

ASHFIELD DISTRICT COUNCIL



Council Offices,
Urban Road,
Kirkby in Ashfield
Nottingham
NG17 8DA

Agenda

Licensing Sub Committee

Date: **Tuesday, 30th October, 2018**

Time: **10.00 am**

Venue: **Council Chamber, Council Offices, Urban Road,
Kirkby-in-Ashfield**

For any further information please contact:

Lynn Cain

l.cain@ashfield.gov.uk

01623 457317

LICENSING SUB COMMITTEE

Membership

Chairman: Councillor Sam Wilson

Councillors:
David Griffiths
Mike Smith
John Wilmott (Substitute Member)

FILMING/AUDIO RECORDING NOTICE

This meeting may be subject to filming or audio recording. If you have any queries regarding this, please contact Members' Services on 01623 457317.

SUMMONS

You are hereby requested to attend a meeting of the Licensing Sub Committee to be held at the time/place and on the date mentioned above for the purpose of transacting the business set out below.



R. Mitchell
Chief Executive

AGENDA

Page

- 1. To receive apologies for absence, if any.**
- 2. Declarations of Disclosable Pecuniary or Personal Interests and Non Disclosable Pecuniary/Other Interests.**
- 3. Hearing for Application for a new Premises Licence: Palms Bistro, 96-98 Victoria Road, Kirkby in Ashfield.** 5 - 42

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Report To:	LICENSING SUB COMMITTEE	Date:	30TH OCTOBER 2018
Heading:	HEARING FOR APPLICATION FOR A NEW PREMISES LICENCE: PALMS BISTRO, 96-98 VICTORIA ROAD, KIRKBY IN ASHFIELD, NOTTINGHAMSHIRE, NG17 8AS		
Portfolio Holder:	DEPUTY LEADER – OUTWARD FOCUS		
Ward/s:	SUMMIT		
Key Decision:	NO		
Subject to Call-In:	NO		

Purpose of Report

For Members to consider evidence produced at a public hearing, taking into account the details contained within this report and any representations made at this meeting, for an application to grant a New Premises Licence to Deanna & Gary Thrall in relation to Palms Bistro, 96-98 Victoria Road, Kirkby in Ashfield, Nottinghamshire, NG17 8AS; and to determine the application by taking such of the steps set out below as the Committee considers necessary for the promotion of the licensing objectives.

Recommendation(s)

Members having regard to the application and any relevant representations, take such of the following steps as they consider appropriate for the promotion of the licensing objectives:

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

- a) **Grant the licence in accordance with the application.**
- b) **Modify the conditions of the operating schedule by altering or omitting or adding to them.**
- c) **Exclude or restrict from the scope of the licence any of the licensable activities to which the application relates.**
- d) **Reject the whole of the application.**

The Sub-Committee may also grant the licence subject to different conditions for different parts of the premises or the different licensable activities.

Reasons for Recommendation(s)

Members must consider all evidence offered at the Hearing and make an unbiased decision on the evidence offered. In making any decision, Members must also have regard to the Home Office statutory guidance issued under section 182 of the Licensing Act 2003 (which can be found online at):

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/702067/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf

and the Council's own Statement of Licensing Policy (which can be found online at): **<http://www.ashfield.gov.uk/media/1605/adc-licensing-policy-la03-2014.pdf>**.

Alternative Options Considered

(with reasons why not adopted)

None

Detailed Information

The Licensing Act 2003 came in to force in September 2005. It passed the powers to the Local Authority to licence premises for any of the following licensable activities:

- **The sale by retail of alcohol;**
- **The supply of alcohol by or on behalf of a club or to the order of a member of the club;**
- **The provision of regulated entertainment; and**
- **The provision of late night refreshment.**

The licensing objectives are:

- **The prevention of crime and disorder;**
- **The promotion of public safety;**
- **The prevention of public nuisance; and**
- **The protection of children from harm.**

Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times. However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work.

Section 18 of the 2003 Act, allows Interested Persons, and Responsible Authorities, to make representations in favour or against applications for the grant of a Premises Licence. Should representations be made that cannot be resolved between the parties during any consultation period, then the application must be determined by a Licensing Committee or Sub-Committee Hearing.

Other Relevant Considerations

The Sub-Committee is reminded of its responsibilities under the Crime and Disorder Act 1998 (to co-operate in the reduction of crime and disorder in the Ashfield District) and the Human Rights Act (which guarantees the right to a fair hearing for all parties in the determination of their civil rights, and also provides for the protection of property, which may include licences in existence, and the protection of private and family life) when considering the fair balance between the interests of the all parties to this Hearing.

Any decision taken by the Sub-Committee must be necessary and proportionate to the objectives being pursued.

Members are reminded that whenever they make a decision under the Licensing Act 2003, they have a duty to act with a view to promoting the licensing objectives. When considering any representations, only those issues relating to the licensing objectives should be considered, and appropriate weight given to the importance and relevance of each representation.

Members should note that the applicant or persons making representations have the right of appeal against the decision made by the Sub-Committee.

Summary of Application

On 5th September 2018, the Licensing Authority received an application from Deanna & Gary Thrall for the grant of a New Premises Licence for Palms Bistro, 96-98 Victoria Road, Kirkby in Ashfield, Nottinghamshire, NG17 8AS seeking to provide licensable activities at the premises.

A summary of the licensable activities applied for and the times proposed for these activities can be found detailed below.

Sale of Alcohol (on sales only):

Monday – Sunday	12:00 (noon)	Until	22:00
New Year’s Eve	12:00 (noon)	Until	23:30

A summary of the proposed opening hours can be found detailed below.

Opening Hours:

Monday – Sunday	08:00	Until	22:30
New Year’s Eve	08:00	Until	00:15

Both the application and the steps that the applicant intends to take to promote the licensing objectives (which were agreed with the Responsible Authority for the Licensing Authority ahead of the application being submitted) can be found at **Appendix A**.

On 28th September 2018, the applicants advised the Licensing Authority that they wished to reduce the proposed opening hours on Monday – Sunday from 23:00 hours (as detailed within their original application) to 22:30 hours as detailed in the table above.

During the 28 day consultation period, Nottinghamshire Police confirmed to the Licensing Authority that as a Responsible Authority that they had agreed with the applicants further conditions to be applied to any Premises Licence that may be granted in order to promote the licensing objective of the “prevention of crime and disorder”. A copy of the conditions agreed between the Police and the applicant is attached at **Appendix B**.

During the consultation period the Licensing Team received representations submitted by Interested Parties objecting to the application. These representations are attached at **Appendix C**, and the representations raise concerns that the proposed business may undermine the licensing objectives. Please note, that some of the Interested Parties requested that their names and addresses be redacted (original copies of their representations can be provided upon request by the Sub-Committee).

It should be noted that the Interested Parties have been informed that irrespective of the times put forward by the applicants in their New Premises Licence application, that any restrictions currently in place in relation to the planning permissions for this premises will take priority, irrespective of what may be granted at this Licensing Sub-Committee Hearing.

As such, the applicants would be required to vary their planning permissions, in order to enjoy the hours sought within the licensing application.

A map detailing the general location of the premises is attached at **Appendix D**.

Implications

Corporate Plan:

Licensing Act 2003 is a statutory duty of the Council.

Ensuring that Premises and Clubs operate with the correct Licence, having regard to the Council's Statement of Licensing Policy on alcohol, regulated entertainment, and late refreshment licensing, will contribute towards the reduction of crime and disorder within the district and to improve community safety and environmental quality.

Legal:

Legal advice will be given at the hearing.

Finance:

Information Only

No financial implications for the Council.

This report is effective from 30th October 2018 and has the following financial implications:

Budget Area	Implication
General Fund – Revenue Budget	None
General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

Risk:

Risk	Mitigation
It is important that due process is followed in considering this application to ensure that the correct decision is reached which could not be challenged on the grounds that the specified procedures have not been followed.	The hearing has been organised to ensure that due process is followed, with appropriate support from the Council's legal representative to ensure this.

Human Resources:

Information Only

There are no direct HR implications contained within this report

Equalities:

Information Only

Statutory requirement of the Licensing Act 2003, there no diversity or equality implications.

Other Implications:

None

Reason(s) for Urgency

Not Applicable

Reason(s) for Exemption

Not applicable

Background Papers

(if applicable)

Report Author and Contact Officer

**Julian Alison
Licensing Team Leader
Place & Communities**

j.alison@ashfield.gov.uk

01623 457364

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SEP 2018

Application for a premises licence to be granted
under the Licensing Act 2003

RECEIVED

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.

I/ We DEANNA MARIE THRALL
GARY THRALL

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 - Premises details

PALMS BISTRO 96/98 VICTORIA ROAD KIRKBY IN ASHFIELD			
Post town	NOTTS	Postcode	NG17 8AS

Telephone number at premises (if any)	XXXXXXXXXX - 07985 416980
Non-domestic rateable value of premises	5,400

Part 2 - Applicant details

Please state whether you are applying for a premises licence as Please tick as appropriate

- a) YES INDIVIDUALS please complete section (A) ✓
- b) a person other than an individual *
 - i as a limited company/limited liability partnership please complete section (B)
 - ii as a partnership (other than limited liability) please complete section (B)
 - iii as an unincorporated association or please complete section (B)
 - iv other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)

- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a
 statutory function or
 a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr	MRS	Miss	Ms	Other Title (for example, Rev)	
THRALL			DEANNA MARIE		
				YES	
BRITISH					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)		chettraining@virginmedia.com			

SECOND INDIVIDUAL APPLICANT (if applicable)

MR	Mrs	Miss	Ms	Other Title (for example, Rev)	
-----------	----------------	-----------------	---------------	---------------------------------------	--

THRALL		GARY	
Date of birth over	██████████	I am 18 years old or	Please tick yes
BRITISH			
Current postal address if different from premises address	████████████████████		
Post town	██████████	Postcode	██████████
Daytime contact telephone number	██████████████████		
E-mail address (optional)	██████████████████		

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

01/10/2018

DD MM YYYY

If you wish the licence to be valid only for a limited period, when do you want it to end?

Palms Bistro is a small Bistro/type cafe - seating a maximum of 24 people It is on the ground floor of the premises
 It has a small outside terrace at the front of premises that seats 12 people, this is set back from the pavement.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

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

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

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)	Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
		Outdoors	

A

N/A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place <u>indoors or outdoors or both</u> - please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Tue			State any seasonal variations for performing plays (please read guidance note 5)		
Wed			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 6)		
Thur					
Fri					
Sat					
Sun					

N/A

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>		
Day				Start	Finish	Outdoors	<input type="checkbox"/>
						Both	<input type="checkbox"/>
Mon				Please give further details here (please read guidance note 4)			
Tue			State any seasonal variations for the exhibition of films (please read guidance note 5)				
Wed			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 6)				
Thur							
Fri							
Sat							
Sun							

C

N/A

Indoor sporting events Standard days and timings (please read guidance note 7)			Please give further details (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 5)
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 6)
Fri			
Sat			
Sun			

D

N/a

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)		
Thur					
Fri			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 6)		
Sat					
Sun					

E

N/A

Live music: Standard days and timings (please read guidance note 7)			Will the performance of live music take place <u>indoors or outdoors or both</u> – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon				Please give further details here (please read guidance note 4)	
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 5)		
Thur					
Fri			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 6)		
Sat					
Sun					

F

N/A

Recorded music Standard days and timings (please read guidance note 7).			Will the playing of recorded music take place <u>indoors or outdoors or both</u> – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

G

12/12

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place <u>indoors or outdoors or both</u> – please tick (please read guidance note 3)	Indoors:	<input type="checkbox"/>
Day	Start	Finish		Outdoors:	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)	Both:	<input type="checkbox"/>
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri					
Sat			<u>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</u> (please read guidance note 6)		
Sun					


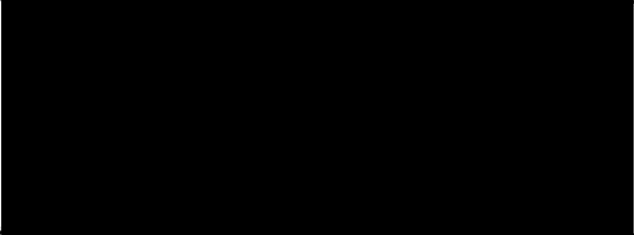
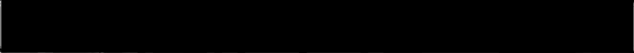
I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			<u>Will the supply of alcohol be for consumption</u> <u>- please tick</u> (please read guidance note 8)	On the premises	x
				Off the premises	
Day	Start	Finish		Both	
Mon	12.00	22.00	<u>New Years Eve 12- 23.30</u>		
Tue	12.00	22.00			
Wed	12.00	22.00			
Thur	12.00	22.00	<u>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</u> (please read guidance note 6)		
Fri	12.00	22.00			
Sat	12.00	22.00			
Sun	12.00	22.00			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name	Timothy Simon Barton	
Date of birth		
Address		
Postcode		
Personal licence number (if known)	1003066252 QA100/4866/2	
Issuing licensing authority (if known)	Nottingham	

K

K

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 9).

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	8.00	23.00	New Years Eve 8.00 - 24.15.
Tue	8.00	23.00	
Wed	8.00	23.00	
Thur	8.00	23.00	
Fri	8.00	23.00	
Sat	8.00	23.00	
Sun	8.00	23.00	
			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 6)

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

No selling of alcohol to underage people
No drunk and disorderly conduct/ behaviour on the premises area
Vigilance in preventing use and sale of illegal drugs
No violent and anti social behaviour
No harm to any children

b) The prevention of crime and disorder

Documents and logbook will be kept with dates names and details of complaints this will be checked and maintained by premises supervisor
Staff will be trained in asking customers to use the premises in an orderly and respectful manner and prevent drinking outside premises.
There will be no selling or consumption of alcohol to drunk or intoxicated customers
CCTV will be installed and operated with a 28 day recording system.

c) Public safety

CCTV will be installed inside and on the terrace with the monitor maintaining 28 day evidence
A log book system maintained
Well lit premises with maintained well lit internal and external lighting
Public safety will be promoted at all times.
Staff will be trained in operating CCTV /First Aid and to be vigilant and have knowledge in Health & Safety procedures

d) The prevention of public nuisance

prominent and clear messages will be displayed on the exit to respect residents and the neighbourhood when leaving the premises.
premises shall be cleared of customers thirty minutes after conclusion of activities.
Customers will be ask to leave quietly and not stand around talking
Customers will not be admitted to premises outside opening hours.

e) The protection of children from harm

Staff will be trained and vigilant in Challenge 25 and in asking for personal identification.
A record book /log book of any incidents will be kept on the premises at all times

Checklist:

Please tick to indicate agreement

I have made or enclosed payment of the fee.

I have enclosed the plan of the premises.

I have sent copies of this application and the plan to responsible authorities and others where applicable.

I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.

I understand that I must now advertise my application.

I understand that if I do not comply with the above requirements my application will be rejected.

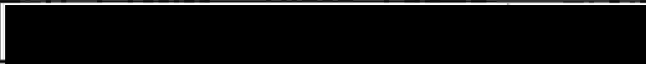
[Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none">• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).• The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	
Date	4 th Sept 2018
Capacity	

PROPOSED CONDITIONS

Palms Bistro 96 – 98 Victoria Road **Kirkby In Ashfield Notts NG17 8AS**

1.) A CCTV system with recording equipment shall be installed and maintained at the premises. Cameras shall cover the entrance and exit to the premises and all areas where the sale/supply of alcohol takes place. Equipment shall be maintained in good working order and

- Be of evidential quality and produce images in all lighting conditions;
- Indicate the correct time and date;
- Be retained for 31 days;
- Sufficient staff will be trained to use the system;

The original images will be made available for inspection upon reasonable request to Officers of responsible authorities.

Copies of the recordings shall be provided in a format which can be viewed on readily available equipment without the need for specialist software.

2.) A bound and sequentially paginated refusals book or electronic record shall be kept at the premises to record all instances where admission or service is refused. Such records shall show:

- The basis for the refusal;
- The person making the decision to refuse; and
- The date and time of the refusal.

Such records shall be retained at the Premises for at least 12 months, and shall be made available for inspection and copying by the Police or any other authorised person upon request.

3.) A bound and sequentially paginated incident/accident book shall be kept to record all instances of disorder, damage to property and personal injury at the premises. This book shall be made available for inspection and copying by the Police and other officers of Responsible Authorities immediately upon request, and all such books shall be retained at the premises for at least 12 months.

4.) All members of staff shall be fully trained in the retail sale of alcohol. The training shall be on-going and each member of staff shall be reviewed every six months. All details of the level of training will be recorded in a bound and sequentially paginated book or electronic record. This information shall be made available for inspection and copying by the Police or any other authorised person on request and all such books shall be retained at the premises for at least 12 months

5.) Challenge 25 notices will be displayed in prominent positions throughout the premises.

6.) A Challenge 25 or similar policy will be implemented and enforced at all times. Any person who appears to be under 25 years of age shall not be allowed to purchase alcohol unless they produce an acceptable form of photo identification. (e.g. a passport or driving licence, Military ID or PASS accredited card.)

7.) Signage shall be displayed advising customers to be respectful to residents and to leave the area in a quiet and orderly manner.

From: Mrs Jane E. Charlesworth
167, Victoria Road
Kirkby-in-Ashfield
Nottinghamshire
NG17-8AN

27-09-18

APPENDIX C

To Whom it may Concern,

Once again I find I have to write with concern about the use of the property at (Victoria Road, 96/98) I myself am a Resident on Victoria Road, when I first moved in there was No Pubs or Restraunts near us on Victoria Road, and we had peace But now I find we have more places opening near and is causing parking difficultys, as more and more people congregate around places opening and staying open late (sometimes Very late) at night, and I find that we are having to Protest each time someone New takes over the address, whitch is almost every year

I formally Protest at

NOISE OF PEOPLE LEAVEING + IN THE PROPERTY

HEAVY TRAFFIC

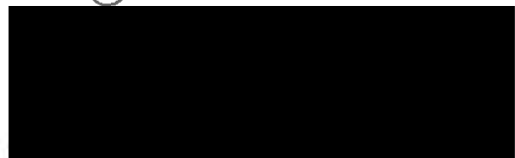
PARKING

LITTER

+ PEOPLE USEING GARDENS + PAVEMENTS AS Loo's

I beseech you to please bring back PRIDE to KIRKBY and start taking notice of the People who live here.

Yours Sincerely



The Licensing Authority
Ashfield District Council
Urban Road
Kirkby-in-Ashfield
Nottingham
NG17 8DA



139 Victoria Road
Kirkby-in-Ashfield
Nottingham
NG17 8AX

25th September 2018

Dear Sir,

I am writing to complain about an application of a **PREMISES LICENCE** for:

**PALMS BISTRO
96/98 VICTORIA ROAD
KIRKBY-IN-ASHFIELD
NOTTINGHAM
NG17 8AS**

Opening hours proposed Monday to Sunday 06.00-23.00

MAIN CONCERN.....NOISE

My husband & I feel that having a licence to sell alcohol all day would **ADD** to the now existing noise from extended hours of party functions (stopping open till 23.00), banging of car doors, shouting last thing at night, raised voices. The sounds echo from across the road.

The premises have an outside tabled forecourt where drinking on hot summer nights would be very disturbing. We do not know if the premises has a smoking area and if so it is to be hoped that they do not cross the road to smoke outside our house leaving nub ends along our pavement in front of our house???

My husband and son have to be up early in the mornings for work and we do not wish to be retiring to bed with the windows closed to help reduce the noise from shouting and car doors slamming. The premises would serve till 23.00 hours and they still would have to have time for customers to drink up.

WOULD YOU LIKE A LICENCED CAFÉ ACROSS FROM YOUR HOUSE!!!!

You have to realise that there are elderly people too on this road that may not even be aware of these proposals that may not even get the chad!!! Have letters been sent out to them??

2ND CONCERN

Although this is not our main worry as above, we do worry about parking along the road

A lot of residents do not have a drive.....they encounter problems parking up not necessarily outside their homes but may have to park around the block/next street on

Yes, you may say that's ok but!!!! What if that person elderly, mothers with small children that have more of a chance of running in the road, people with heavy bags shopping to unload. Some people work shifts come home to shop early evening they come home car parked outside till closing time????

Added increased traffic on a very busy main road gives more cause for car accidents and that's not counting blind spots when pulling off the drive to pull onto the main road.

Victoria road is a reasonably straight road with slight bend towards the old police station and cars zoom up with out a care.

Having said all the above Palm Bistro is a nice Café. But we would not think so if it had a Licence for alcohol and all its problems that come with it.

Yours faithfully,

Mr Mrs Cockayne



2nd October 2018

We wish to make a representation concerning the application of a Premises Licence for Palms Bistro (previously 'the Flying Sausage') 96/98 Victoria Road, Kirkby-in-Ashfield, Notts NG17 8AS.

It is understood that conditions have been laid out in relation to this application which refers to the following: Prevention of Crime & Disorder, Prevention of Public Nuisance, Promotion of Public Safety and Protection of Children from Harm.

Despite this, as residents it is felt that the sale of alcohol on these premises increases all aspects of public nuisance through noise and anti-social behaviour in the immediate vicinity of the Café. The Café is very much part of a row of residential properties not separated by other commercial properties increasing the impact. The residents need to be reassured that all the conditions are strictly followed.

There is concern regarding the notice in local press stating the supply of alcohol Monday to Sunday 6:00 – 23:00. This is clearly beyond the current opening hours as agreed through appeal to planning in 2017. That appeal gave a limited time of extended hours to reassess the impact on residents and also stipulated different times on Sundays and the use of outdoor space. It is understood that current planning permissions override licencing applications re opening times etc which come under planning control and agreements are needed. In light of this representation it of concern that the public notice does not reflect this and is of concern to us as residents in its impacts as previously stated.

It has been clarified that the applicant seeks: Sale of Alcohol (consumed solely on the premises) Midday – 10 pm daily (Mon – Sun), and until 11.30pm on New Year's Eve. Therefore, not in agreement with the current planning consent as we understand it. Any consideration of this application needs to be clear about this situation.

This representation objects to this application for the sale of alcohol in respect of the potential impact on residents from anti-social behaviour and particularly increased noise levels and the increase in the number of people in the vicinity throughout the

week which would affect the well-being of the older residents, working people and those with young families particularly.

If this licence is to include an agreement of provision of regulated entertainment we feel this would potentially cause further increase to noise in this residential area and serious consideration should be made of this along side the issues relating to increased sale of alcohol.

We have lived here and been supportive of all residents for 60 years but felt that we needed to represent our concern for ourselves and other residents who live in very close proximity to the premises applying for the licence.

Yours Faithfully

A solid black rectangular redaction box covering the signature area.

Please note that we wish to remain anonymous in any future hearing.



2nd October 2018

I would like to support the representation made by my elderly parents regarding their serious concerns about the licence application for Palms Bistro.

They have suffered from anti - social behaviour over recent years which has left them with considerable anxiety over any repetitions close to their home.

The licence will allow the applicants to sell alcohol on the premises. Our main concerns are about the hours that this takes place and the impact on the residents from noise and anti-social behaviour. Any excessive noise from public address, audio equipment etc is also of concern if not adhering to agreed hours of opening.

I hope that due consideration will be taken for all those affected by this application and continued assessment of the situation will be put in place.

Your Faithfully

A black rectangular redaction box covering the signature area.

I request that my name and address are kept anonymous.



26th September 2018..

Dear Sir/Madam.

Letter of representation relation to liquor licence application at Palms Bistro 96/98 Victoria Road Kirkby In Ashfield Notts.

I write in respect of the above premises situated at the above. My wife and I reside at the [REDACTED] and have resided there for over 23 years.

During this time the premises have always been used as commercial outlet firstly being a newsagent, then a café and recently a Bistro named Palms Bistro 96-98 Victoria Road. Each new venture bringing ever increasing disruptive noise and disturbance to us.

Our property is owner occupied and is attached to the Bistro. There are occupied flats above Bistro premises. The flats and the bistro are rented. The owners of the commercial premises use the Bistro on a lock up and leave and do not reside in the vicinity.

The purpose of this letter is to oppose the recent application for the premises to hold a liquor licence. At present patrons who dine in the in the premises are allowed to bring in their own alcohol. We wish to complain about noise and disturbance which is evident during current opening hours, and after closing hours whilst clearing up is being undertaken. This can be heard in my property both day and very late evening and is becoming wearing and disruptive to our lives.

Any further increase to the opening hours would be intolerable. There has been no prior consultation of the proposed extended hours and application for a liquor licence by the owners of the Bistro. The application submitted is for Monday to Sunday 6am till 11pm. Therefore we will have no respite should the application be granted.

During this summer with more regularity, larger parties have been held including wedding receptions ,theme nights and curry nights where alcohol was consumed both inside and outside on the wooden terrace at the front of the premises immediately next to our front sitting room and below our main bedroom. People gather on the terrace to

to our front sitting room and below our main bedroom. People gather on the terrace to talk drink smoke and sit outside. We have endured singing, music, as well as bagpipes being played and barking dogs of owners attending the functions.

This prevents us from opening windows in my home because of the noise and disruption. We are unintentionally involved with all these parties and celebrations. We fear this will only increase and create further problems if a liquor licence is granted.

Both my wife and I work, I as a postman and she in the local newsagents, which requires us both to have early morning starts 6 days a week, getting up at 4.15am leaving home before 5am. In contrast we retire to bed early evening. If the opportunity arises we take a short nap after work.

However sleeping at any time is becoming most difficult as it is not only the noises from pots and kitchen equipment being put away but the noise from patrons in and outside the premises when they leave the premises during very late evenings. Should the extended hours with alcohol be extended then disruption could be until nearer midnight.

This is now being to affect our health and welfare as sleep deprivation is increasing as is the frustration. The thought of a liquor licence being granted so close to residential properties for over 10 hours daily seems a totally unacceptable situation.

Over the past 12 months I have had to resort to and invested in the fitting of sound proofing to the inner walls within my home particularly my front bedroom and ground floor rooms. This has involved the fitting of said sound proofing, re-plastering and decoration, adding even more daily disruption to our lives whilst the work was undertaken and for me an enforced substantial financial outlay. Despite our efforts we still continue to have disruptive noise.

We have been very tolerant of our situation so far as we were assured by the owners of the Bistro that they would not be applying for a liquor licence. We cannot see any justifiable reason to move home in order to gain rest and sleep whilst commercial enterprise flourishes without consequence or concern of local residents. I seek to be considered and valued not dismissed.

I respectfully request you to consider this application and refuse to grant it.

We have to live with the consequences of your decisions, whilst the enterprise fails to acknowledge or take account of neighbours and noise their business creates and impacts on a daily basis.

Yours faithfully

P.S. MAY I ALSO ADD THAT THE CAFE OWNERS HAVE ASKED ME SEVERAL TIMES RECENTLY AS TO WHETHER WE HAD HEARD NOISE FROM FUNCTIONS THE PREVIOUS NIGHT. (WHICH I HAD REPLIED WE HAD). WHICH TELLS US THERE IS ALREADY CONCERN MOUNTING OVER NOISE LEVELS EVEN BEFORE THE LIQOR LICENSE APPLICATION HAD BEEN MADE.

INDEED ON ONE OCCASION APOLOGIES WERE MADE TO MYSELF FROM THE OWNERS OF THE CAFE FOLLOWING EVENTS FROM THE CAFE / (NOISE LEVELS) THE NIGHT BEFORE.

96c Victoria Rd
Kirkby - in-Chester
Motto

Dear Sir or Madam

It has been
brought to my attention that
the Birta beneath my flat
has ~~the~~ plans to open some
evenings ~~open~~ until 11pm
I will find this unacceptable
because of the late hour, the
fact that some mornings I have
to be up for work at 4am,
and also noise pollution,

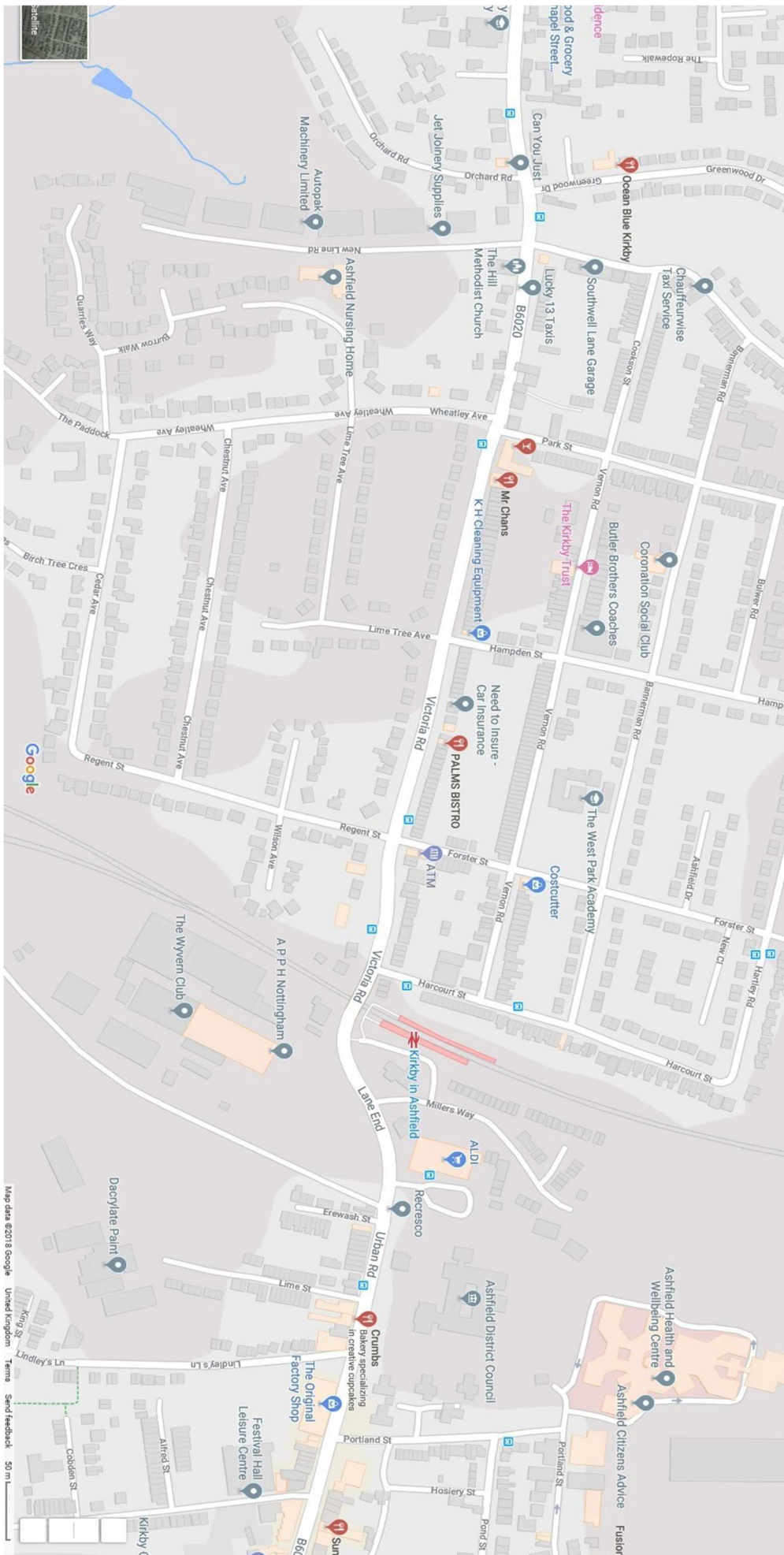
MR. NEIL THOMPSON



ASHEFIELD DISTRICT
COUNCIL

1 OCT 2018

APPENDIX D



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