Report to:	Licensing Sub Committee C		
Report of:	Acting Director of Regulation &		
	Enforcement		
Date of Meeting:	Wednesday 22 nd March 2017		
Subject:	Licensing Act 2003		
	Temporary Event Notice		
Premises:	Tower Ballroom, 101 Reservoir Road, Edgbaston, Birmingham, B16 9EE		
Ward affected:	Ladywood		
Contact Officer:	David Kennedy, Principal Licensing Officer 0121 303 9896 <u>licensing@birmingham.gov.uk</u>		

1. Purpose of report:

To consider the objection to the Temporary Event Notice (TEN), which seeks to permit the sale of alcohol (for consumption on the premises only), the provision of regulated entertainment and the provision of late night refreshment on Saturday 1st April 2017 to operate from 5:30pm to 12:00am.

2. Recommendation:

To consider the objection notice made by Environmental Health.

3. Brief Summary of Report:

A Temporary Event Notice was received on 8th March 2017 in respect of the Tower Ballroom, 101 Reservoir Road, Edgbaston, Birmingham, B16 9EE.

An objection notice has been received from Environmental Health.

4. Compliance Issues:

When carrying out its licensing functions, a licensing authority must have regard to the Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003.

4.1 Consistency with relevant Council Policies, Plans or Strategies:

The report complies with the City Council's Statement of Licensing Policy and the Council's Corporate Plan to improve the standard of all licensed persons, premises and vehicles in the City.

5. Relevant background/chronology of key events:

Miss Vicky Sherwin submitted on 8th March 2017 a Temporary Event Notice in respect of the Tower Ballroom, 101 Reservoir Road, Edgbaston, Birmingham, B16 9EE.

The Temporary Event Notice is attached, see Appendix 1.

An objection notice has been received from Environmental Health, see Appendix 2.

The current premises licence is attached at Appendix 3.

Site location plans are attached, see Appendix 4.

Under the licensing system of TENs, no actual permission is required to carry out a licensable activity on a temporary basis. An applicant must merely give notice of his intentions to operate a licensable activity to the licensing authority.

However, the police or local authority exercising environmental health functions may intervene to prevent such an event taking place or agree a modification of the proposed arrangements, and their intervention may in some cases result in the licensing authority imposing conditions on a TEN.

Where a TEN is submitted, the licensing authority must consider the objection(s) at a hearing before a counter notice, or a notice including a statement of conditions can be issued.

When giving a TEN, consideration should be given to the following four licensing objectives:

- 1. The prevention of crime and disorder
- 2. public safety
- 3. The prevention of public nuisance; and
- 4. The protection of children from harm

If the TEN is in connection with licensable activities at licensed premises, the licensing authority may also impose one or more of the existing licence conditions on the TEN if it considers that this is appropriate for the promotion of the licensing objectives.

6. List of background documents:

Temporary Event Notice, attached at Appendix 1. Objection Notice from Environmental Health, attached at Appendix 2. Premises Licence, attached at Appendix 3. Site location plans, Appendix 4.

7. Options available

Allow the proposed temporary licensable activities as stated in the TEN Impose conditions on a TEN to promote the licensing objectives Refuse the proposed temporary licensable activities as stated in the TEN

Birmingham City Council

Birmingham City Council, Licensing Section, P.O. Box 17013, Birmingham, B6 9ES

π Temporary Svent Notice

Before completing this notice, please read the Statiadce roses at the end of the notice. If you are completing this notice by hand, please write legibly in block capitals. In all cases, ensure that your answers are inside the boxes and written in black ink or typed. Use additional sheets if necessary. You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. rourname	and the com	and the Construction of Parameters		
Title N	Ir Mrs Miss	Ms Other Inland	otatal	
Sumame 🗧	Mr Mrs Miss Ms Other (please state)			
	Juny			
2. Previous names (Pl	elles entre det-il-			
continue on a separate	sheet if necessary)	previous names or i	naiden names, if applicable	. Please
Title	1r Mrs Miss			
Sumame		Ms Other (please	state)	
Forenames				
3. Your date of birth				
4. Your place of birth		Day	Month	(ear
5. National Insurance	Number			
6. Your current addre	ss (We will use this add	ress to correspond wi	th you unless you complete	
correspondence box h	elow)	with a series polity wi	in you unless you complete	the separ
Daytime Evening (optional) Mobile (optional) Fax number (optional E-Mail address (if available)				
8. Alternative address correspond with you)	for correspondence (If)	you complete the det	ails below, we will use this	address to
Tower I Reserve	Sallingom Dir Rocol.	17	<u> </u>	· · · · · · · · · · · · · · · · · · ·
Post town Brm		Postcode B	16 9ee ·	
9. Alternative contact	details (if applicable)			
Telephone numbers:			······	

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Mobile (optional)				1
Fax number (optional)				
E-Mail address (if available)		,		
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Please give the address of the proving		· · · · · · · · · · · · · · · · · · ·		ĺ
no address, give a detailed description	s where you intend to carry on the licens (including the Ordnance Survey referen	able activities (ces)	or, if it has	
(Please read note 2)	· · · · · · · · · · · · · · · · · · ·			
the Taver Bal Roservar Roog				
Eaglaciston R	mingham Blb Ge	~~		
Does a premises licence or club premi	ises certificate have effect in relation to the	E premises (or	any part of	
the premises)? If so, please enter the	licence or certificate number below.	ie htennaea (ot	Any part of	ļ
Premises licence number				
Club premises certificate number			· · · ·	
If you intend to use only part of the pr	remises at this address or intend to restric	t the area to wh	iich this	l
notice applies, please give a description	on and details below. (Please read note 3))		i
All of the	l venue			
Please describe the nature of the pren	uses below (Please read note 4)			
		··		
Ballroom Dong	ng with a live Ba	2		
Banqueting +				
- que que	unde econni.			
Please describe the nature of the even	t below. (Please read note 5)	<u> </u>		
Dallroom Dancin	g wan we Band.			
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activities you intend to carry on). (Plea	at you intend to carry on at the premises () ase read note 6)	please tick all li	icensable	
The sale by retail of alcohol				;
The supply of alcohol by or on behalf the club	of a club to, or to the order of, a member	of the		
The provision of regulated entertainme	ent		<u>م</u>	
		¥		
The provision of late night refreshment	t		·	
Are you giving a late temporary event				
The you grang a late temporary event	notice? (Please read note /)		ĺ	
	end to use these premises for licensable a	ctivities.	1.10	
(Please read note 8)			417.	

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Baturclay 1st April 2017. Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 9) from 5.30pm- 12.00am Please state the maximum number of people at any one time that you intend to allow to be present at 40t the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 10) И If the licensable activities will include the supply of alcohol, please state On the premises only whether the supplies will be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 11) Off the premises only Both Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment. (please read note 12) Dancing from 6pm - 11-30 pm. with we Band and D.J. No Do you currently hold a valid personal licence? Yes (Please tick) If "Yes" please provide the details of your personal licence below. Birmugham Cuty Caunal Issuing licensing authority 3683/1 Licence number Date of issue 15|5|20n. Date of expiry Any further relevant details New and a manager of the standard of the second TOTAL REAL Have you previously given a temporary event notice in respect of any premises for events No Yes falling in the same calendar year as the event for which you are now giving this temporary event notice?

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If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that some	2	•
calendar year Have you already given a temporary event notice for the same pretainers to which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes	No

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Y:s	N° □
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year.	2	
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes	N° ■
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you temporary event notice?	Yes	No
are now giving a temporary event notice? If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for		
events in the same calendar year. Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes	No

I have: (Please tick the appropriate boxes)	
Sent at least one copy of this notice to the licensing authority for the area in which the premises	
are situated Sent a copy of this notice to the chief officer of police for the area in which the premises are situated	P
Sent a copy of this notice to the local authority exercising environmental health functions for the	
If the premises are situated in one or more licensing authority areas, sent at least one copy of this	╎└┙ ╎┲┓╴
If the premises are situated in one or more police areas, sent a copy of this notice to each	
additional local authority exercising environmental health functions	
Made or enclosed payment of the fee for the application	
Signed the declaration in Section 9 below	

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S. Condition (Plane reading () 1) 1980 - Interesting

It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

D. Levins pillons ((P)case read note 1B)

The information contained in this form is correct to the best of my knowledge and belief. I understand that it is an offence:

(i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine not exceeding level 5 on the standard scale; and

(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.

Signature	
Date	632017.
Name of Person signing	Vicity Storwin

For completion by the licensing authority

	man (KIP leaver that not 519)		e de la Rijeran
I acknowledge rec	eipt of this temporary event notice.	a and and the second second second second	
Signature			
Signature	On behalf of the licensing authority		
Date	08/03/17 .		<u> </u>
Name of Officer signing	PARMUNIAR DHILLON.		

NOTES

<u>General</u>

In these notes, a person who gives a temporary event notice is called a "premises user".

The police and local authority exercising environmental health functions may intervene on the grounds of any of the four licensing objectives (the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm) to prevent the occurrence of an event at which permitted temporary activities are to take place or to agree a modification of the arrangements for such an event. However, the licensing authority will intervene of its own volition in the cases described below.

First, it will issue a counter notice if there is an objection to a late temporary event notice (see note 7 below).

Secondly, it may issue a notice in relation to its decision to impose conditions on a temporary event notice (see note 2 below).

Thirdly, it will issue a counter notice if the first, second, third and fifth of the limits set out below would be exceeded. If any of the limits below are breached or if a counter notice has been issued, any licensable activities taking place would be unauthorised and the premises user would be liable to prosecution. The limitations apply to:

the number of times a person may give a temporary event notice (50 times per year for a personal licence holder and 5 times per year for other people);

the number of times a person may give a late temporary event notice (10 times per

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Appendix 2

From: Sent: To: Cc:	Paul R. Samms 13 March 2017 15:31 Licensing
Subject: Attachments:	FW: Temporary Event Notice for the Tower Ballroom, 25th March & 01st April 2017
Afternoon, As representative of Environ Ballroom, Reservoir Rd, Birn	mental Health, I hereby object to the above TENS submitted for events at The Tower hingham, B16 9EE on grounds of likely public nuisance.
Regards,	
Paul Samms Environmental Protection O	fficer
Environmental Protection U Environmental Health Manor House 40 Moat Lane Digbeth Birmingham B5 5BD	nit

Environmental Health, Regulation & Enforcement, Birmingham City Council, PO BOX 15908, Birmingham, B2 2UD

Website:http://www.birmingham.gov.uk/ehFacebook:http://www.facebook.com/ehbhamTwitter:http://www.twitter.com/ehbhamFlickr:http://www.flickr.com/photos/envhbham

"Locally accountable and responsive fair regulation for all - achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors"

LICENSING ACT 2003

PREMISES LICENCE

Premises Licence Number:		3043 / 6		
art 1 - Premise				
Postal address	s of premises, or if none, ordna	nce survey m	ap reference	or description
. = =	Bailroom servoir Road ston			
Post town:		Post Code	:	
Birming	Jham	B10	3 9EE	
Telephone Nu	nber:			
Where the lice	nce is time limited the dates			
N/A				
Licensable act	ivities authorised by the licenc	e		
В	Films			
С	Indoor sporting events			
D	Boxing or wrestling entertain	ment		
E	Live music			
F	Recorded music			
G	Performances of dance			
Н	Anything of similar description	on to that falling	g within (live r	music), (recorded music) or
M3	(performances of dance) M3 Sale of alcohol by retail (both on & off the premises)			
The times the	licence authorises the carrying	out of licens:	able activitie	S
Monda	y - Sunday	10:00	- 22:15	B ,C ,D ,E ,F ,G ,H & M3
The opening h	ours of the premises			
Monda	y - Sunday	10:00	- 22:45	
Where the lice	nce authorises supplies of alco	ohol whether t	hese are on	and/or off supplies
	I Off Supplies			

Page 1 of 10

Part 2

Name, (registered) address, licence	telephone number and email (where relevant) of holder of premises
Mr Peter Singh Sangh	a
Post town:	Post Code:
Telephone Number:	
Email	
Registered number of holder	for example company number or charity number (where applicable)
Name address telephone n	Imber of designated premises supervisor where the premises licence
authorises for the supply of a	
Sital Lally	

Post town:

Post Code:

Telephone Number:

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Licence Number	Issuing Authority

Dated 01/11/2016

-

David Kennedy Principal Licensing Officer For Director of Regulation and Enforcement

Page 2 of 10

Annex 1 – Mandatory Conditions

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 premises supervisor does not hold a personal licence or his personal licence is suspended.

Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.

The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. 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- (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 in a manner which carries a significant risk of undermining a licensing objective; (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 in a manner which carries a significant risk of undermining a licensing objective; (d) 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; (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. 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 either— (a) a holographic mark, or (b) an ultraviolet feature.

The responsible person must 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; (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available."

(1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price. (2) In this condition:- (a) "permitted price" is the price found by applying the formula $P = D + (D \times V)$, where- (i) P is the permitted price, (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol, (b) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979; (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence— (i) the holder of the premises licence, (ii) the designated premises a supply of alcohol under such a licence; (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994. (3) Where

Page 3 of 10

the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny. (4) Where the permitted price on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

The admission of children under the age of 18 to film exhibitions permitted under the terms of this licence shall be restricted in accordance with any recommendation made: (a) By the British Board of Film Classification (BBFC), where the film has been classified by that Board, or (b) By the Licensing Authority where no classification certificate has been granted by the BBFC, or, where the licensing authority has notified the licence holder that section 20(3)(b) (s74(3)(b) for clubs) of the Licensing Act 2003 applies to the film.

Each individual assigned to carrying out a security activity must be licensed by the Security Industry Agency.

Page 4 of 10

Annex 2 – Conditions consistent with operating schedule

2a) General conditions consistent with the operating schedule

Doorstaff profiles to be kept on the premises; to include photo I.D. (other than their SIA badge), and a utility bill which must not be dated later than 6 months previous. Such profiles to be available for inspection by the Police or local authority any time and kept in a secure location. If any door supervisors leave the premises, the profile to be retained on the premises for at least 3 months, following their departure.

All staff will be trained in relation to their responsibilities and liabilities under the Licensing Act 2003 before being authorised to serve alcohol. Records of training will be kept on the premises and made available for inspection by any of the relevant authorities upon reasonable request.

The provisions of regulated entertainment shall take place indoors only.

No adult entertainment, services, or activities permitted on the premises.

2b) Conditions consistent with, and to promote the prevention of crime and disorder

CCTV will be provided and maintained to the reasonable requirements of West Midlands Police, images will be kept for a minimum of 30 days and produced to the statutory authorities upon reasonable demand.

Door staff will be employed at the premises as necessary to the reasonable requirements of West Midlands Police.

If the premises use a new promoter for an event, which is not part of the standard operating procedure/standard core business, then a separate risk assessment will be completed and forwarded to Steelhouse Lane Licensing Department (or any other officer or police station as may be advised to the premises licence holder or designated premises supervisor in writing) at least 28 days prior to the event taking place or any other period that may be agreed.

The premises licence holder or designated premises supervisor will supply a risk assessment for all events that are held at the premises, which are not part of the standard operation procedure/standard core business, giving 28 days notice (or any other period that may be agreed) to Steelhouse Lane Licensing Department (or any other officer or police station as may be advised to the premises licence holder or designated premises supervisor in writing)

The premises must operate an incident book and record all incidents that occur inside and immediately outside the premises. The Incident book to be made available for inspection by any of the relevant authorities upon reasonable request.

All events that are not part of the standard operating precedure/standard core business will be notified in writing to Steelhouse Lane Licensing Department (or any other officer or police station as may be advised to the premises licence holder or designated premises supervisor in writing) giving 28 days notice or any other period that may be agreed.

The premises will implement and put in to practice a drugs policy and a lost/found policy for the venue as approved by West Midlands Police.

2c) Conditions consistent with, and to promote, public safety

The Licence Holder shall comply with Building Regulations and reasonable recommendations of the Fire Safety Officer.

Page 5 of 10

2d) Conditions consistent with, and to promote the prevention of public nuisance

The licence holder shall ensure there is adequate supervision maintained of persons leaving the premises. Notices will be placed at each exit and at the exit of the car park asking patrons to leave quietly and considerately towards neighbouring residents.

2e) Conditions consistent with, and to promote the protection of children from harm

No enforceable conditions identified from operating schedule.

Page 6 of 10

Annex 3 – Conditions attached after hearing by licensing authority

3a) General committee conditions

Licensing Sub Committee B resolved on 16th February 2016 to revoke the premises licence however on appeal to Birmingham Magistrates Court District Judge Robinson resolved to re-instate the Premises Licence subject to modification of hours during which licensable activities can take place, modification of the opening hours of the premises and imposition of additional conditions as detailed under the relevant objective below.

Modification of hours for the provision of all licensable activities & opening hours:

All licensable activities are to cease at 10.15pm daily.

The premises is to be closed and cleared of customers by no later than 10.45pm daily to allow for the dispersal of customers into the surrounding area.

The provision of licensable activities are therefore restricted to taking place between:

10:00am - 22:15 hours Monday to Sunday

The premises can only be open to the public between:

10:00am - 22:45 hours Monday to Sunday

3b) Committee conditions to promote the prevention of crime and disorder

N/A

3c) Committee conditions to promote public safety

N/A

3d) Committee conditions to promote the prevention of public nuisance

Doors and windows

The Licence holder must ensure that all windows and doors are kept closed during the provision of regulated entertainment save for access or egress.

Traffic Management Plan -

The Licence holder must design, implement and enforce an effective traffic management policy for all events held at Tower Ballroom to include as a minimum the following:

a.

A formal written risk assessment for each event.

b.

A written traffic management plan for each event.

c.

Upon the Chair of any Residents Association or Committee representing a number of residents living within the zone marked in red on the attached map writing to the Premises Licence Holder to notify the Premises Licence Holder of the existence of such an Association or Committee, the Premises Licence Holder is to consult with that body within 28 days of first notification of the outcome of the appeal and at least every 3 months thereafter. The Premises Licence Holder must provide all such bodies with a list of events booked at

Page 7 of 10

the time of each quarterly consultation to include the start and finish times for the event.

d.

A written record of any complaints received about traffic management or parking problems and any remedial action taken.

e.

Copies of all documents relating to the traffic management policy to be kept and made available for inspection at the premises by any Responsible Authority.

Terminal Hour / Closure Time / Dispersal Policy:

The licensable activities are to cease at 10.15pm.

The Licence holder must design, implement and enforce an effective dispersal policy in respect of any event where a licensable activity continues after 9.30pm to include requirements that:

a. Door supervisors must remain on duty for 15 minutes after the closure time to aid the dispersal of customers from the immediate vicinity of the premises.

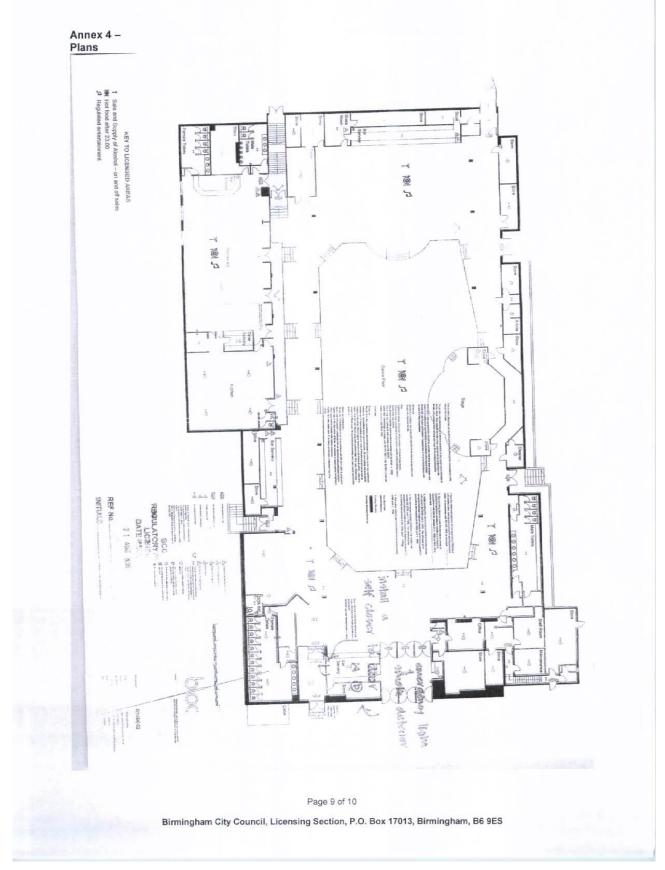
b. Any traffic management personnel must remain on duty for 30 minutes after the closure time of the premises to aid the dispersal of customers from the surrounding area.

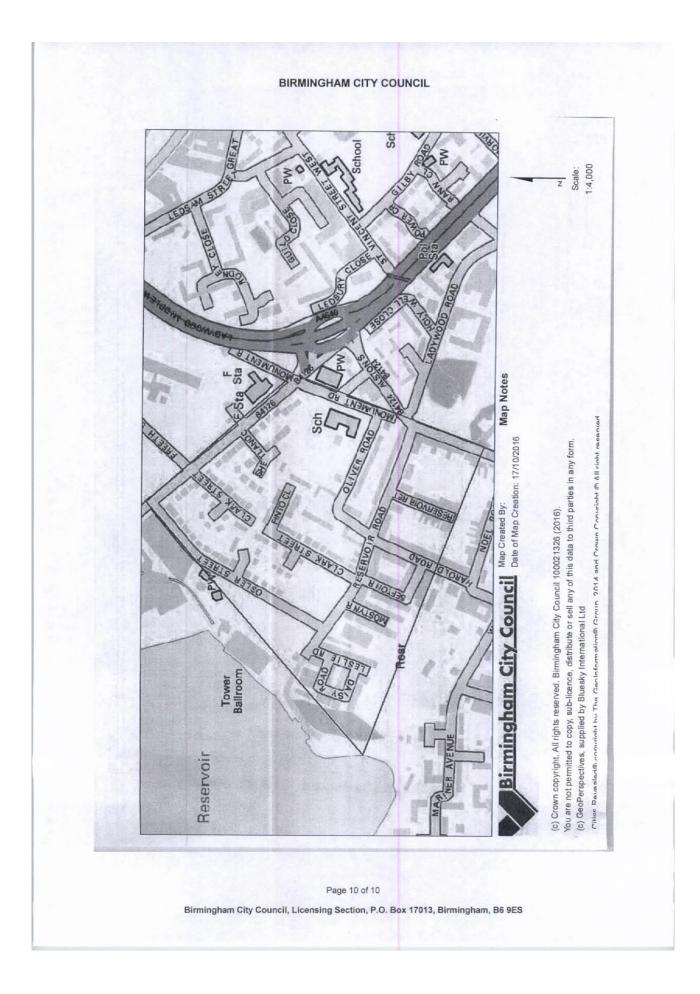
The premises is to be closed and cleared of customers by no later than 10.45pm to allow for the dispersal of customers into the surrounding area.

3e) Committee conditions to promote the protection of children from harm

N/A

Page 8 of 10





Appendix 4

