority, such as the police or the environmental health authority (subject to impact on the licensing objectives).

d) Variations to opening hours: Details of any changes to hours when the premises or club is open to the public.

4. Further information: You should use this box to provide any additional evidence to support your claim that the proposed variation is 'minor' and could not have an adverse impact on the promotion of the licensing objectives.

5. Signatures: The application form must be signed.

6. Authorised agent: An applicant's agent (e.g. solicitor) may sign the form on their behalf and, in so doing, will be confirming that they have actual authority to do so.

7. 2nd Applicant: Where there is more than one applicant both applicants or their respective agents must sign the application form.

8. This is the address which we shall use to correspond with you about this application. This might not be the same as the address of the premises or applicant, but these addresses must also be provided.”.

89990



NEWCASTLE-UNDER-LYME
BOROUGH COUNCIL

Newcastle under Lyme Borough Council
ocratic Services
: Offices
ial Street
castle under Lyme
ordshire
2AG
:2 717717
www.newcastle-staffs.gov.uk

LICENSING ACT 2003
PREMISE LICENCE 3163
PL0142

PART 1 – Premises Details

Postal Address of Premise, or if None, Ordnance Survey Map Reference or Description

The Seabridge
174 Seabridge Lane, Newcastle Under Lyme, Staffordshire, ST5 3HA

Where the Licence is Time Limited the Dates

Licensable Activities Authorised by the Licence

Films-Indoors
Indoor Sports-Indoors
Live Music-Indoors
Recorded Music-Indoors
Dance-Indoors
Facilities-Music-Indoors
Facilities-Dance-Indoors
Late Night Refreshments-Both Indoors & Outdoors
The Sale of Alcohol on and off the Premise

The Times the Licence Authorises the Carrying out of Licensable Activities

Films-Indoors	Films Indoors Monday - Sunday 10:00 to 00:00
Indoor Sports-Indoors	Indoor Sports Monday - Sunday 10:00 to 00:00
Live Music-Indoors	Live Music Indoors Monday - Sunday 10:00 to 00:00
Recorded Music-Indoors	Recorded Music Indoors Monday - Sunday 00:00 to 00:00 Optional playing of recorded music is permitted 24 hours a day 7 days a week.
Dance-Indoors	Dance Indoors Monday - Sunday 10:00 to 00:00
Facilities-Music-Indoors	Facilities Music Indoors Monday - Sunday 10:00 to 00:00
Facilities-Dance-Indoors	Facilities Dance Indoors Monday - Sunday 10:00 to 00:00
Late Night Refreshments-Both Indoors & Outdoors	Late night refreshment Indoors & Outdoors Monday - Sunday 10:00 to 00:00
The Sale of Alcohol on and off the Premise	The sale of Alcohol on and off the premise Monday - Sunday 10:00 to 00:00

The Opening Hours of the Premises

Monday – Sunday 10:00 am to 00:00

PART 2

Name Registered Address Telephone Number and Email of Holder of Premise Licence

Mitchells & Butlers Leisure Retail Limited	27 Fleet Street, Birmingham, West Midlands, B3 1JP
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Registered Number of Holder where Applicable (Charity Number, Company Number)

BOROUGH COUNCIL

Name and Address of Designated Premises Supervisor Where the Premise Licence Authorises the Supply of Alcohol

Tracy Rogan "Man in Space" New Inn Lane, Trentham, Stoke-on-Trent.

Personal Licence Number and Issuing Authority of Personal Licence Held by Designated Premises Supervisor Where the Premise Licence Authorises the Supply of Alcohol

LN/00000927

West Lancashire Borough

ANNEXES

Annex 1

Mandatory Conditions

Alcohol

1. No supply of alcohol may be made under the premises licence:-
 - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
 2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
 3.
 - a) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - b) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children:
 - Games or other activities which require or encourage, or are designed to require or encourage, individuals to:
 - (i) Drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) Drink as much alcohol as possible (whether within a time limit or otherwise);
 - c) Provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - d) Provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - e) Provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on-
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - f) Selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
4. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
 5. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

Mandatory Licensing Conditions - In Force from 1st October 2010

1.
 - a) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 - b) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

2. The responsible person shall ensure that:

Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-

- (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
- (b) customers are made aware of the availability of these measures.

Door Security

1. Any person carrying out security activity (as described in paragraph 2(1)a of Schedule 2 to the Private Security Industry Act 2001) must be licensed by the security industry authority.

Mandatory condition: exhibition of films

- 1) Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
- 2) Where –
The film classification body is not specified in the licence, or
The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,
Admission of children must be restricted in accordance with any recommendation made by that licensing authority.

Annex 2

Embedded Conditions/Restrictions.

1. This licence is granted subject to any restriction imposed on the use of the premises for the existing licensable activities under the following enactments:
 - a) Children and Young Persons Act 1933(a)
 - b) Cinematograph (Safety) Regulations 1955(b)
 - c) Licensing Act 1964 (c)
 - d) Sporting Events (Control of Alcohol Etc) Act 1985 (d)
2. This licence is granted subject to conditions imposed on the use of the premises for the existing licensable activities under the relevant existing licence i.e. Public Entertainment, Theatre, Cinema Licence.

Annex 3

Conditions consistent with the Operating Schedule

i) **The prevention of crime and disorder**

- (a) Staff shall be familiar with all licence requirements and conditions.
- (b) The pub manager shall be a member of the local pubwatch scheme.
- (c) That the CCTV system installed at the premises be maintained in effective working order and that all tapes/recordings be kept for a minimum of 31 days.
- (d) Toughened glass drinking vessels shall be used.



ii) Public Safety

(a)

iii) The prevention of public nuisance

(a) Clear legible notices are to be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.

iv) The protection of children from harm

(a) Any entertainment performance, service, or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 shall not be provided.

Annex 4

Conditions attached after a hearing by the licensing authority

i) The prevention of crime and disorder

(a) None

ii) Public Safety

(a) None

iii) The prevention of public nuisance

(a) The use of the patio area at the premises shall be restricted to operate between the hours of 10.00 hours and 23.00 hours.

(b) All external windows of the premises shall be closed and locked by 21.00 hours.

(c) On any day where live music or other entertainment using a microphone, it shall be announced to patrons that they should leave the premises quietly.

(d) A member of staff shall monitor the car park area after 23.00 hours until close of the premises (on a 20 minute basis) for the purpose of minimising disturbance from cars, taxis and private hire vehicles in the car park.

iv) The protection of children from harm

(a) None

Annex 5 – Plans

Plans

Structural alterations (22/9/2009)

Mark Bailey
Head of Business Improvement and Partnerships

ANNEX 2 - EMBEDDED RESTRICTIONS

Alcohol

Alcohol shall not be sold or supplied except during the hours stipulated on this licence.

In this condition hours means:

On New Year's Eve from the end of stipulated hours on New Year's Eve to the start of stipulated hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

Public Entertainment Licence Conditions

The premises may provide music and dancing and other public entertainment of a like kind subject to a maximum number of 160 persons in the lounge area and 100 persons in the bar area.

1. Designated Premises Supervisor: General Duties

1.1. You must:-

- take all reasonable precautions for the safety of anyone on the Premises;
- comply with all the conditions contained in this Licence; and
- take all reasonable measures to make sure that any person, including any promoter or performer or any other person working at the Premises complies with this Licence.
- have due regard for the Guidance issued in connection with this Licence.

2. Designated Premises Supervisor's Deputy

- 2.1. When you are not in attendance at the Premises during hours of operation you must appoint a deputy to be the Person in Charge.

Even if you appoint a Designated Premises Supervisor's deputy, you will still be responsible for any breach of condition which takes place when you are not on the premises.

- 2.2. You must, when you want to appoint or change a Deputy, write to the Council at least 7 days before he/she starts their duties, or as soon as possible after this time stating the name and address of the proposed Deputy.

- 2.3. You must be satisfied that the Deputy can competently carry out the functions of the Person in Charge.,

- 2.4. You must make sure that your Deputy has read and understood the terms of the Licence.

2.5. You must:-

- keep a written record of the dates and times when a Designated Premises Supervisor's Deputy acts as the Person in Charge of the Premises;
- keep this record on the Premises at all times and for at least 2 years; and
- show it to an Authorised Officer if they ask to see it.

3. Person in Charge

- 3.1. The Person in Charge must take all reasonable precautions to make sure that when the Premises are open for entertainment anyone on the Premises is safe.

- 3.2. The Person in Charge must be on the Premises all the time when the Premises are open and must be available immediately if there is an emergency.
- 3.3. Before opening the Premises to the public for entertainment the Person in Charge must make sure that:-
- escape doors are unlocked and can easily be opened from the inside;
 - exit signs are in place;
 - the normal lighting is working;
 - lights are switched on when there is not enough natural light;
 - Emergency Lighting is in working order;
 - fire fighting equipment is readily available;
 - the fire alarm at the Premises works; and
 - fire escape routes are clear and there is no flammable material on or near these routes.
- 3.4. The Person in Charge must:-
- keep a written record of the dates and times when the checks listed in condition 3.3 above are completed;
 - keep this record on the Premises at all times and for at least 2 years; and show it to an Authorised Officer if they ask to see it.

4. Qualification of Licensee and Duty Manager

4.1. Superseded.

5. Staff

5.1. The Designated Premises Supervisor/Duty Manager shall ensure that he has sufficient trained staff on duty to ensure the safe evacuation of the premises in the event of an emergency. Such staff shall have been specifically instructed on their duties in the event of an emergency by the Designated Premises Supervisor or by a person nominated by him. The instruction given to staff shall include training on the safe and efficient running of the premises and the safe evacuation of the premises.

Note: It is important that the evacuation procedures are fully understood by all staff, especially where a two-stage fire alarm warning system is operated during performances.

5.2. A nominated member of staff in addition to the Duty Manager shall have responsibility for fire prevention measures and for ensuring that all escape routes including exit doors are fully available.

Note: This person should be the Duty Fire Officer where one is employed.

5.3. Superseded.

5.4. Staff with specific responsibilities in the event of fire or other emergency, together with deputies, shall receive training and written instruction appropriate to their role as set out in Appendix 3. Designated Premises Supervisor/Duty Manager shall, once he is satisfied as to the competence of each member of staff, record this in the Fire logbook.

6. Fire Log-book

6.1. The Designated Premises Supervisor shall cause a Fire logbook to be kept which shall comply with Appendix 4.

Note: Designated Premises Supervisors are advised that it is good practice to keep a general incident logbook in which are recorded details of each day's events. This may be combined with the Fire logbook. Appendix 4 includes an example of this approach.

6.2. Any Authorised Officer shall be entitled to obtain a photocopy of any page(s) of any logbook.

7. Staff Register

7.1. The Designated Premises Supervisor/Duty Manager shall maintain a register indicating the numbers of staff, including any Door Supervisors and all performers, who are present when the public are present. The register shall be produced immediately on the request of an Authorised Officer.

Note: (a) A sample register is set out in Appendix 5.

(b) As accommodation limits exclude staff and performers, this register may be used by Authorised Officers to assist in deciding how many staff and performers are present in the premises at a given time. The register will also be used in the event of an emergency evacuation of the premises. It is essential, therefore, that the register is properly maintained and that it is readily available.

8. Dancing

8.1. Dancing shall be restricted to the areas designated on the plans accompanying the operating schedule.

9. Prevention of Nuisance

9.1. The Designated Premises Supervisor or Duty Manager shall ensure that no nuisance is caused by noise emanating from the Premises or by vibration transmitted through the structure of the Premises.

9.2. If required, clearly legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and area quietly.

10. Attendants

10.1. Attendants must be:-

- at least 18;
- trained in public safety procedures; and
- trained in the emergency procedures referred to in condition 6.1.

10.2. The number of Attendants required depends upon whether the audience is comprised mostly of children. Table 1 sets out the number of Attendants required where the audience is not made up of mostly children. Table 2 sets out the number of Attendants required for Entertainments where the audience is mostly comprised of children:

Table 1

Floor	Number of People	Number of Attendants
Ground	Every 250 or part 250	1

Any floor above or below ground level	Every 100 or part of 100	1
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Table 2

Floor	Number of Children/Adults	Number of Attendants
Ground	Every 100 or part 100	1
Any floor above or below ground level	Every 50 or part of 50	1

Important

- The Person in Charge, cashier and similar employees whose normal duty is other than to help the public, must not be included as an Attendant.
- Where the Entertainment is mainly for children the facilities should, where possible, be provided on one floor and access to other levels restricted.

10.3. Attendants must:-

- prevent overcrowding in any part of the Premises;
- keep gangways and exit routes clear; and
- prevent standing on seats or other furniture.

10.4. Attendants must always be easily identifiable.

11. Door Supervisors

11.1. Superseded.

11.2. The Person in Charge must:-

- keep a written record of the name and registration number of all Door Supervisors in attendance on a date;
- details of all serious incidents identifying the Door Supervisors involved;
- keep this record on the Premises at all times and for at least 2 years; and
- show it to an Authorised Officer if they ask to see it.

11.3. The Person in Charge must make sure that Door Supervisors are not intoxicated when they are on duty and that they do not consume alcohol or any other intoxicating substances while they are on duty.

Emergency Procedures

12. Emergency Training

12.1. You must make sure that all staff are properly trained in respect of:-

- Action to take if there is a fire or emergency;
- action to take if the fire alarm sounds;
- evacuation procedures;
- where the fire fighting equipment is kept;

- the use of fire fighting equipment;
 - knowledge of all escape routes, including any stairway not in regular use; and
 - the need for all the doors including fire doors to be kept closed.
- 12.2. You must keep a written record of who has been trained and when they were trained. These records must:-
- be kept on the Premises at all times;
 - be kept for at least two years; and
 - be shown to an Authorised Officer if they ask to see it.

13. Call the Emergency Services

- 13.1. A permanently installed telephone must be provided in the Premises which is always available for calling the Emergency Services.
- 13.2. In an emergency, the Person in Charge must make sure that the Emergency Services are called immediately.

14. Emergency Evacuation

- 14.1. Entertainment must stop, and people be instructed to leave if:-
- a fire warning is given;
 - a bomb warning is given;
 - there is a suspected gas leak;
 - the normal lighting fails.
- 14.2. If people are evacuated, they must not be re-admitted until all services and systems are restored and the Premises are declared safe by the Person in Charge (acting on the advice of the relevant organisation).

Exit Routes

15. Means of Escape

- 15.1. The Premises must have adequate means of escape.
- 15.2. The means of escape indicated on the Submitted Plan must not be changed without Consent.
- 15.3. All means of escape must be properly maintained and kept clear.

16. Door and Exit Signs

- 16.1. All exit doors or openings must have signs visible in the dark and which meet British or European Standards.
- 16.2. Exit signs must be between 2.0m and 2.5m above the floor.
- 16.3. All "exit only" doors must:-
- open outwards and be free from fastenings; or
 - be fitted with panic bolts operated by a horizontal push bar conforming to British or European Standards; or
 - be locked in the open position by a suitable device and be provided with a clearly visible notice on

both sides stating **“This door to be locked in the open position when the premises are occupied”**.

- 16.4. All doors fitted with panic bolts must be clearly marked **“Push Bar To Open”**.
- 16.5. When the Premises are open to the public, doors used as both entrances and exits must:-
- not be closed and fastened in any way; and
 - be capable of being opened outwards or be locked in the open position when the premises are open to the public.
- 16.6. Any doors in public areas which do not lead to exits must be clearly marked, **“Private”**.

17. Handrails

- 17.1. A continuous handrail must be fitted to all stairs at a height of not less than 0.9m or more than 1.0m measured vertically from the pitch line of the nosing of the steps and from the floor of the landings.
- 17.2. Handrails must not project more than 0.75m at the ends and be turned under.
- 17.3. The number and position of the handrails must be provided as shown in Table 3:

Table 3

Width of stairs	Number	Position
Less than 1.0m	1	One each side
1.001 - 1.799m	2	
More than 1.8m	3	
		One each side plus one central

18. Obstructions

- 18.1. Passages, corridors and staircases must be kept free from obstruction.
- 18.2. Corridors must not be used as cloakrooms.
- 18.3. Cloakrooms must not be located where people using them will obstruct an exit.

Audiences

19. Permitted Numbers

- 19.1. The Person in Charge must not allow the number of people on the Premises or any part of the Premises to exceed the permitted number stated in the Licence.
- 19.2. You must fix a sign specifying the maximum number of people allowed on the Premises or part of the Premises in an easily visible position near the entrance or that part of the Premises.
- 19.3. If required by the Council:-
- you must have a suitable procedure approved by the Council for recording the number of people

- on the Premises or any part of the Premises at any one time; and
- the Person in Charge must, if requested by an Authorised Officer, tell him the number of people on the Premises or any part of the Premises; and
- the records shall be kept for 3 months from the date that they are made.

The maximum number of persons permitted to use the Premises, or any part of the Premises, for any of the said purposes, shall be as specified by the Council.

- (a) Closed circuit television (CCTV) shall be installed on all Premises where the maximum limit of persons permitted to attend the premises is 200 or more;
- (b) When the Premises are open for entertainment, television cameras must be in operation and must be connected to a video recorder which is also in operation, recording events and the correct date and time. The recorded video tape must be kept for not less than twenty-eight days from the date of recording; and
- (c) without prejudice to the foregoing the following conditions will also apply;
 - (i) a written record of video tapes usage must be maintained;
 - (ii) equipment must be maintained so as to give good picture quality on the recorded video tape;
 - (iii) video tapes must be made available to an Authorised Officer for scrutiny;
 - (iv) video tapes must be unedited and of good quality and be changed daily;
 - (v) reuse is permitted after twenty-eight days;
 - (vi) notices must be displayed indicating that CCTV is in operation on the Premises;
 - (vii) sufficient cameras must be provided to ensure that all normal entrances and exits for patrons are kept under surveillance; minimum equipment must consist of camera(s), video recorder and monitor.

20. Permanent Seating

20.1. Unless in boxes or approved enclosures all permanent seating must be firmly fixed to the floor or secured in some manner approved by the Council:-

- where the audience is closely seated; or
- where seats are in stepped tiers.

21. Seated Audiences

21.1. The number of seats in a row must not exceed that shown in Table 4:

Table 4

Seated Width (mm)	Maximum No of Seats in a Row	
	Gangway on 1 side	Gangway on 2 sides
300 - 324	7	14
325 - 349	8	16
350 - 374	9	18
375 - 399	10	20
400 - 424	11	22
425 - 449	12	24
450 - 474	12	26
475 - 499	12	28
500 or more	12	Limited by the travel distance

Important

1. The seated width is the space between each row measured from the back of one seat to the front of the seat behind it.
 2. Seated widths must not be less than 300mm and must be constant along the length of the row.
 3. Where seats tip up automatically, the seated width must be measured between the back of one seat and the maximum projection of the seat behind when the seat is in the up position.
- 21.2. The distance from a gangway to an exit must be those as shown in Table 5:

Table 5

Number of Exits from a Gangway	Maximum Distance
1	7.5m
more than 1	18.0m

Important

The distance must be measured along the line of the gangway.

- 21.3. Passageways or gangways for seated audiences must be at least 1.05m wide and lead directly to exit doors.

22. Temporary Seating

- 22.1. Where the audience is closely seated temporary seating must conform to the requirements of Table 6:

Table 6

Number of Temporary Seats	Fix Together in Rows	Fix to Floor at End of Row
less than 50	No	No
50 - 250	Not less than 4	No
more than 250	Not less than 4 and no more than 12	Yes, secured in some manner approved in writing by the Council

- 22.2. Retractable or telescopic seating must not be used without Consent.

- 22.3. Wheelchairs must not obstruct gangways or exits.

Fire Safety

You must ensure that all performances or activities minimise any danger to the Public.

23. Disabled People

- 23.1. **The Designated Premises Supervisor/Duty Manager shall ensure that, whenever disabled people are present, adequate arrangements are made to enable their safe evacuation in the event of an emergency and that they are made aware of these arrangements.**

Note: Designated Premises Supervisors are advised to obtain details of and seek to address any special needs when approached by organisers of parties of disabled people.

24. Safety Checks

- 24.1. The Designated Premises Supervisor/Duty Manager shall ensure that all necessary safety checks have been carried out before the admission of the public. Details of the checks shall be entered in the Fire log-book; this may be by use of a separate check list.

Note: A specimen check list is provided at Appendix 7.

25. Fire-resistance

- 25.1. You must not remove or modify any Fire Resisting part of the Premises without Consent.

26. Fire Fighting Appliances

- 26.1. You must not remove or change the fire fighting equipment from the position shown on the Submitted Plan without Consent.
- 26.2. Fire fighting equipment must be properly maintained and available for use.
- 26.3. Fire fighting equipment must be inspected annually by a Competent Person and you must keep a record of these inspections on the Premises for at least 2 years and show them to an Authorised Officer if they ask to see them.

27. Fire Alarm System

- 27.1. You must have a fire alarm system on the Premises.
- 27.2. The fire alarm system must be properly maintained and work at all times.

28. Assembly Point

- 28.1. Where you have an Assembly Point for evacuees from the Premises it must be properly maintained and if possible kept clear of obstructions.

29. Fire Instruction Notice

- 29.1. Fire Instruction Notices must be:-
- Clearly displayed throughout the Premises;
 - of a type and in such positions as required by the Council; and
 - properly maintained.

30. Real Flame

- 30.1. The Person in Charge must make sure that a real flame is not used in any Entertainment without Consent.

31. Smoke Machines

- 31.1. Where a smoke machine is used it must:-
- be controlled by an experienced operator at all times;
 - not be sited near exists;
 - be fixed in position;
 - only be operated for the minimum amount of time to achieve the necessary level of density and

then switched off.

31.2. Any smoke produced must not:-

- be toxic or flammable;
- obscure exits, exit routes, staircases or changes in levels; or
- otherwise affect public safety.

31.3. If necessary, fans must be used to control the direction of the smoke.

Furnishings & Decoration

32. Surface of Walls Floors and Ceilings

32.1. Wall, Floor and ceiling linings on principle escape routes, for example corridors, passages and staircases must offer adequate resistance to the spread of flames over their surfaces.

33. Upholstered Furniture

33.1. All upholstered furniture must be made of material manufactured in such a way that it cannot easily be set on fire.

33.2. All new, replacement or refurbished furniture must comply with the current Furniture and Furnishings (Fire Safety) Regulations.

33.3. Damaged seating which exposes any filling material must be adequately repaired.

34. Curtains, Drapes and other Textile Hangings

34.1. All curtains and drapes and other textile hangings and ornaments including artificial plants and their containers must be made of flame retardant material. You must have a certificate from either the manufacturer or a Competent Person confirming this.

34.2. When curtains and drapes and other textile hangings and ornaments including artificial plants and their containers are cleaned you must have a certificate from a Competent Person verifying that the material is still flame retardant.

34.3. You must show any certificates required by conditions 34.1 and 34.2 to an Authorised Officer if they ask to see them.

34.4. You can only have curtains in front of the fire exit doors if:-

- Attendants are nearby to open the curtains in an emergency;
- they do not trail on the floor;
- they do not cover Exit signs;
- they have a central opening if they are in front of a pair of doors.

Storage

35. Underfloor and Storage Areas

35.1. Any underfloor space must be kept clean and free from rubbish, props and scenery and any other combustible materials.

- 35.2. Storerooms for scenery and props must only be used for that purpose and must be kept clean and free from rubbish.
- 35.3. No scenery or props can be stored in the Stage basement without Consent unless they are being used in a current production.
- 35.4. Any area under the Stage used during a stage presentation must have a least 2 exits, at least one of which must be independent of the Stage.

36. Scenery and Props

- 36.1. No scenery or props must be stored in any part of the Premises other than in the scenery or props stores identified on the Submitted Plan.
- 36.2. All scenery and props must be rendered and maintained flame retardant.
- 36.3. You must:-
- have a certificate from either the manufacturer or a Competent Person;
 - show any certificates to an Authorised Officer if they ask to see them.

Stage

37. Access

- 37.1. The Stage must not be obstructed.

38. Open Stages

- 38.1. Where an open Stage is used the scenery and props on it must be:-
- of non combustible materials except when timber, hardboard or plywood is rendered flame retardant;
 - timber framing which is not less than 22mm thick; or
 - of blockboard, plywood or chipboard which is not less than 18mm thick.
- 38.2. Any plastic or fabric material used on an open Stage must be flame retardant.

39. Grid and Galleries

- 39.1. Any grid or galleries including lighting galleries and perches must be constructed of non-combustible material.

Electrical Installations

40. General

- 40.1. All electrical systems must be protected from unauthorised interference.
- 40.2. The electricity supply on the Stage must be controlled by a switch or switches which isolate the circuit on both poles in the case of single phase supply or on all live poles in the case of a 3 phase supply
- 40.3. All lighting and other electrical equipment which operates at high temperatures must be protected

to ensure that there is no fire risk from contact with the scenery or other combustible materials.

- 40.4. Scaffolding, metal framework, bars and booms on which electrical equipment is fixed must be earthed.

41. Inspection & Testing

- 41.1. All electrical installations should be inspected and tested before the expiry of the existing Electrical Certificate by a Competent Person and the certificate issued should be the current standard form certificate issued by that Competent Person's professional body.
- 41.2. All electrical installations must be properly maintained.
- 41.3. If any part of the electrical installation is found to be dangerous, it must be made safe immediately and not used again until tested and certified.

42. Residual Current Device

- 42.1. All electrical socket outlets provided for entertainers' portable equipment including instruments, lighting, video and sound amplification equipment must be protected by a residual current device (RCD) which is part of the fixed wiring.
- 42.2. The RCD must have a rated residual operating current not exceeding 30 milliamps and a maximum operating time of 30 milliseconds.
- 42.3. The normal and emergency lighting circuits must not be affected by the operation of any RCDs used to protect entertainers.
- 42.4. Before RCDs are used for an entertainment the Person in Charge must operate the test button, and where a fault is found, the affected socket(s) must not be used until the fault has been repaired.

Lighting

43. Normal Lighting

- 43.1. Mains electrical lighting must be provided in all parts of the Premises, including the stairways, to which the public have access.
- 43.2. The level of lighting must be sufficient to enable the public to enter, use and leave the Premises safely.
- 43.3. If, to promote a particular type of Entertainment, the normal lighting levels are lowered, all exits signs must be illuminated and an Attendant must be present at all times to operate the normal lighting if required.
- 43.4. If the fire alarm sounds, the normal lighting must be switched on immediately.
- 43.5. Lighting switches must be accessible to authorised employees and be protected from unauthorised interference.

44. Emergency Lighting

- 44.1. Emergency Lighting must be provided in all parts of the Premises to which the public have access.

- 44.2. Emergency Lighting must be capable of operating at full capacity for not less than 3 hours.
- 44.3. If the normal lighting fails, the Emergency Lighting must allow people to see their way out of the Premises and, in particular, light all:-
- fire exit routes internal and external;
 - exit signs;
 - passageways;
 - gangways;
 - manual fire alarms;
 - call points;
 - fire fighting equipment;
 - all changes of level.
- 44.4. If an entertainment finishes after dark, the Emergency Lighting must be kept on at all times when the Public are on the Premises, unless an automatic system is provided and the system is arranged to operate immediately if the normal lighting fails.

Gas Installations and Boilers

45. Gas Appliances

- 45.1. All gas appliances must be examined and serviced every 12 months by a Competent Person, or examined and serviced at the intervals as specified by a Competent Person.
- 45.2. All gas appliances must be properly maintained. If any part of the appliance is found to be dangerous, it must be made safe immediate and not used until made safe by a Competent Person.

46. Liquefied Petroleum Gas (LPG) Appliances and Cylinders

- 46.1. No portable LPG heating appliance or LPG cylinders should be kept on the Premises without Consent from the Council.

47. Paraffin Heaters

- 47.1. No paraffin heaters must be kept or used on the Premises.

48. Boilers

- 48.1. All boilers must be examined and serviced by a Competent Person.
- 48.2. If required by the Council rooms containing boilers must be separated from every other part of the Premises by solid Fire-Resisting construction. If a communicating door is incorporated in the construction, the door must be Fire Resisting and self-closing.
- 48.3. All boiler rooms must be adequately ventilated.

49. Compressed Gas Cylinders

- 49.1. No compressed gas cylinders must be kept on the Premises except compressed carbon dioxide or compressed carbon dioxide/nitrogen mix used in connection with pressurised drink vending.

Plant & Equipment

50. Safety of Plant & Equipment

- 50.1. All plant and equipment used on the Premises must be maintained in a safe condition.
- 50.2. All dangerous parts of plant and equipment within the Premises must be effectively guarded.

51. Suspended Equipment

- 51.1. No suspended equipment must rely solely on one suspension cable, clamp or bolt.
- 51.2. All means of suspension must be non-combustible.
- 51.3. Each means of suspension must be secured to independent fixing points.

Premises

52. Cleanliness and Decoration

- 52.1. The premises must be kept clean.
- 52.2. The walls, ceiling, windows and doors must be kept in a reasonable state of decoration.
- 52.3. The floor, floor covering, furnishings must be kept in a reasonable state of repair.

53. Structural Repair

- 53.1. The Premises must be kept in a good state of structural repair.
- 53.2. No structural alteration or addition to the Premises may be made without Consent.
- 53.3. If required by the Council, you must provide a report from a competent person about the structure of any part of the Premises. That part must not be used for entertainment until Consent has been given.

54. Ventilation

- 54.1. The Premises must be effectively ventilated when the public are present.
- 54.2. Any mechanical ventilation system must be properly maintained.

55. Balconies

- 55.1. Clothing or other objects shall not be placed on or over balcony rails.

Toilets

56. General

- 56.1. Separate toilets must be provided for men and women.
- 56.2. The entrance door to every toilet or block of toilets must be clearly labelled “male” or “female” or otherwise clearly identified.
- 56.3. Each toilet facility must be screened or arranged so that the interior cannot be seen from outside

when the access door is open.

56.4. All fittings must be kept clean and in good state of repair.

56.5. All flush toilets must have suitable seats.

56.6. Doors to flush toilets compartments must be designed to be :-

- Locked from the inside; and
- Accessible from the outside in an emergency.

56.7. All toilets must be:-

- Kept clean;
- Adequately lit;
- Adequately ventilated.

56.8. Toilets used by women must be provided with sanitary dressing disposal facilities.

56.9. Where mechanical ventilation is used, it must be:-

- Capable of achieving at least 3 air changes an hour;
- A device operated by the light switch or by infra red detectors unless set for continuous operation; and
- Fitted with a 15 minute overrun.

56.10. A ventilated lobby must be provided between any room containing a flush toilet and any other room which is not a corridor or entrance hall, unless the toilet has been adapted for use by disabled people.

56.11. Wash hand basins must be easily accessible to people after using the toilets.

56.12. Every wash hand basin must be provided with:-

- Clean running hot and cold, or warm water;
- Soap or other suitable means of washing;
- Towels or a suitable method of hand drying; and
- Adequate drainage.

57. Number of Toilets

57.1. The number of toilets which must be provided for the public are shown in Table 7.

Table 7

Standard for the Provision of Sanitary Accommodation for Customers

Type of Premises

Scale of Provision

Restaurants, cafes, wine bars,

Separate sanitary accommodation for both

public houses and other similar establishments with either 100 or over capacity or an entertainment licence

sexes in accordance with the requirements of BS6465 (See attached examples)

Restaurants, cafes, wine bars, and similar establishments where 50 or over, but less than 100 capacity

Ideally separate sanitary accommodation for both sexes in accordance with the requirements of BS6465
Minimum standard:
2 WCs plus 2 whb for females,
and
1 WC plus 1 urinal and 2 whb for males

Restaurants, cafes and similar establishments where 20 or over, but less than 50 capacity

Minimum standard:
1 WC plus 1 whb for females,
and
1 WC plus 1 whb for males

Restaurants, cafes and similar establishments where less than 20 capacity

Shared use of 1 WC and 1HBB.
In exceptional circumstances the local authority may relax the requirements for customer toilets within the premises provided that there is suitable alternative provision

Large supermarkets/hypermarkets

It is recommended that sanitary conveniences are provided

NB. At least 1 cleaner's sink to be provided in all establishments.

BS6465 - Scale of Provision for Restaurants and Canteens

Appliances	For Male Public	For Female Public
Water Closets	1 per 100 persons up to 400 persons For over 400 persons Add at the rate of 1 per 250 persons or part thereof	2 per 100 persons up to 200 persons For over 200 persons, add at rate of 1 per 100 persons or part thereof
Urinals	1 per 25 persons	
Wash Hand Basins	1 per WC, and in additional 1 per 5 urinals	1 per 2 WCs

NB. It may be assumed that there will be equal numbers of males and females

BS6465 - Scale of Provisions for New Premises selling Alcohol for Consumption on the Premises

Customer Accommodation	Female WCs	Males WCs	Urinals
Up to 50	1	1	2
51 to 100	2	1	2
101 to 150	2	1	3
151 to 200	3	1	3
201 to 250	3	2	3
251 to 300	4	2	4
301 to 350	4	2	5
351 to 400	5	2	6
401 to 450	5	3	6
451 to 500	6	3	7
501 to 550	6	3	8
551 to 600	7	3	8
601 to 650	7	3	9
651 to 700	8	4	9
701 to 750	8	4	10
Wash Hand Basins	1 per 2 WCs	1 per WC, plus 1 per 5 urinals or part thereof	

- NB.** (a) The breakdown of male/females can be assumed at 75%/25%
(b) The level of customer/accommodation can be calculated at the rate of 4 persons per 3m² of drinking area.

BS6465 - Scale of Provision for Cinemas, Concert Halls, Theatres and Similar Buildings used for Public Entertainment

Appliances	For Male Public	For Female Public
Water Closets	In cinemas, theatres, concert halls and similar premises. Minimum standard: 1 for up to 250 males plus 1 for every additional 500 males or part thereof	In theatre, concert halls and similar premises. Minimum standard: 2 for up to 50 females, 3 for 51 to 100 females, plus 1 for every additional 40 females or part thereof In cinemas. Minimum standard: 2 for up to 75 females, 3 for 76 to 150 females, plus 1 for every additional 80 or part thereof
H	In theatres, concert Halls and similar Premises. Minimum standard: 2 for up to 100 males	

plus 1 for every additional 80 males or part thereof.
In cinemas.
Minimum standard:
2 for up to 200 males plus 1 for every additional 100 males or part thereof

Wash Hand Basins	1 per WC and, In addition, 1 per 5 urinals or part thereof	1 plus 1 per 2 WCs
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NB. Where a more reliable estimate is not available, it may be assumed that the total audience will consist of equal numbers of males and females.

57.2. Toilets must be provided for entertainers and staff to the minimum standard shown in Table 7.

Table 9

Number of People at Work	Number of Flush Toilets	Number of Wash Hand Basins
1 to 5	1	1
6 to 25	2	2
25 to 50	3	3

Where the provision is for use by men only

Number of People at Work	Number of Flush Toilets	Number of Wash Hand Basins
1 to 15	1	1
16 to 30	2	1
31 to 45	2	2

Important

1. Separate toilets must be provided for men and women.
2. Where only one toilet is required it must be capable of being locked from the inside.

58. Drinking Water

58.1. The Premises must be provided with free drinking water which is clearly labelled and readily accessible to Patrons.

Accidents & First Aid

59. Accident Book

59.1. All accidents to staff, entertainers and members of the public occurring on the Premises must be recorded in an Accident Book stating:-

- name and address of the person;

- time and date of accident;
- how accident occurred;
- where accident occurred; and
- nature of the accident.

59.2. You must make sure that the Accident Book is kept on the Premises and available for inspection by an Authorised Office, Police or Fire Officer.

60. First Aid Facilities

60.1. You must:-

- maintain a sufficient First Aid Box on the Premises;
- make sure that it is accessible at all times; and
- make sure that items are replaced as soon as practicable after they are used.

60.2. You must make sure that sufficient Trained First Aiders are on the Premises during an Entertainment as shown in Table 10.

Table 10

Maximum Occupancy of Premises	Number of Trained First Aiders on Premises
Up to 3,000	1 for each 500 or part of 500, Plus
Over 3,000	1 for each 1,000 or part of 1,000

60.3. A Trained First Aider who is aware of someone requiring first aid must give attention to that person unless they are already being attended by another Trained First Aider.

Prohibited entertainment is subject to additional conditions which are available on request.

61. Hypnotism

61.1. The Designated Premises Supervisor shall not permit any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased. This condition does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.

Note: Any waiver of this condition by the Council will be subject to additional conditions which are available on request.

62. Entertainment Involving Special Risks

62.1. (a) The Designated Premises Supervisor shall not permit entertainment that involves special risks except with Consent. Any consent granted may be subject to additional conditions.

- (b) The Designated Premises Supervisor shall not permit explosives or highly flammable substances to be brought onto the premises except with Consent. Any consent granted may be subject to additional conditions.

63. Entertainment Using Special Effects

- 63.1. (a) The Designated Premises Supervisor shall not permit the use of special effects, except with Consent. Any consent granted may be subject to additional conditions.
- (b) The Designated Premises Supervisor shall give the Council at least 10 days' notice in writing of any proposal to use special effects. The notice shall include, save in exceptional circumstances, exact details of the proposal including the date and time when the special effects can be demonstrated.

64. Compressed Gases

- 64.1. Compressed or liquefied gases shall not be used except with Consent. At least 10 days' notice in writing shall be given to the Council of any proposal to bring storage cylinders into the premises.

Note: This Condition does not normally apply to gas cylinders used in connection with the dispensing of beverages.

Conduct of Entertainment

65. Good Order and Decency

- 65.1. The Designated Premises Supervisor shall not permit conduct on the Premises that is likely to cause disorder or a breach of the peace or drug misuse. In particular the Designated Premises Supervisor shall ensure that none of the following shall take place:
- (i) indecent behaviour, including sexual intercourse, or simulated sexual intercourse, bodily contact between performers and members of the audience.
 - (ii) the offer of any sexual or other indecent service for reward;
 - (iii) acts of violence against person or property and/or the attempt or threat of such acts;
 - (iv) unlawful possession and/or supply of drugs controlled by the Misuse of Drugs Act 1971.

66. Prevention of Noise Nuisance

- 66.1. Noise from the Premises must not unreasonably disturb other people.

Miscellaneous

67. Drugs Policy

- 67.1. The Designated Premises Supervisor must ensure that a suitable and sufficient drugs policy is in force on the premises and ensure that staff are fully trained and supported in order to enable them to implement the drugs policy and reviewed at appropriate intervals and at least annually.
- 67.2. To be suitable and sufficient, the drugs policy must:-
- (a) Establish competent personnel to manage drug-related incidents.
 - (b) Address the incidence, supply and consumption of drugs on the premises.
 - (c) Make adequate facilities, arrangements and procedures to minimise the harmful effects of drugs.

(d) Include the components set out in Appendix A and take into account the Guidance at Appendix A.

67.3. The drugs policy must be implemented.

67.4. The Designated Premises Supervisor must keep on the Premises drugs search forms in a format prescribed by the Council, which record the nature of the drugs seized or found, the name and address of the person upon whom the drugs were found, the date and the name of the police officer to whom the drugs were handed.

67.5. The Designated Premises Supervisor must display posters and provide leaflets to customers about drug risks.

68. Requirements of Authorised Officers

68.1. Removed

69. Change in Conditions

69.1. Removed

69.2. Removed

69.3. Removed

70. Rest Facilities

70.1. The Premises must be provided with adequate rest facilities which must:-

- have a quieter and cooler atmosphere;
- be provided with comfortable seating; and
- be available to anyone without charge.

71. Entertainer's Dressing Rooms

71.1. Adequate provision must be made for entertainers to dress and undress in rooms which are both private and secure.

72. Refuse

72.1. Satisfactory provision must be made for storing and disposing of refuse.

73. Access and Facilities for Disabled People

73.1. In all new premises, and where reasonably practicable in existing premises, you must provide, in accordance with Part M of the Building Regulations:-

- Access to and from the premises for wheelchair users;
- Facilities in the premises to ensure the safety of disabled people; and
- Additional toilets for disabled people.

73.2. Where any event is likely to attract a significant number of disabled people you must adapt your safety provisions to make sure that everyone can be evacuated safely in an emergency.

74. Newcastle Safer Communities Partnerships Initiatives

The Designated Premises Supervisor must use his best endeavours to support the current Newcastle Safer Communities Partnership Initiatives as advised by the Council including but not limited to the displaying of any posters, leaflets etc on the Premises.

Agenda Item 6

58 ROE LANE
SEABRIDGE
NEWCASTLE
STAFFS

ST 5 3 PJ

22 MARCH 20

REF:- PLANNING APPLICATION SEABRIDGE
PUBLIC HOUSE, OPENING AT 07.00 MONDAY
TO SUNDAY.

Dear Sir / Madam,

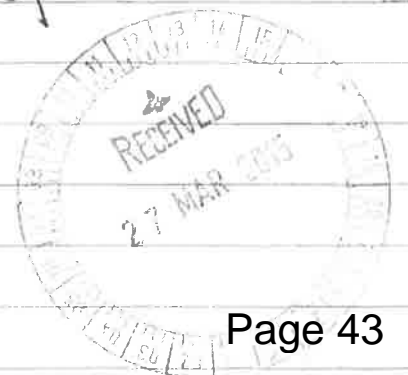
I am writing to object
against the opening of the SEABRIDGE
PUBLIC HOUSE AT 07.00 MONDAY TO
SUNDAY.

At present we have people coming
out of the above premises at midnight
and car doors slamming until 00.30,
now the above premises propose to open
at 07.00 which will mean car doors
slamming at 06.30 (CATERING STAFF)
also people standing outside smoking
and talking as at present.

As you fully understand this
is in a residential area, therefore I
object to the opening at 07.00, due
to the close proximity of our house.

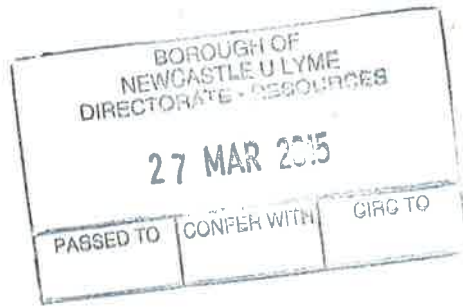
Thanking you

Alan Mitchell



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54, Roe Lane,
Westlands,
Newcastle
Staffs.



24-3.005.

Dear Sirs,

Re. Proposed opening hours of the Seabridge House,

We wish to object most strongly to the above, living opposite this building, we have people and cars revving up and shouting until 11-30 to 12-00 midnight, to have them start again at 7.00 a.m. is too much to expect people who live opposite this building to accept.

There does not appear to have any consideration for the residents.

Yours faithfully,

Kathlyn Ray Kathlyn Ray
KR Kenneth Ray/

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