

**ASHFIELD DISTRICT COUNCIL**



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

## Agenda

### Licensing Sub Committee

Date: **Monday, 19th August, 2019**

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Time: **10.00 am**

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

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For any further information please contact:

**Rachel Newton**

[r.newton@ashfield.gov.uk](mailto:r.newton@ashfield.gov.uk)

01623 457316

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# **LICENSING SUB COMMITTEE**

## **Membership**

**Chairman:** Councillor Warren Nuttall

**Councillors:**

Jim Blagden

Rachel Madden

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 457316.

## **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:  
127 Outram Street, Sutton in Ashfield. 5 - 38**

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<b>Report To:</b>	<b>LICENSING COMMITTEE</b>	<b>Date:</b>	<b>19<sup>TH</sup> AUGUST 2019</b>
<b>Heading:</b>	<b>HEARING FOR APPLICATION FOR A NEW PREMISES LICENCE: 127 OUTRAM STREET, SUTTON IN ASHFIELD</b>		
<b>Portfolio Holder:</b>	<b>ENVIRONMENT</b>		
<b>Ward/s:</b>	<b>CENTRAL &amp; NEW CROSS</b>		
<b>Key Decision:</b>	<b>NO</b>		
<b>Subject to Call-In:</b>	<b>NO</b>		

## **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 David Mattis in relation to 127 Outram Street, Sutton in Ashfield, Nottinghamshire, NG17 4BG; 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/705588/Revised\\_guidance\\_issued\\_under\\_section\\_182\\_of\\_the\\_Licensing\\_Act\\_2003\\_April\\_2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/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):  
**<https://www.ashfield.gov.uk/media/5265/statement-of-licensing-policy-2019-2024.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 24<sup>th</sup> June 2019, the Licensing Authority received an application from David Mattis for the grant of a New Premises Licence for 127 Outram Street, Sutton in Ashfield, Nottinghamshire, NG17 4BG, seeking to provide licensable activities at the premises (a Micro Brewery)

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

#### Sale of Alcohol (off sales only):

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Monday – Sunday	18:00	Until	02:00
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#### Late Night Refreshment (provided outdoors only):

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Monday – Sunday	23:00	Until	02:00
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A summary of the proposed opening hours can be found detailed below.

#### Opening Hours:

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Monday - Sunday	18:00	Until	02:00
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Both the application and the steps that the applicant intends to take to promote the licensing objectives can be found at **Appendix A**.

In light of the Licensing Authority believing that the applicants Operating Schedule required further enhancing in order to promote the licensing objectives, the Responsible Authority for the Licensing Authority sought and obtained agreement from the applicant to a more robust set of conditions to be attached to the grant of any New Premises Licence. A copy of the agreed conditions (to replace those originally proposed by the applicants) are attached at **Appendix B**. A copy of the applicants' agreement to these conditions is attached at **Appendix C**.

During the 28 day consultation period the Licensing Team received one representation submitted by Nottinghamshire Police objecting to the application. The representation is attached at **Appendix D**, and the representation raises concerns that the proposed business may undermine the licensing objectives of the prevention of crime and disorder.

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

## **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 19<sup>th</sup> August 2019 and has the following financial implications:

<b>Budget Area</b>	<b>Implication</b>
General Fund – Revenue Budget	None
General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

### **Risk:**

<b>Risk</b>	<b>Mitigation</b>
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 (to be completed by the author):**

*Information Only*

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



**Other Implications:**

None

**Reason(s) for Urgency (if applicable):**

Not applicable

**Background Papers**

- Appendix One:** Application for a New Premises Licence
- Appendix Two:** Proposed conditions of the Licensing Authority
- Appendix Three:** Agreement of Applicant to Licensing Authority conditions
- Appendix Four:** Representation from Nottinghamshire Police
- Appendix Five:** Location Map

**Report Author and Contact Officer**

**Julian Alison  
Licensing Manager**

**[j.alison@ashfield.gov.uk](mailto:j.alison@ashfield.gov.uk)**

**01623 457364**

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

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/WE Mr David Charles Mattis  
(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**

Postal address of premises or, if none, ordnance survey map reference or description			
127 OUTRAM STREET			
Post town	SUTTON - IN ASHFIELD	Postcode	NG17 4BG
Telephone number at premises (if any)	[REDACTED]		
Non-domestic rateable value of premises	£ 2850		

**Part 2 - Applicant details**

Please state whether you are applying for a premises licence as

Please tick as appropriate

- a) an individual or 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 <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)
Surname <b>MATTIS</b>		First names <b>DAVID</b>		
Date of birth	<b>[REDACTED]</b>	I am 18 years old or over	<input checked="" type="checkbox"/> Please tick yes	
Nationality	<b>[REDACTED]</b>			
Current residential address if different from premises address	<b>[REDACTED]</b>			
Post town	<b>[REDACTED]</b>	Postcode	<b>[REDACTED]</b>	
Daytime contact telephone number	<b>[REDACTED]</b>			
E-mail address (optional)	<b>[REDACTED]</b>			

**SECOND INDIVIDUAL APPLICANT (if applicable)**

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)
Surname			First names	
Date of birth		I am 18 years old or over <input type="checkbox"/> Please tick yes		
Nationality				
Current postal address if different from premises address		N/A		
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)

N/A

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD	MM	YYYY
01	03	2020

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

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

THE PREMISES IS A GROUND FLOOR SPACE CONSISTING OF TWO ROOM FRONT (RETAIL) AND BACK ROOM (KITCHEN). THE SHOP IS LOCATED ON THE MAIN STREET OUTRAM ST. THERE WILL BE NO CONSUMPTION OF ALCOHOL ON THE PREMISES.

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**

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

**B**

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



C

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

**D**

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

N/A

**E**

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 – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 4)	Both	<input type="checkbox"/>
Tue			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 5)		
Wed			<b>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</b> (please read guidance note 6)		
Thur					
Fri					
Sat					
Sun					

*N/A*

**F**

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

**G**

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 – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<b><u>Please give further details here</u></b> (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 5)		
Thur					
Fri			<b><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></b> (please read guidance note 6)		
Sat					
Sun					

~~N/A~~

**H**

<p><b>Anything of a similar description to that falling within (e), (f) or (g)</b>  <b>Standard days and timings (please read guidance note 7)</b></p>			<p>Please give a description of the type of entertainment you will be providing</p>		
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<p><b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)</p>	Indoors	<input type="checkbox"/>
Mon.				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><b><u>Please give further details here</u></b> (please read guidance note 4)</p>		
Wed			<p style="text-align: center; font-size: 2em;"><b>N/A</b></p>		
Thur					
Fri			<p><b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 5)</p>		
Sat			<p><b><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></b> (please read guidance note 6)</p>		
Sun					

I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)</b>  <i>To provide alcohol for consumption off premises.</i>	Indoors	<input type="checkbox"/>
				Outdoors	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here (please read guidance note 4)</b>		
Mon	18:00	02:00			
Tue	18:00	02:00	<b>State any seasonal variations for the provision of late night refreshment (please read guidance note 5)</b>		
Wed	18:00	02:00			
Thur	18:00	02:00	<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6)</b>		
Fri	18:00	02:00			
Sat	18:00	02:00			
Sun	18:00	02:00			

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)		
Mon	18 PM	02.00			
Tue	1800	0200			
Wed	1800	0200			
Thur	1800	0200			
Fri	1800	0200			
Sat	1800	0200			
Sun	1800	0200			
			<b>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</b> (please read guidance note 6)		

**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):**

<b>Name</b>	MR DAVID CHARLES MANN
<b>Date of birth</b>	[REDACTED]
<b>Address</b>	[REDACTED]
<b>Postcode</b>	[REDACTED]
<b>Personal licence number (if known)</b>	MANS 026800
<b>Issuing licensing authority (if known)</b>	MANFIELD DISTRICT COUNCIL

□□□□



**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).

Premises would be operating primarily as a bar/food outlet with selective alcoholic sales only.

**L**

Hours premises are open to the public Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5)
Day	Start	Finish	
Mon	1800	0200	<p><u>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</u> (please read guidance note 6)</p>
Tue	1800	0200	
Wed	1800	0200	
Thur	1800	0200	
Fri	1800	0200	
Sat	1800	0200	
Sun	1800	0200	

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

To promote all licensing objectives we will do the following:  
Strong management control and effective staff training so that they are all aware of the premises licence and the requirements

- A. NO selling of alcohol to underage customers.
- B. NO drink and behaviour on the premises <sup>other</sup> at retail
- C. vigilance in preventing the use and sale of ~~alcohol~~ <sup>alcohol</sup> areas.
- D. NO violent and anti social behaviour, No harm to children.

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

A CCTV system will be installed to monitor entrances exits and other parts of premises in order to prevent crime objectives. A clear and legible indicating normal hrs at under the terms of the premises licence in which licensable activities are permitted. Not selling alcohol to drunk or intoxicated customers, not allowing the consumption of alcohol on the premises

**c) Public safety**

Good lighting both internal & external to promote the public safety objective. Training staff to adhere to environmental health requirements. Training and implementation of underage ID checks. Food system will be kept on the premises which will record entered particulars of rejection as those required by statute. All parts of the premises and all fittings, lighting, heating electrical, air condition will be maintained at all time in good order.

**d) The prevention of public nuisance**

Prominent, clear and legible notices will be displayed at the exit, requesting the public to respect the needs of nearby residents and to leave the premises and area quietly. Deliveries of goods will be carried out in such a manner as to prevent nuisance and disturbance to nearby residents. Any lighting on or outside the premises will be positioned in such a way as not to cause a disturbance to nearby residents

**e) The protection of children from harm**

Well trained staff will undertake specific training with the legal obligations of protecting children from alcohol. This training will be given to our delivery drivers also. All details provided in training records Book kept at the premises

**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.**

<b>Declaration</b>	<ul style="list-style-type: none"> <li>• [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).</li> <li>• 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)</li> </ul>
<b>Signature</b>	[REDACTED]

Date	25/08/2019
Capacity	Designated Premises Supervisor

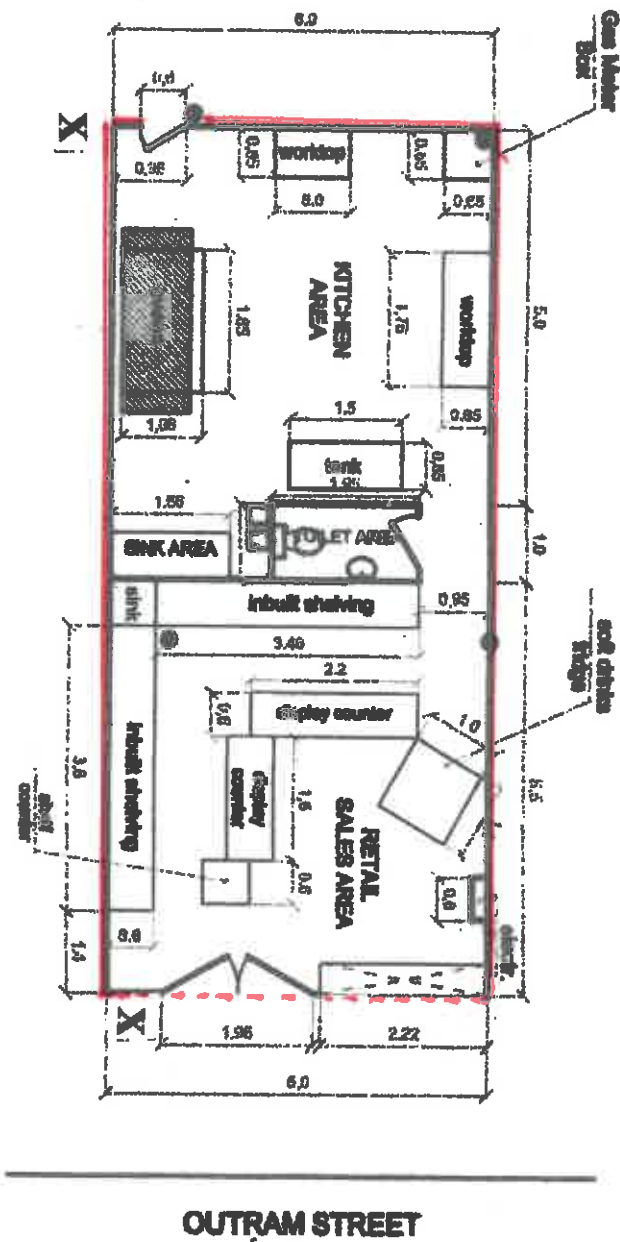
For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

**Notes for Guidance**

- Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
- In terms of specific regulated entertainments please note that:
  - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
  - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
  - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
  - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
  - Live music: no licence permission is required for:
    - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.



## APPENDIX TWO

1. A CCTV system with recording equipment shall be installed prior to the premises carrying out licensable activities and maintained in accordance with the scheme.

All recordings used in conjunction with CCTV shall:

- be of evidential quality
- indicate the time and date
- be retained for a period of 31 days

Recordings shall be made available for inspection when requested by the Police or any other authorised person.

2. The sale of alcohol shall be restricted solely to such persons purchasing late night refreshment from the premises.
3. The Premises Licence holder shall ensure that a dedicated area is provided for vulnerable patrons (i.e. through alcohol, drugs isolation, underage, etc.) that have come to the attention of staff employed at the premises. This area will be for the safeguarding and appropriate support and first aid (if required) of such persons.
4. The Premises Licence Holder shall ensure that all staff employed at the premises whose duties include the sale or supply of alcohol shall undertake and complete a relevant programme of training prior to them being authorised to sell or supply alcohol. Such training shall consist of providing staff with an understanding of:
  - The need to ensure the responsible sale and supply of alcohol
  - The need to refuse the sale and supply of alcohol to persons who are intoxicated or underage
  - The need to seek credible age verification from persons seeking to be sold or supplied alcohol who may appear under the age of 18 years old

Records of the training programme shall be maintained and made available to Authorised Officers upon request.

The Premises Licence holder shall provide a “refresher” training session to all relevant staff members as and when deemed necessary on a case by case evaluation, but as a minimum requirement the refresher training session shall be provided to all staff on at least one occasion every six months.

5. A Premises Daily Register shall be held at the premises. This Register shall be maintained for a rolling minimum period of 12 months, and shall record:
  - The name of the person responsible for the premises on each given day.
  - The name of the person authorising the sale of alcohol each day.
  - All calls made to the premises where there is a complaint made by a resident or neighbour of noise, nuisance or anti-social behaviour by persons attending or leaving the premises. This shall record the details of the caller, the time and date of the call and the time and date of the

incident about which the call is made and any actions taken to deal with the call.

- Any refusals on grounds of age and/or intoxication (to include date, time, member of staff involved, reason for refusal as well as a brief physical description of the person refused)
- Any calls to or visits by Nottinghamshire Police or the Licensing Authority in relation to any crime and disorder / public nuisance or like related matter.

The Designated Premises Supervisor shall check the Premises Daily Register on a weekly basis ensuring that it is completed and up-to-date, sign the Premises Daily Register each time that it is checked, and make the Premises Daily Register available for inspection by any Authorised Officer throughout the trading hours of the premises.

6. The Premises Licence holder shall participate in the designated local Pubwatch / Licensed Premises Partnership scheme (should one be in operation) and ensure that a representative of the licensed premises attend all of the arranged meetings or such a person has made all reasonable endeavours to attend the arranged meetings.
7. Prominent, clear notices shall be displayed at all exit points to advise customers to respect the needs of the local community and of acceptable behaviour in public spaces.
8. Signage shall be displayed advising customers to be respectful to residents and to leave the area in a quiet and orderly manner.
9. Waste receptacles shall be provided in the external areas immediately outside of the premises for customer to deposit any waste material relating to their purchase of late night refreshment from the premises.
10. Challenge 25 notices shall be displayed in prominent positions throughout the premises.
11. All members of staff at the premises shall seek "credible photographic proof of age evidence" from any person who appears to be under the age of 25 years and who is seeking access to the premises or is seeking to purchase or consume alcohol on the premises. Such credible evidence, which shall include a photograph of the customer, will include a passport, photographic driving licence, or Proof of Age card carrying a "PASS" logo.

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**From:** david mattis [REDACTED]  
**Sent:** 25 June 2019 10:28  
**To:** J.Alison  
**Cc:** 'Brown, Daveen'; 'Ansty, Catherine'  
**Subject:** Re: Conditions for New Premises Licence Application - 127 Outram Street

This message originated from outside your organization

---

Dear Mr Alison,  
With regards to your conditions for the premises licence regarding 127 Outram street. I formally agree to the conditions stated.

Kind regards

David mattis

Get **Outlook for iOS**

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**From:** J.Alison <J.Alison@ashfield.gov.uk>  
**Sent:** Monday, June 24, 2019 1:29:32 PM  
**To:** [REDACTED]  
**Cc:** 'Brown, Daveen'; 'Ansty, Catherine'  
**Subject:** Conditions for New Premises Licence Application - 127 Outram Street

Dear David

Further to our telephone conversation re: your recent application for a New Premises Licence, please find attached the conditions I propose which will replace those entered by yourself on your application.

I have copied my Police colleagues into this email so that they are also aware of the proposals.

If you agree to the attached conditions, please respond to myself and copy in my Police colleagues with your response.

Many thanks.

Kindest regards

Julian Alison

Licensing Team Leader  
Places & Communities  
Ashfield District Council  
Urban Road  
Kirkby-in-Ashfield



## APPENDIX FOUR

### Notification to Licensing Authority of Representation under Licensing Act 2003

1. Name of Responsible Authority making representation:

- a. Your name: **M Turner**  
[Deputy Head of Legal Service, East Midlands Legal Services Unit, for and on behalf of the Chief Constable]
- b. Your address: **Nottinghamshire Police Headquarters**  
**HQ (CJ) Liquor Licensing**  
**Mansfield Police Station**  
**Great Central Road**  
**Mansfield**  
**Nottinghamshire**  
**NG18 2HQ**
- c. Your phone number: **101 extn 3104862**
- d. Your e-mail address: [REDACTED]  
[Contact at county licensing]

2. Please identify the application you wish to make a representation about.

a. Name and address of application premises:

**127 Outram Street**  
**Sutton In Ashfield**  
**Nottinghamshire**  
**NG17 4BG**

b. Nature of application: **Grant of Premises Licence**

3. Which of the licensing objectives does your representation relate to? Please delete as appropriate <sup>2</sup>.

a. **The Prevention of Crime and Disorder.**

### **Details of the representation(s)**

4. Please give details of your representation(s) including details as to why you feel the application would be unlikely to promote the objective(s) you have ticked above and including as much evidence as possible in support of your representation. Please continue on a separate sheet if necessary.

**The application is for a takeaway to be open to the public from 6pm until 2am the following day. The application requests the sale of alcohol for the times to reflect the opening hours and late night refreshment to allow the sale of hot food and drinks from 11pm until 2am the following day, all the times are to cover Monday to Sunday.**

**The applicant, Mr David Mattis described in box K details that the premises intends to be primarily a fast food outlet with selective alcohol sales only.**

**The Premises are located on Outram Street which is within Sutton Town Centre and a main thoroughfare for the town.**

**Outram Street is made up of several different retail premises, of those there are a number of licensed premises which includes 5 restaurants with a takeaway service, 4 public houses, 5 off licences, a florist with a alcohol licence and 4 late night refreshment venues known as takeaways.**

**These premises already cater for sit down meals, alcohol, dancing and takeaway food.**

**it is the view of Nottinghamshire Police that this part of the town has adequate provisions for takeaways and off licence premises, although Ashfield District Councils statement of licensing policy states (7.28) that there is no Cumulative Impact policy currently in place, it also states that there is potential for a change in this situation. Nottinghamshire Police do not feel the area is yet to a point of saturation, but we do feel that that any additional premise licences granted within this immediate area need to be carefully and individually considered and conditioned to ensure they promote the licensing objectives and as in 2.8 of the Councils statement of licensing policy, do not have a negative impact on members of the public who live and work within that area.**

**Having had regard to the nature, style and location of the premises, the Police have concerns over the increase in alcohol related anti-social behaviour, crime, disorder and nuisance that the grant of this premises licence will cause.**

**The very style and nature of a late night pubs and takeaways creates problems of crime and disorder. These types of venues attract patrons later in the evening, many of whom have been drinking alcohol in the pubs and bars within the town centre. People have a tendency to become more disorderly and anti-social as the night progresses on account that they become increasingly intoxicated and therefore prone to engage in disruptive behaviour.**

**Ashfield District Council's statement of licensing policy states at 2.1 in exercising their functions under the licensing act 2003, licensing authorities must have regard to the licensing objectives as set out in section 4 of the act.**

**Ashfield District Council's policy also states at 2.6 the promotion of the licensing objectives is paramount consideration for the authority.**

**Ashfield District Councils Statement of licensing policy states at 5.2 that in the Licensing Authority are to remain impartial but in exceptional**

circumstances they can take on the role of a responsible authority. Nottinghamshire Police has been informed by Ashfield District Council Licensing Section that the applicant has agreed to some conditions proposed by Ashfield District Council in the form of a document called 'Operational Policies'.

Some of the conditions within 'Operational Policies' do address issues that Nottinghamshire Police would have requested become conditions, CCTV in particular and a Challenge 25 policy to tackle underage sales of alcohol. However, we are of the opinion that this application in its entirety does not promote the licensing objectives, in particular the prevention of crime and disorder, and will add to the negative impact already experienced in Sutton Town Centre in respect of the later times requested for licensable activity to take place, mainly the sale of alcohol.

Nottinghamshire Police would like to see the operating schedule address alcohol sales, and how the applicant will ensure that the premises is predominantly food led as stipulated within the application form in box K.

It is a concern of Nottinghamshire police that a member of the public could leave a local public house and purchase alcohol in the early hours from this premises without the necessity of a food purchase. We do not want to restrict business by requesting alcohol sales are for home delivery only, but instead would like alcohol to accompany food.

Nottinghamshire Police has had contact with Mr Mattis to request a condition be placed upon the licence, unfortunately Mr Mattis declined the condition, he felt that 'due to the fact we have already accepted without cause, addition(*sic*) stipulations which add to our running costs. Hence. With respect I reject this condition. As no other takeaway I know of has a minimum price for selling food'.

In view of this and the interests of the wider community, it is the opinion of the Police that the only way that this premises will not have a negative effect, and will not undermine the licensing objectives, is if the condition below is placed on the premise licence.

The Police reserve the right to:

- bring further evidence of the Licensing Objectives being undermined to any subsequent panel hearing and to provide live oral evidence to this effect.

5. If you are suggesting that conditions should be attached to any licence granted please give the wording of the proposed condition(s) and state why you feel they are necessary and proportionate. Please continue on a separate sheet if necessary.

**The supply of alcohol shall be restricted to those placing an order for food, either by telephone or in person at the premises. The value of the food will be in excess of £5**

6. Please indicate any parts of the Licensing Authority's Statement of Policy that you feel may be relevant to your representation <sup>3</sup>.

**Indication of those relevant parts will be given in addition to those above, in a Panel Hearing.**

7. Please indicate any parts of the Guidance issued under S 182 of the licensing Act 2003, which you feel may be relevant to your representation <sup>4</sup>.

**Indication of those relevant parts will be given within a Panel Hearing.**

8. As you have made a representation the Application may need to be determined at a hearing of the Licensing Committee or one of its Panels. At this stage would you intend to attend such a hearing<sup>5</sup>? Please circle as appropriate.

Yes

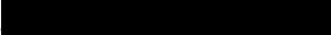
No

9. If you intend to attend any hearing that may be held it would be helpful at this stage if you could give an indication as to how long you think you would need to make your representation(s).

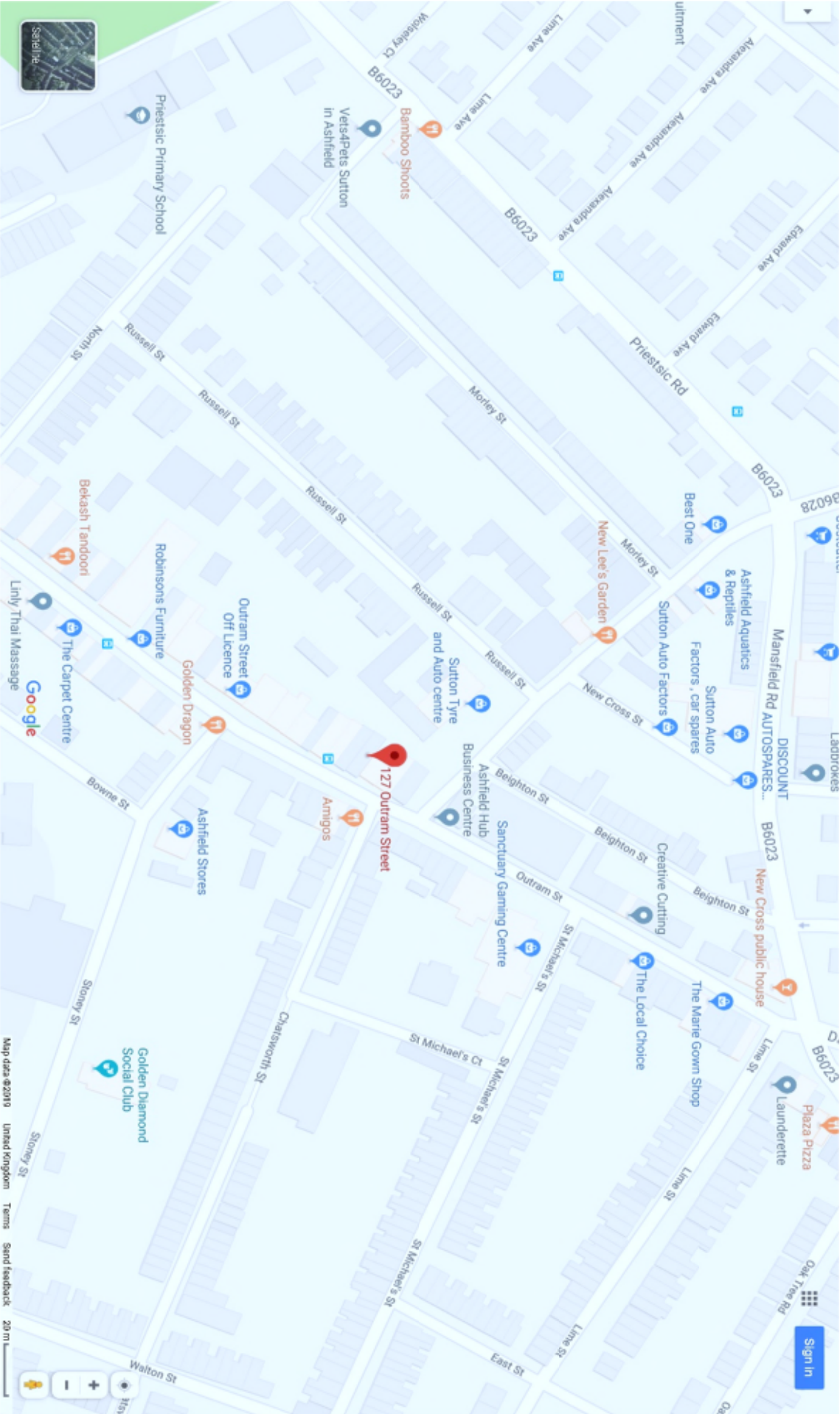
**Not Known**

Signed: M Turner [Deputy Head of Legal Service, East Midlands Legal Services Unit, for and on behalf of the Chief Constable]

Date: 19<sup>th</sup> July 2019

c.c.  - Applicant

APPENDIX FIVE



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