

<b>Report To:</b>	<b>LICENSING COMMITTEE</b>	<b>Date:</b>	<b>19<sup>TH</sup> DECEMBER 2017</b>
<b>Heading:</b>	<b>HEARING FOR APPLICATION FOR A NEW PREMISES LICENCE</b> <b>HAVANA BLUE, 4A – 6A ANNESLEY ROAD, HUCKNALL, NOTTINGHAMSHIRE, NG15 7AB</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 Havana Blue, 4a – 6a 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.

## **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/627825/revised\\_182\\_guidance\\_05\\_04\\_17.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/627825/revised_182_guidance_05_04_17.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 31<sup>st</sup> October 2017, the Licensing Authority received an application from Mr Lee Clement for the grant of a New Premises Licence for Havana Blue, 4a – 6a Annesley Road, Hucknall, Nottinghamshire, NG15 7AB, seeking to operate a “Prosecco Bar” in a currently unused commercial property.

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

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

Monday - Sunday	12:00 (Noon)	Until	01:00
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#### Late Night Refreshment (indoors only):

Monday – Sunday	23:00	Until	01:00
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#### Live & Recorded Music (indoors only):

Sunday – Thursday	12:00 (Noon)	Until	23:00
Friday – Saturday	12:00 (Noon)	Until	01:00
Xmas Eve & New Years’ Eve	12:00 (Noon)	Until	01:00

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

#### Opening Hours:

Monday – Sunday	12:00 (Noon)	Until	01:30
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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**.

Having reviewed the application, the Responsible Authority for the Licensing Authority sought agreement from the applicant to replace the conditions proposed by the applicant, with conditions and “operational policies” proposed by the Responsible Authority, 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 one representation submitted by an Interested Party objecting to the application. This representation is attached at

**Appendix C**, and the representation raises concerns that the proposed business may undermine the licensing objective of 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 19<sup>th</sup> December 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

### **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 A:** Application for a New Premises Licence
- Appendix B:** Conditions and Operational Policies (incl. applicants agreement)
- Appendix C:** Representation from Interested Party
- Appendix D:** Location map

**Report Author and Contact Officer**

**Julian Alison**  
**Licensing Team Leader**

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

**01623 457364**

# APPENDIX ONE

## 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 LEE CLEMENTS  
*(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			
4A - 6A ANNESLEY ROAD HUCKNALL NOTTINGHAM			
Post town	NOTTINGHAM	Postcode	NG15 7AB

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£5,800

#### 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 checked="" type="checkbox"/> | please complete section (A) |
| b) a person other than an individual *               |                                     |                             |
| i as a limited company/limited liability partnership | <input type="checkbox"/>            | please complete section (B) |
| ii as a partnership (other than limited liability)   | <input 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                                 | <input type="checkbox"/>            | please complete section (B) |
| d) a charity   | <input type="checkbox"/>            | please complete section (B) |
| e) the proprietor of an educational establishment    | <input type="checkbox"/>            | 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 CLEMENTS			First names LEE		
Date of birth 7/6/1966		I am 18 years old or over <input checked="" type="checkbox"/>		Please tick yes	
Nationality BRITISH					
Current residential address if different from premises address		91 BROOMHILL ROAD HUCKNALL NOTTINGHAM			
Post town	NOTTINGHAM		Postcode	NG15 6AF	
Daytime contact telephone number [REDACTED]					
E-mail address (optional)		enquiries@toledoofnottingham.com			

**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)	
<b>Surname</b>			<b>First names</b>		
<b>Date of birth</b>		I am 18 years old or over <input type="checkbox"/>		Please tick yes	
<b>Nationality</b>					
Current postal address if different from premises address					
<b>Post town</b>				<b>Postcode</b>	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					

**(B) OTHER APPLICANTS**

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

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

**Part 3 Operating Schedule**



When do you want the premises licence to start?

DD	MM	YYYY

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 currently unoccupied and in need of updating inside. The property was previously a used fishing tackle shop. It is a open plan single story to the retail and is approx 40ft x 25ft. The premises as an out side area to the rear which we intend to use as a smoking area but No drinks will be permitted in the area. This also keeps the pavement area free at the front of the property.

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 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					
			<b>State any seasonal variations for performing plays</b> (please read guidance note 5)		
Tue					
			<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)		
Wed					
Thur					
Fri					
Sat					
Sun					

**B**

<b>Films</b> Standard days and timings (please read guidance note 7)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</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>	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
Tue			<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 5):		
Wed					
Thur			<b>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</b> (please read guidance note 6)		
Fri					
Sat					
Sun					

C

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

**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</u> – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	<del>19.00</del> 19.00	23.00	Please give further details here (please read guidance note 4)  unamplified music & amplified music		
Tue	19.00	23.00			
Wed	19.00	23.00	State any seasonal variations for the performance of live music (please read guidance note 5)		
Thur	19.00	23.00			
Fri	19.00	01.00 <del>23.00</del>	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)  CHRISTMAS EVE , NEW YEARS EVE  Until 1am		
Sat	19.00	01.00 <del>23.00</del>			
Sun	19.00	23.00			

**F**

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)		
	12.00	23.00			
Tue			unamplified recorded music and amplified music		
	12.00	23.00			
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 5)		
	12.00	23.00			
Thur					
	12.00	23.00			
Fri			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)		
	12.00	01.00 <del>23.00</del>			
Sat			Christmas eve, New years eve		
	12.00	01.00 <del>23.00</del>			
Sun			until 1am		
	12.00	23.00			

**G**

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

**I**

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" 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"/>
	23.00	01.00 AM			
Tue					
	23.00	01.00 AM			
Wed			<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 5)		
	23.00	01.00 AM			
Thur					
	23.00	01.00 AM			
Fri			<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</b> (please read guidance note 6)		
	23.00	01.00			
Sat					
	23.00	01.00 AM			
Sun					
	23.00	01.00 AM			

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption</b> – <b>please tick</b> (please read guidance note 8)	On the premises	<input checked="" type="checkbox"/>			
				Off the premises	<input 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	12.00	01.00						
Tue	12.00	01.00						
Wed	12.00	01.00						
Thur	12.00	01.00						
Fri	12.00	01.00						
Sat	12.00	01.00						
Sun	12.00	01.00						
						<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 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):

Name	MRS SARAH JANE CLEMENTS
Date of birth	16 / 01 / 1976
Address	91 BROOMHILL ROAD HUCKNALL NOTTINGHAM
Postcode	NG15 6AF
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 9).

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon			<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 6).</p>
	12.00	01.30	
Tue			
	12.00	01.30	
Wed			
	12.00	01.30	
Thur			
	12.00	01.30	
Fri			
	12.00	01.30	
Sat			
	12.00	01.30	
Sun			
	12.00	01.30	

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

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

We aim to become a member of the pub watch Scheme for the safety of our customers and prevention of crime and disorder. We are also close to public transport and a taxi calling service is available.

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

A CCTV system will be installed and recorded, also stored for a period of 31 days. A SIA licensed door supervisor shall be present on our busy evenings. (Fri sat)  
All toilets will be checked hourly for drug use and evidence of the supply of drugs. All empty glasses and bottles will be collected as soon as they are empty. A Dress policy will be in place as well as drug policy.

**c) Public safety**

A adequate first aid equipment shall be available. A Taxi calling service will also be available for customers. A SIA licensed door supervisor will be present on our busy evenings. All glasses and bottles will be collected as soon as they are empty and disposed of appropriately.

**d) The prevention of public nuisance**

All music will end at 11pm. Notices will be at the exit asking our customers to respect residents when leaving. All doors will remain closed during our opening hours and music kept to a minimum. A taxi calling service will be available. There shall be no admission to the bar after 11pm.

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

A challenge ~~25~~ 25 Scheme will be in place and displayed in the bar. No Advertising posters or offers will be displayed outside or visible from inside bar. There will be No birthday parties at the bar. Any person visible from outside will be decently dressed and fully clothed.

**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>
Signature	

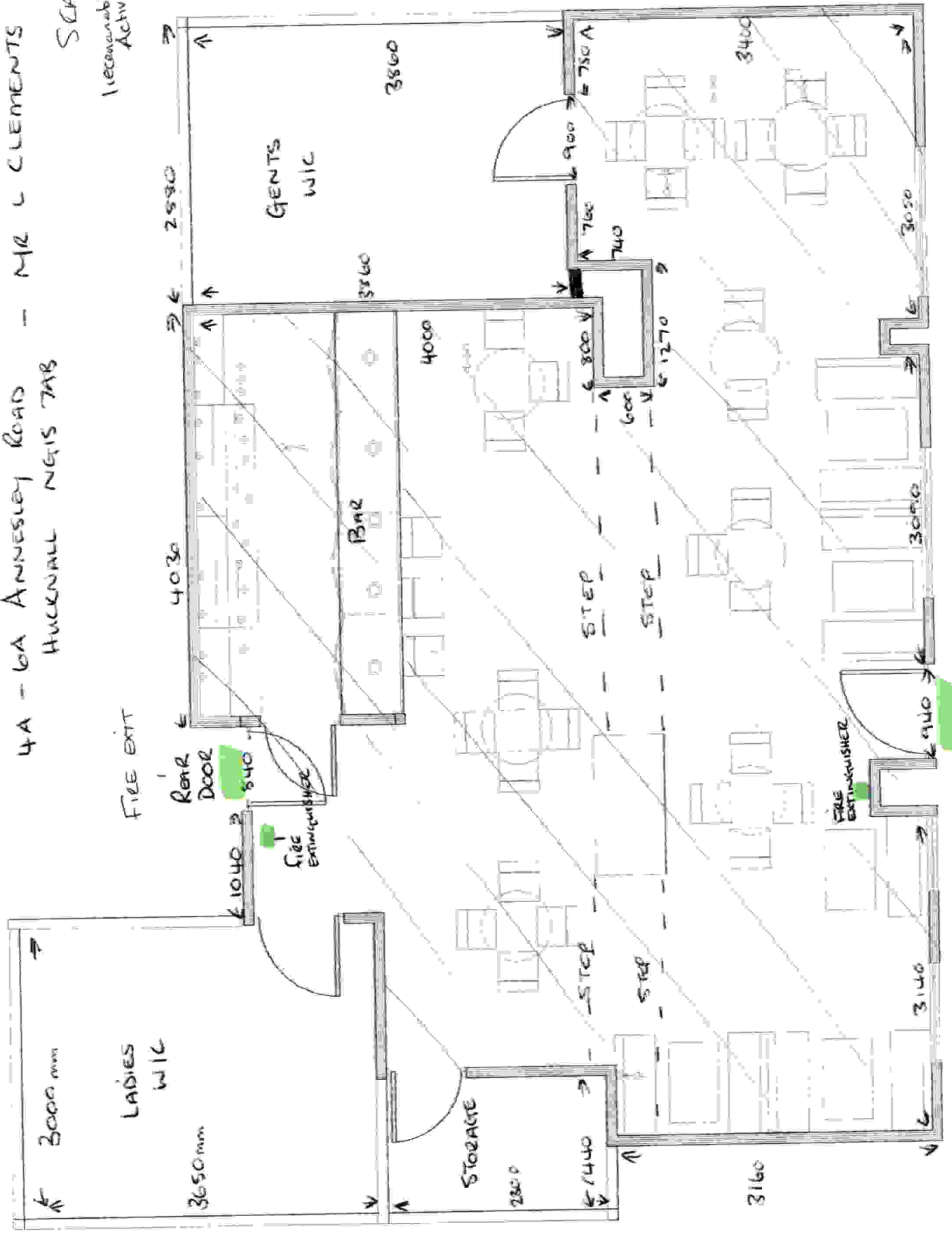
ALL MEASUREMENTS IN MM

HAVANA BLUE - INV/2017/0711

4A - 6A ANNESLEY ROAD - MR & CLEMENTS  
HUCKNALL NG15 7AB

SCALE 1:20

Reconstrucible Activities



## APPENDIX TWO

**From:** (*Email address redacted*)

**Sent:** 31 October 2017 15:03

**To:** J.Alison <J.Alison@ashfield.gov.uk>; susan.rhodes-best@nottinghamshire.pnn.police.uk; C.OBrien <C.OBrien@ashfield.gov.uk>

**Subject:** Re: Havana Blue - Licensing Authority proposed conditions

**This message originated from outside your organization**

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Dear Mr Alison

We are in acceptance of the proposed operating schedule and accept the polices should our licence be granted.

Regards Mr L Clements and Mrs S Clements



## J.Alison

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**From:** J.Alison  
**Sent:** 31 October 2017 11:08  
**To:** 'enquiries@toledoofnottingham.com'  
**Cc:** 'Rhodes-Best, Susan'; C.O'Brien  
**Subject:** Havana Blue - Licensing Authority proposed conditions  
**Attachments:** HAVANA BLUE - NEW PREMISES LICENCE APPLICATION.pdf; HAVANA BLUE OPERATIONAL POLICIES.pdf

Dear Mrs Clements

Further to our meeting today in relation to the above application for a new premises licence, I propose the following conditions to replace those you have entered into your Operating Schedule, and I also wish the attached Operational Policies to be in effect at the venue should the licence be granted.

I have copied Susie-Rhodes Best (Police Licensing) and Cartherine O'Brien (EHO) into this email, so that they have sight of what I am requesting so as to avoid possible duplication.

I have also attached a scan of your application so that Susie can also assess matters.

The conditions that I wish to see on your Operating Schedule are as follows, and if you are agreeable to my proposals, please advise me accordingly by way of a return email (including copying Susie and Catherine):

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

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. A CCTV system shall be installed and operative in the premises when licensable activities are taking place.

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 to be made available for inspection to the Police or any other authorised person when requested.

6. One licensed SIA door supervisors shall be on duty on Friday and Saturday evening from 21:00 hours until the premises is closed to the public. A bound and sequentially paginated book or electronic record containing names, addresses and full SIA licence number(s) of door supervisors shall be maintained and kept for a period of twelve months and be available for inspection by the police or any other authorised person upon request.

7. 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.
8. 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.
9. Challenge 25 notices shall be displayed in prominent positions throughout the premises.
10. 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.
11. A taxi calling service shall be available to customers at all times that the premises are open. Customers who are waiting for a taxi shall be provided with seating inside the premises.
12. The premises shall be cleared of customers and closed 30 minutes after the conclusion of the last licensed activity.
13. All external doors (save for when persons are entering and leaving premises) and windows at the premises shall remain closed at all times when regulated entertainment is provided.
14. Regulated entertainment shall be held internally only and no music or speakers shall be provided to external areas of the premises.
15. 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

E: [j.alison@ashfield.gov.uk](mailto:j.alison@ashfield.gov.uk) | T: 01623 457364 (Int: 4364) | M: 07989 531419 | W:  
[www.ashfield.gov.uk/business/licensing/](http://www.ashfield.gov.uk/business/licensing/)

# HAVANA BLUE

## 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 Polices 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**

**OPERATIONAL POLICIES DOCUMENT: HAVANA BLUE, HUCKNALL**

23-11-2017.

1 Mill Yard,  
Hucknall,  
**APPENDIX THREE**

Re 'Havana Blue'  
4a Annesley Rd Proposal.

Nottingham  
NG15 7AP.

Dear Ashfield Council

I wish to object to the proposal to open a 'cocktail & prosecco' bar at 4-6 Annesley Road, Hucknall. For the following reasons.

— RESIDENTIAL AREA

a) Despite the opening of the Inner relief road this area of town up until now, has remained a quiet residential area.

I was pleased to hear that the old Wesleyan chapel is to be converted into another five flats as I was dreading the building being converted into a drinking establishment!

— NOISE

b) I must object most strongly to live and recorded music being played until 1am on

the premises has very low ceilings so the noise would be horrendous. Now that the inner relief road has been put through the town we are already plagued by loud music that emanates from licensed establishments on the High St.

During the summer months the noise carries and to have live and recorded music of any kind in such a small building would be a total invasion of everyone's privacy at any time of day and especially until I am in the morning.

There is already a 'micropub' at 30 Annisley Road called 'Lyngary's' and 'Byron's Rest' on Baker Street. We really don't need another drinking establishment so close to one another.

Please consider all the many people that live in and around this

area of town. There is absolutely no parking nearby and hardly any pavement outside the building so people would cause an obstruction when they stand outside to smoke (as they do at Lyngans & Byrons Rest).

Spare a thought for all of the ratepayers who live in and around this area

Regards.

Ashfield District Council

27 NOV 2017

Received

# APPENDIX FOUR

