

# LICENSING ACT 2003

## PROCEDURE TO BE FOLLOWED AT CONTESTED HEARINGS

In relation to applications for:

- (a) Premises Licences - new applications (s17), variations (s34 & s37) and transfers (s42)
- (b) Club Certificates - new applications (s72) and variations (s84)
- (c) Personal Licences - new applications and renewals (s117)
- (d) Counter Notices following a Temporary Event Notice (s104)

1. The Chairman will introduce himself, other members and officers.
2. The Chair will also ask the Applicant, Interested Parties and the Responsible Authorities to introduce themselves, and any witnesses they may wish to call.
3. The Chair/relevant officer will explain to the parties the procedure to be followed. (See points 4 - 10 inclusive)
4. The proceedings will commence with Legal Adviser outlining the reason(s) for the hearing, and stating whether any representations have been withdrawn.
5. The Applicant will be asked to present their case. The order for asking questions at the end of the Applicant's presentation will be: 
  - Responsible Authorities;
  - Interested Parties;
  - Members of the Sub-Committee, either on their own behalf or through the Legal Adviser.
6. Where witnesses are called each witness will give their evidence and then be open to questioning in the order as above.
7. Other parties, i.e. Responsible Authorities and Interested Parties, if applicable, and in that order, will then be given an opportunity to present their representations.
8. Once the objection(s) have been presented and any evidence given, there will be an opportunity for questions to be asked, by; 
  - Responsible Authorities to each other (only exceptionally if needed for clarification);
  - Interested Parties;
  - The Applicant;
  - Members of the Sub-Committee, either on their own behalf or through the Legal Adviser;
9. Once all the evidence has been presented the Responsible Authorities and Interested Parties, if applicable, will have the opportunity to sum up their objections in the same order as they presented their case. No new evidence may be presented at this point.
10. Finally the applicant(s) will sum up their case. Again no new evidence may be presented.

11. The Chair will enquire if all parties have said everything they wish to and ask if there are any legal matters that need to be clarified. The Sub-Committee will then withdraw to deliberate in private, and will be accompanied by the Legal Adviser. The decision shall be arrived at by the Sub-Committee alone.
12. In most cases the Sub-Committee will make its determination at the conclusion of the hearing, and the pronouncement of that determination shall be made in public. This will be subsequently notified in writing with reasons in accordance with the Regulations.
13. Where the Sub-Committee is not required to make its decision at the conclusion of the hearing, and it chooses not to do so, it will make its decision within 5 working days of the last day of the hearing, and will notify that decision without unreasonable delay.

*NB: There are now only two instances where a decision is required at the conclusion of the hearing; firstly a counter notice in relation to a Temporary Event Notice (s105), and secondly a review following a closure order (s167).*

*In all other cases the Sub-Committee has up to 5 working days to reach its decision, but for practical purposes it will generally be made immediately following the hearing.*

<b>Report To:</b>	<b>LICENSING COMMITTEE</b>	<b>Date:</b>	<b>THURSDAY 13<sup>TH</sup> APRIL 2017</b>
<b>Heading:</b>	<b>HEARING FOR APPLICATION FOR A NEW PREMISES LICENCE</b>  <b>LYNGARY'S, 30A ANNESLEY ROAD, HUCKNALL, NOTTINGHAMSHIRE, NG15 7AB</b>		
<b>Applicants</b>	<b>GARY ASHWORTH &amp; LYNETTE HENRY</b>		
<b>Portfolio Holder:</b>	<b>ENVIRONMENT</b>		
<b>Ward/s:</b>	<b>HUCKNALL CENTRAL</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 in relation to Lygary's, 30A Annesley Road, Hucknall, Nottinghamshire, NG15 7AB; 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.

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## **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://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/418114/182-Guidance2015.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/418114/182-Guidance2015.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;**
- **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 23<sup>rd</sup> February 2017, the Licensing Authority received an application from Mr Gary Ashworth & Ms Lynette Henry for the grant of a New Premises Licence for Lyngary's, 30A Annesley Road, Hucknall, Nottinghamshire, NG15 7AB, seeking to operate a "Micro-Bar" with one main room for drinking and a small "snug" area.

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

#### Sale of Alcohol (both on and off sales):

Wednesday – Saturday	12:00 (Noon)	Until	23:00
Sunday	12:00 (Noon)	Until	22:00

#### Live Music (indoors only):

Wednesday - Saturday	18:00	Until	23:00
Sunday	12:00	Until	22:00

#### Recorded Music (indoors only):

Wednesday – Saturday	12:00 (Noon)	Until	23:00
Sunday	12:00 (Noon)	Until	22:00

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

#### Opening Hours:

Wednesday – Saturday	12:00 (Noon)	Until	23:00
Sunday	12:00 (Noon)	Until	23:00

Both the application and the steps that the applicant intends to take to promote the licensing objectives) can be found at **Appendix A**.

Having reviewed the application, the Responsible Authority for the Licensing Authority sought the addition of conditions and "operational policies" to be implemented in order to uphold all of the licensing objectives. The applicants agreed to this request, and a communication between the Licensing Authority and the applicants detailing the conditions and "operational policies" and the applicants' acceptance of them can be found at **Appendix B**.

During the 28 day consultation period the Licensing Team received three 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 of the prevention of crime and disorder, and the prevention of public nuisance.

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 13/04/2017 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

### **Human Resources / Equality and Diversity:**

#### *Information Only*

There are no direct HR implications contained within this report

#### *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**

Not applicable

**Report Author and Contact Officer**

Andrew Sullivan  
Licensing Coordinator

**Tel:** 01623 457589

**Email:** a.sullivan@ashfield.gov.uk

**Rob Mitchell**  
**CHIEF EXECUTIVE**





# APPENDIX A

[Insert name and address of relevant licensing authority and its reference number (optional).]

## 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 GARY ASHWORTH and LYNETTE HENRY  
(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			
30a ANNESLEY ROAD HUCKNALL NOTTINGHAM NG15 7AB			
Post town	HUCKNALL	Postcode	NG15 7AB
Telephone number at premises (if any)	[REDACTED]		
Non-domestic rateable value of premises	£ 0		

#### Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- |   |                                     |                             |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals *               | <input type="checkbox"/>            | please complete section (A) |
| b) a person other than an individual *          |                                     |                             |
| i. as a limited company                         | <input type="checkbox"/>            | please complete section (B) |
| ii. as a partnership                            | <input checked="" type="checkbox"/> | please complete section (B) |
| iii. as an unincorporated association or        | <input type="checkbox"/>            | please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/>            | 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:

Please tick yes

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 type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)
<b>Surname</b>			<b>First names</b>	
I am 18 years old or over				<input type="checkbox"/> Please tick yes
Current postal address if different from premises address				
Post town			Postcode	
<b>Daytime contact telephone number</b>				
<b>E-mail address (optional)</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		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
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	Mr GARY ASHWORTH and MISS LYNETTE HENRY
Address	5 MINSTREL CLOSE HUCKNALL NOTTINGHAM NG15 7NZ
Registered number (where applicable)	
Description of applicant (for example, partnership, company, unincorporated association etc.)	PARTNERSHIP
Telephone number (if any)	
E-mail address (optional)	

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD MM YYYY  
17 03 2017

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

DD MM YYYY  
N/A

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

MICRO BAR - DRINKS <sup>STORED</sup> ~~SERVED~~ IN FRIDGES AND BACK BAR (NO CASK OR KEG). ONE MAIN ROOM WITH BAR FOR DRINKING AND SMALL SNUG AREA ON WAY TO TOILET. NO DRINKS OUTSIDE.

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

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

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

Provision of regulated entertainment

Please tick any 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 6)			<b><u>Will the performance of a play take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Tue					
Wed			<b><u>State any seasonal variations for performing plays</u></b> (please read guidance note 4)		
Thur					
Fri			<b><u>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</u></b> (please read guidance note 5)		
Sat					
Sun					

**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<b><u>Will the exhibition of films take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue			<b><u>State any seasonal variations for the exhibition of films</u></b> (please read guidance note 4)		
Wed					
Thur			<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 5)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			
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 5)
Fri			
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 6)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue					
Wed			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 4)		
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 5)		
Sat					
Sun					



E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 3) OCCASIONAL LIVE MUSIC - ONE OR TWO MUSICIANS PLAYING GUITAR, VIOLIN ETC (FOLK MUSIC). LOW VOLUME, LIGHT ENTERTAINMENT.		
Tue					
Wed	18:00	23:00	<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4) N/A		
Thur	18:00	23:00			
Fri	18:00	23:00	<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 5) N/A		
Sat	18:00	23:00			
Sun	12:00	22:00			

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place <u>indoors or outdoors or both</u> – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b>Please give further details here</b> (please read guidance note 3) VARIOUS CD'S TO BE PLAYED AS BACKGROUND MUSIC		
Tue					
Wed	12:00	23:00	<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 4)  N/A		
Thur	12:00	23:00			
Fri	12:00	21:00	<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 5)  N/A.		
Sat	12:00	23:00			
Sun	12:00	22:00			

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 6)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 4)		
Wed					
Thur			<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 5)		
Fri					
Sat					
Sun					

# H

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

I

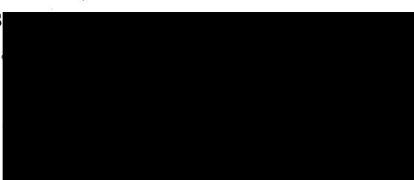

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue			<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 4)		
Wed					
Thur			<b><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></b> (please read guidance note 5)		
Fri					
Sat					
Sun					



**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)  N/A		
Mon					
Tue					
Wed	12:00	23:00			
Thur	12:00	23:00			
Fri	12:00	23:00			
Sat	12:00	23:00			
Sun	12:00	22:00			
			<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 5)  N/A		

**State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:**

Name	MISS LYNETTE HENRY		
Address			
Postcode			
Personal licence number (if known)			
Issuing licensing authority (if known)			

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 8).

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon			N/A
Tue			
Wed	12:00	23:00	
Thur	12:00	23:00	
Fri	12:00	23:00	
Sat	12:00	23:00	
Sun	12:00	23:00	
			<p><b>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</b> (please read guidance note 5)</p> <p style="text-align: center;">N/A</p>

**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 9)**

NOTHING BEYOND EXISTING HEALTH AND SAFETY,  
FIRE SAFETY ETC REQUIREMENTS

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

NOTHING BEYOND EXISTING HEALTH AND SAFETY,  
FIRE SAFETY ETC REQUIREMENTS

**c) Public safety**

NOTHING BEYOND EXISTING HEALTH AND SAFETY,  
FIRE SAFETY ETC REQUIREMENTS

**d) The prevention of public nuisance**

NOTHING BEYOND EXISTING HEALTH AND SAFETY,  
FIRE SAFETY ETC REQUIREMENTS

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

NOTHING BEYOND EXISTING HEALTH AND SAFETY,  
FIRE SAFETY ETC REQUIREMENTS



NOTHING BEYOND EXISTING HEALTH AND SAFETY,  
FIRE SAFETY ETC REQUIREMENTS.

**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.

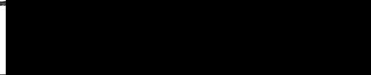
**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.**

**Part 4 – Signatures** (please read guidance note 10)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (see guidance note 11).  
If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	16-02-2017
Capacity	Partner

**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 12). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	16.02.2017.
Capacity	PARTNER.

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

Mr Gary Ashworth and Miss Lynette Henry  
5 Minstrel Close  
Hucknall  
Nottingham

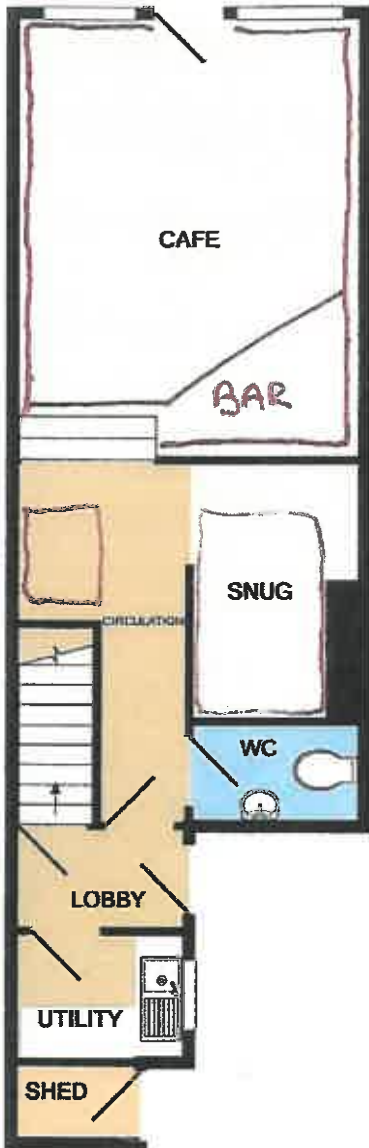
Post town	Nottingham	Postcode	NG15 7NZ
-----------	------------	----------	----------

Telephone number (if any)	[REDACTED]
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If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

### Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



GROUND FLOOR  
APPROX. FLOOR  
AREA 45.2 SQ.M.  
(486 SQ.FT.)



1ST FLOOR  
APPROX. FLOOR  
AREA 37.6 SQ.M.  
(406 SQ.FT.)



2ND FLOOR  
APPROX. FLOOR  
AREA 38.8 SQ.M.  
(418 SQ.FT.)

TOTAL APPROX. FLOOR AREA 121.6 SQ.M. (1309 SQ.FT.)

Whilst every attempt has been made to ensure the accuracy of the floor plan contained here, measurements of doors, windows, rooms and any other items are approximate and no responsibility is taken for any error, omission, or mis-statement. This plan is for illustrative purposes only and should be used as such by any prospective purchaser. The services, systems and appliances shown have not been tested and no guarantee as to their operability or efficiency can be given  
Made with Metropix ©2017



**J.Alison**

---

**From:** [REDACTED]  
**Sent:** 18 February 2017 15:03  
**To:** J.Alison  
**Subject:** RE: Lyngary's, Hucknall

**This message originated from outside your organization**

---

Hi Julian,

Many thanks for sending this all across to us so promptly. We of course completely agree with all the conditions and fully intend to do everything we can to ensure the 4 Licencing Objectives are upheld at all times. We care currently studying for our personal licence exam so understand the importance of everything that you have set out below and attached.

We have decided that it would be good practice for us both to hold a personal licence so we are both fully up to speed with our responsibilities. We have printed out this email and attachments and these will be come part of our operating manual daily record keeping files that we will hold at the premises.

Thanks again and please keep me posted and don't hesitate to contact me for any further information you may require.

Kind regards  
Gary

Sent from [Mail](#) for Windows 10

---

**From:** [J.Alison](#)  
**Sent:** 17 February 2017 15:22  
**To:** [REDACTED]  
**Cc:** [A.Sullivan](#); [J.Lindley](#); '[Rhodes-Best, Susan](#)'; '[Ansty, Catherine](#)'; [S.Needham](#)  
**Subject:** Lyngary's, Hucknall

Dear Gary & Lyn

Further to your recent New Premises Licence application, I note that your "operating schedule" is empty. As such, I have risk-assessed your application, and request that the conditions listed below, and the Operational Policies Document attached be adopted by you. Should you agree to my requests, please respond to me confirming such. Should you not agree to my requests, then my comments will become a formal representation and be put to a Licensing Sub-Committee Hearing for determination.

None of the conditions listed below will impact on you financially, rather they will assist in the responsible and smooth running of your business.

You should also be aware of the following two matters:

- Until a valid Personal Licence holder can be named as a Designated Premises Supervisor on any Premises Licence – then even if the Premises Licence is granted, no alcohol sales can be made.

- It is a legal requirement that premises retailing alcohol have in place an Age Verification Policy – a template is attached for you to complete and retain at the premises.

The conditions that I request that you agree to are as follows (I have copied my staff into this email, and our Police colleagues who may also be considering making a formal representation):

1. 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

The content of the training programme shall be agreed with the Force Licensing Officer of Nottinghamshire Police and the Licensing Authority prior to implementation.

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.

2. 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.

3. The premises shall implement written policies and procedural statements and/or management action plans. Such documents shall include, but not be limited to, the following:

- Safeguarding Children & Vulnerable Adults
- Responsible Service of Alcohol
- Underage Sales and False Identity
- Acceptable Form of Identification
- Challenge “25”
- Zero Tolerance of Drugs

The above policies and procedural statements shall be “live” documents, subject to amendment following consultation with the Licensing Authority, Environmental Health Department, and Nottinghamshire Police.

4. The Premises Licence holder shall ensure that all staff employed at the premises are aware and understanding of the policies / procedures referred to at Condition 3 and the content of such policies and procedures and that they carry out their duties in accordance with them. Any necessary and justifiable deviation from those agreed shall be fully documented within the Premises Daily Register.
5. No person shall be allowed to leave the premises whilst in the possession of any drinking vessel or open glass bottle, whether empty or containing any beverage, other than to any external area owned or legally occupied by the Premises Licence Holder.
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. 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.
8. 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.

Kindest regards

Julian Alison

Licensing Team Leader  
 Places & Communities  
 Ashfield District Council  
 Urban Road  
 Kirkby-in-Ashfield  
 NG17 8DA

Email: [j.alison@ashfield.gov.uk](mailto:j.alison@ashfield.gov.uk)  
 Phone: 01623 457364 / 07989 531419  
 Internal: 4364  
 Website: <http://www.ashfield.gov.uk/business/licensing/>



# LYNGARY'S

## OPERATIONAL POLICIES

All Door Supervisors and all Staff are to have read and understood this Policy document before commencing employment at the venue.

Refresher Training shall be provided to all Door Supervisors and all Staff when deemed necessary.

All Policies are "Live", and shall be kept under review and revised as and when required.

The following Policies are contained within this Policy document:

<b>Policy Name</b>	<b>Page Number</b>
Safeguarding Children and Vulnerable Adults	1
Responsible Service of Alcohol	2
Underage Sales and False Identification	3
Acceptable Forms of Identification	4
Challenge "25"	5
Zero Tolerance of Drugs	6





## **Safeguarding Children and Vulnerable Adults Policy**

This policy formulates part of the Premises License procedures to assist with the Licensing Objectives of 'The Protection of Children from Harm' and 'Prevention of Crime & Disorder'.

- As part of the Conditions of Entry the venue is to request an acceptable form of Government Approved Identification from all patrons. Those who are unable to provide an accepted form of Identification are to be refused admittance
- As part of the Underage Sales and False Identification Policy any form of identification produced that is suspected of being false, fraudulent or doctored is to be confiscated and the relevant procedures followed. Any confiscation made is to be reported to the Police.
- Any person who is unable to provide an acceptable form of identification and is suspected of being under the age of 18 is to be reported by way of a record kept in the Premises Daily Register.
- Any person who is acting in a suspicious manner around persons believed to be under the age of 18 are to be reported to the Police for monitoring and for further investigation.
- The Management are to liaise with the Police and Licensing Authority on regular basis (including through schemes such as Pub & Club Watch / Late Night Business Partnership) and share any relevant intelligence
- The venue will have an area dedicated for vulnerable patrons (i.e. through alcohol, drugs, underage etc.) that come to their attention. This area will be used for their safeguarding, appropriate support and first aid, and such persons shall be kept in this area until a guardian / responsible adult collects them
- All vulnerable persons shall be reported to the Police.
- All Staff and Door Supervisors are to receive relevant training

**All Door Supervisors and Staff are to have read and understood this policy before commencing employment at the venue**

## **Responsible Service of Alcohol Policy**

This policy formulates part of the Premises License procedures to assist with all of the Licensing Objectives.

- Anyone who appears overly intoxicated shall be asked to leave the premises
- If any member of staff suspects that a customer is intoxicated, they must first refuse service of intoxicating liquor and must be asked to leave the premises. If any member of staff is uncertain as to a customer's sobriety they must raise this concern with a Manager or Supervisor
- Customer's sobriety will be verified by Door Supervisors upon entry to the venue. Any person showing signs of over intoxication will not be admitted entry
- Management and Door Supervisors will make regular checks of the premises to ensure no customers exhibit the above signs
- "Responsible Service of Alcohol Notice" are to be displayed in prominent areas of service
- A logbook must be maintained on a daily basis of persons who have been removed or refused entry from the premises for appearing intoxicated
- All Managers, Staff and Door Supervisors are to remain vigilant at all times
- Purchases of intoxicating liquor are to be limited to two individual drinks per person, per transaction one hour before the end of licensable activity

**All Door Supervisors and Staff are to have read and understood this policy before commencing employment at the venue**

## **Underage Sales and False Identification Policy**

This policy formulates part of the Premises License procedures to assist with the Licensing Objective 'The Protection of Children from Harm'.

### **Offences:**

- It is an offence for anyone under the age of 18 to purchase, or attempt to purchase, alcohol on a Licensed Premises. The maximum fine is £1,000
- A person commits an offence if s/he sells alcohol to an individual under the age of 18. The maximum fine is £5,000
- It is an offence for a member of staff to knowingly allow persons under the age of 18 to consume alcohol on a Licensed Premises. The maximum fine is £5,000
- ***The Licensing Authority in conjunction with the Police & Trading Standards Officers are empowered to send under 18's into licensed premises to attempt to buy alcohol (subject to certain guidelines being complied with).***
- A person charged with an offence has a defence available that they believed the individual was 18 or over, and they had either taken all **reasonable steps** to find out the individual's age or that **no one could reasonably suspect from their appearance that they were under 18**
- '*Reasonable steps*' means asking the individual for evidence of their age, and that the evidence would convince a reasonable person. Steps that would be considered to be 'reasonable' include, but are not limited to:
  - Take the ID in your hand
  - Check the date of birth
  - Check the photograph matches the person presenting the ID
  - Ensure the ID is valid (by checking holograms and security features) and in date
  - Ask relevant questions (middle names, address, signatures etc.)

**All Door Supervisors and Staff are to have read and understood this policy before commencing employment at the venue**

### **Acceptable Forms of Identification Policy**

This policy formulates part of the Premises License procedures to assist with all of the Licensing Objectives

- As per the venues 'Conditions of Entry Policy' acceptable forms of Government Approved ID are:
  - Driver's License (Provisional or Full)
  - Passport
  - PASS 'Prove It' Card
  - International Identification Cards/ National Identification Cards
- All forms of ID presented must be valid and in date

**All Door Supervisors and Staff are to have read and understood this policy before commencing employment at the venue**

## **Challenge “25” Policy**

This policy formulates part of the Premises License procedures to assist with all of the Licensing Objectives

- As it is extremely difficult to assess age the Venues Policy is to challenge any person attempting to purchase alcohol that you believe is 25 or under
  - When requesting Proof of Age ID, staff shall:
  - Be polite and courteous
  - Smile and be assertive
  - Be confident and use open body language
  - Do not intentionally embarrass the person
  - If any person becomes aggressive or offended pass the incident on to the Supervisor or Manager on Duty

***\*If a member of staff is uncertain whether any form of ID presented to them is acceptable they are to refuse service and refer to the Supervisor or Duty Manager***

**All Door Supervisors and Staff are to have read and understood this policy before commencing employment at the venue**

## **Zero Tolerance of Drugs Policy**

This policy formulates part of the Premises License procedures to assist with the Licensing Objectives 'The Prevention of Crime and Disorder'.

- The Management and Supervisor Team are to complete certified 'Drugs Awareness Courses'
- The venue will display relevant notices detailing their Zero Tolerance approach to Drug use in prominent areas of the venue.
- The Management are to liaise with the Police and Licensing Authority on a regular basis (including through schemes such as Pub Watch / Licensed Premises Partnership – if in operation locally).
- All Drugs found or seized are to be sealed in an evidence bag and stored in the site safe. Details of the seizure are to be recorded on a Site Incident Report. The Police are to be contacted for collection at their earliest convenience
- Door Supervisors are to conduct regular checks of the toilets and cubicles
- Any person suspected of using or having drugs upon their person must reported to the Duty Manager, if appropriate a search will be requested and the Police contacted
- All searches are to be carried out by a Responsible Person with the Duty Manager present.
- Anyone refusing to be searched on entry will be refused, anyone refusing a search after being admitted entry will be reported to the Police.
- The Duty Manager will be responsible for handling any confiscated substances until the Police are available to collect
- Staff who commit an offence under the Misuse of Drugs Act 1971 or who witnesses such an act on the premises and withhold evidence will be liable to disciplinary procedures, details of which are outlined in the Company Disciplinary & Grievance Policy which all employees read prior to commencing employment
- Any patrons known to be associated with persons caught in the possession of illicit/ illegal substances are to be asked to leave the venue (at the Duty Managers discretion)
- Any person suspected of being intoxicated on illicit substances will, when necessary, be reviewed by an onsite First Aider in a space designated for 'Vulnerable People'

**All Door Supervisors and Staff are to have read and understood this policy before commencing employment at the venue.**





APPENDIX C

Ashfield District Council

22 FEB 2017

Received

29, Annesley Road,  
Hucknall.

Notes

NG15 7AD

17th Feb 2017.

We would like to object to the application for a licence to supply alcohol & the provision of regulated entertainment at Lynqawi's, 30A, Annesley Road, Hucknall for the following reasons.

We feel that the premises are too close to existing residential properties and the extra noise would be an issue after 9pm for the immediate residents, our selves included, as we live above our shop premises, directly opposite.

There is also limited parking on Annesley Road, especially after 6pm when residents who do not have parking facilities of their own, park legally overnight in the parking bays.

A late night liquor licence was recently granted to a newsagent not far away and this would bring the total number of licensed premises, within close proximity to 5.

Yours sincerely

[Redacted Signature]

From: [REDACTED]

Date: 8 Mar 2017, 14:48:28

To: [REDACTED]

Ashfield District Council

13 MAR 2017

Received

Hello my name is [REDACTED]

I am writing in regards to the application of a premises called Iyngarys on 30a Annesley road hucknall Nottingham Ng157ab , to be turned into a micro pub ,

I live at [REDACTED] , I do not wish in anyway or means possible for that to become apparent, I will now give my reasons why .

The walls are far to thin , 4 months ago when there was neighbours living there we could hear everything they say ,every bang , every movement, every door open and close ,I am happy for a noise examiner with a decibel meter to come round and check this .

We have 3 adults permanently here and have been for 3 years, and one child whom stop here 3 days a week (some school night ) two of the working adults have strange work hours and are in bed as early as 6pm , as to which you can see the people and noise from the pub and the music they would play would be very very destructive.

Previous residents have been made aware of the fact the walls are so thin and everything is heard so

they do not play music loud , as to which I do not do because of it . (Mutual understanding )

My brother who lives in the flat , it is his son who comes round and he sometimes plays on the back yard , if this was to be made into a micro pub that would be a beer garden and a bad place for a kid to play .

There would be a danger of intoxicated people exiting the pub onto a narrow pavement right next to a main road and being stuck by fast moving traffic .and people stood outside drinking right next to the main road without barriers or safety measures.

I have spoke to multiple neighbours in the area and they feel the same they do not want it , I have also spoke to my landlord who I rent this flat off and he is not happy about it either . Or that his business will be affected which is also next door .

When they first put up the notice it was 1 foot off the floor where no one could see it , I have pictures as proof .

The coffee shop did not do well but the noise from in there in the daytime alone was unbearable and I had to have a chat with the owner .

Regards 

Mr Moir Martyn Rawson

169 Carlton Hill

Carlton

Nottingham

NG4 1GZ

17 March 2017

Ref: Premises licence application 30a Annesley Road, Hucknall, Nottingham, NG15 7AB

Dear Sir/Madam

I am writing to raise objection to the proposed planning application for a premises licence at the above address. The subject of this application is a Victorian, three storey end of terrace property and I own the building adjacent to it.

I will begin by declaring my vested interest in this application. Myself and my wife work for the Valuation Office Agency, more commonly known as the District Valuers Office. My wife is a trainee Chartered Surveyor. My property is currently let to established commercial and residential tenants. Having a pub open next door will have a potentially devastating effect both on the value of my property and its marketability to prospective tenants. My residential tenant can be required to work every day of the week from very early in the morning. He has already given notice that should this application be approved, he will move out and I may well struggle to find a suitable replacement.

Otherwise the grounds of my objection are as follows;

The subject property is located in a mixed commercial and residential area of Hucknall. The area appears to be moving towards more residential development as empty local commercial premises struggle to find tenants. Victorian properties can offer little in terms of sound insulation. The dividing wall between our properties is the thickness of one house brick. A pub with a music licence in a poorly insulated building will cause an unacceptable level of noise pollution to local residents including children who will be in bed from early evening.

Hucknall is well known for alcohol related public order incidents. This application will place the residents and premises in the immediate vicinity at greater risk of falling victim to these incidents.

There is no designated smoking area at the premises. Smoking outside on the main carriageway will pose a potential health risk to my tenants and the significant number of school children who pass by every weekday.

There is one small parking space to the rear of the subject property at the end of a narrow driveway servicing all of the adjacent properties. There is no on-street parking at the premises. The allocated parking space at the rear is immediately outside a storage facility belonging to Dayus Furnishers who require access to this facility throughout the day. My commercial tenant, who is predominantly a kitchen and bathroom fitter, also comes and goes regularly carrying out his day to day business. There is therefore no way to deliver stock to the premises without causing potential disruption to local businesses or passing traffic.

The entrance to the subject property is via a narrow pavement beside a very busy main road. The pavement is used by a significant number of people including school children. Careless egress from the property by someone under the influence of alcohol could have potentially devastating consequences.

There is no public parking at the premises and very limited on-street parking nearby. Granting this application is likely to cause an increase in illegal and inconsiderate parking and will cause added noise pollution from late night taxis.

Like many people, I enjoy a drink and a relaxing evening at my local pub. But I know of no one who would like a pub with a music licence to open up next door to their home.

I trust you will consider my objections and I look forward to receiving your decision in due course

Yours faithfully

Moir M Rawson

# APPENDIX D

