

**PRESCRIBED FORM OF NOTICE (CONDITIONS ON A TEMPORARY EVENT NOTICE) AND
STATEMENT OF CONDITIONS**

The prescribed form for a notice (conditions on a temporary event notice) is as follows:

Warrington Borough Council, New Town House, Buttermarket Street, Warrington, WA1 2NH

Notice (Conditions on a Temporary Event Notice) – Permitted Temporary Activities

On 31 March 2014 the licensing authority received from you, Shaun Keen, a temporary event notice (“the notice”) in respect of proposed temporary licensable activities due to take place on 19-21 April 2014 at Voodoo Lounge, 10 Friars Gate, Warrington. The licensing authority has received an objection under section 104(2) of the Licensing Act 2003 (“the Act”). The licensing authority has decided not to give you a counter notice under section 105 of the Act and instead is imposing one or more conditions on the notice in accordance with section 106A(2) of the Act.

The attached statement (“statement of conditions”) sets out the condition(s) which has/have been imposed on the notice.

The objection which applies is indicated by an “X” in the following table.

| Objection | Insert “X” as applicable |
|--|---------------------------------|
| A chief officer of police for any police area in which the premises are situated is satisfied that allowing the premises to be used in accordance with the notice would undermine a licensing objective. | X |
| A local authority exercising environmental health functions for the area in which the premises are situated is satisfied that allowing the premises to be used in accordance with the notice would undermine a licensing objective. | |

A copy of this notice will be sent to the chief of police and the local authority exercising environmental health functions for the area in which the premises specified in the temporary event notice you gave is situated.

The Licensing Act 2003 does not make provision for you to appeal against this counter notice.

Under section 136 of the Licensing Act 2003, a person commits an offence if he carries on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation; or if he knowingly allows a licensable activity to be so carried on. A person convicted of such an offence is liable to imprisonment for a term not exceeding six months or to a fine not exceeding £20,000, or to both.

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|--------------------------------|---|-------------|---------------|
| SIGNATURE | Dave Watson On behalf of the licensing authority | DATE | 14 April 2014 |
| Name of Officer signing | Dave Watson | | |

The prescribed form for a statement of conditions is as follows:

The condition(s) is/are:

The maximum number of persons permitted to use the Premises at any one time shall not exceed:

(a) For all purposes 215 persons

Or such lesser number of persons as the Premises can with ample safety, accommodate having regard to the nature of the entertainment provided.

MANDATORY CONDITIONS UNDER THE LICENSING ACT 2003

Alcohol

1. That no supply of alcohol may be made under the premises licence:-

- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premise supervisor does not hold a personal licence or his personal licence is suspended.

That every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

2. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children-

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-

- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on-

- (i) the outcome of a race, competition or other event or process, or
- (ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

3. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

4. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

5. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

6. The responsible person shall ensure that-

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

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

Door Supervision

Only individuals licensed by the Security Industry Authority shall be used at the premises to guard against:

(a) unauthorised access or occupation (e.g. through door supervision), or

(b) outbreaks of disorder, or damage.

PREVENTION OF CRIME & DISORDER

Last Admission Time

There shall be a last admission time of 04.00hrs.

Drugs Policy

The Premises Licence holder shall put in place a drugs policy for the premises. The Premises Licence holder or other nominated person shall then ensure that this drugs policy is complied with at all times when the premises are open to the public.

CCTV

CCTV equipment must be fitted and shall be maintained in good working order in accordance with the manufacturers instructions and shall be operational at all times when a licensable activity takes place on the premises.

An effective CCTV system should be designed and installed in accordance with the Cheshire Constabulary's CCTV guidance document called 'CCTV in Licensed Premises - An Operational Requirement'. It must also include a colour monitor not less than 24" screen size clearly visible to customers showing them as they enter.

The Designated Premises Supervisor/Premises Licence holder will need to demonstrate that their CCTV system complies with their operational requirements.

A commissioning test must be carried out with the Licensing and CCTV Liaison Officers before completion and hand over of the system. The commissioning test will need to demonstrate the following:-

1. recordings are fit for their intended purpose

2. good quality images are presented to the officer in a format that can be replayed on a

standard computer

3. the supervisor has an understanding of the equipment/training

4. management records are kept

5. maintenance agreements and records are maintained

6. Data Protection principles and signage are in place.

Door Supervisors

When door supervisors are employed at the premises:

The number of door staff shall be determined by the DPS following a full risk assessment for the premises and shall be assessed on a dynamic basis. A copy of the assessment shall be made available to the Police and Council Officers at any reasonable time.

A written record in the form of a hard-backed, bound register with consecutively numbered pages shall be kept on the premise by the Designated Premises Supervisor of every person employed as a door supervisor in a register kept for that purpose. That record shall contain the following details:-

- (i) the door supervisor's name, date of birth and home address;
- (ii) his/her Security Industry Authority licence number;
- (iii) the time and date he/she starts and finishes duty;
- (iv) the time of any breaks taken whilst on duty;
- (v) each entry shall be signed by the door supervisor;
- (vi) Where they are employed through an agency the full details of the agency shall be recorded within the register.

That register shall be available for inspection on demand by an Authorised Officer of the Council, the Security Industry Authority or a Police Constable.

All Door Supervisors will wear yellow or orange hi-vis conspicuity jackets with the legend Security on the front and rear to the minimum standard supplied by the local Crime and Disorder Partnership.

Search, drugs and weapons policy

The Premises Licence holder shall put in place a search policy to cover both drugs and weapons for the premises which shall be to the satisfaction of Cheshire Constabulary. The Premises Licence holder or Designated Premises Supervisor shall then ensure that this drugs policy is complied with at all times when the premises are open for licensable activities. Conspicuous notices advising customers of the search policy shall be displayed at all entrances to the premises.

Pubwatch/Radio Scheme

The Premises Licence holder or their representative shall be an active member of the local pubwatch scheme and participate in the pubwatch radio scheme.

Containers

With the exception only of drinks which are available solely in glass bottles, the Licensee shall ensure that no drinks shall be sold from a bar, or by staff service or otherwise, to be consumed in or on the premises, other than in a container made from non-splintering plastic, paper or shatterproof glass.

There shall be provided at the premises sufficient number of bottle bins of a type with a 'non-returnable' aperture, as to prevent empty bottles being deposited around the interior of the venue. At least one such bin should be located at each point of exit from the premises. The Designated Premises Supervisor or nominated member of staff shall ensure that all unattended empty bottles are disposed of into these bins and that when full, they are emptied and the contents taken to an area which the public has no access.

No person in possession of a drink in a sealed or unsealed container shall be allowed to enter the premises except for the purposes of delivery.

No drink shall be removed from the premises in an unsealed container.

Dispersal

There shall be a clear written policy to assist in the safe and quiet dispersal of customers at the end of the evening.

PREVENTION OF PUBLIC NUISANCE

Noise

The Premises Licence holder or their representative shall conduct regular assessments of the noise coming from the premises and shall take steps to reduce the level of noise where it is likely to cause disturbance to local residents. A written record of those assessments and the remedial action taken shall be kept and will include the date, time of the checks and the name of the person carrying out the checks. Details of the remedial action will also be recorded.

There shall be placed at all exits of the premises in a place where they can be seen and easily read by the public [or members and their guests] notices requiring customers to leave the premises quickly and quietly. This condition also extends to car parks where car radios and members of the public may cause disturbance to local residents.

No external speakers shall be used outside the building, this will include any beer garden or outside drinking area or car park at a level which would cause disturbance to the nearest noise sensitive dwelling. External speakers shall not be used after 22.00.

The use of any outside area will cease at 23.00.

There shall be no emissions from the premises of any offensive smells or odours, which may cause disturbance or nuisance.

No light from on the premises and any other light under control of the premises shall be provided where that light causes a disturbance to any nearby residents.

Music level shall be reduced after 04.30.

PROTECTION OF CHILDREN FROM HARM

Proof of Age Schemes - 'Challenge 25'

There shall be in place for the premises a written policy that employees challenge all persons purchasing alcohol who appear to be under 25 years of age. That policy shall be operated at the premises at all times.

The policy shall require any person who appears to be under the age of 25 years to produce a recognised proof of age card. The only forms of ID that should be accepted as proof of age are a valid passport, photographic driving licence or a PASS approved proof of age card. No other form of identification shall be accepted without the authority of the management. Publicity Materials notifying customers of the operation of the 'Challenge 25' scheme shall be displayed at the premises.

Persons who appear to be under the age of 25 years shall be required to produce proof of age. The only forms of ID that should be accepted as proof of age are a valid passport, Photographic driving licence or a PASS approved proof of age card. No other form of identification shall be accepted.

Register of Refusals

The Designated Premises Supervisor shall operate and maintain an up-to-date Register of Refusals of Sale of Alcohol, indicating the date, time and reason for refusal which shall be made available for inspection by Trading Standards, Licensing Authority Officers and the

Police. Alternatively an electronic point of sale refusals log to be kept.

A Personal Licence holder or the Designated Premises Supervisor shall be present on the premises when they are open for the sale of alcohol.

Training

A documented training scheme shall be introduced for all staff in a position to sell alcohol. The scheme shall be made available for inspection at the request of Trading Standards, Licensing Authority Officers and Police.

The DPS shall conduct quarterly reviews with members of staff authorised to sell alcohol in order to reinforce the training and to promote best practice. Written record shall be kept of the content of such reviews.

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| SIGNATURE | Dave Watson On behalf of the licensing authority | DATE | 14/04/14 |
| Name of Officer signing | Dave Watson | | |