

## ALCOHOL AND ENTERTAINMENT LICENSING COMMITTEE

**Date and Time** 25 July 2023 @ 10.00  
**Location** Council Chamber  
 Broxtowe Borough Council  
 Foster Avenue  
 Beeston  
 Nottingham  
 NG9 1AB

<b>Applicant:</b>	Zeon Group Limited
<b>Premises applied for:</b>	Zeon Café and Bar 23-27 Main Street Kimberley Nottingham NG16 2NG
<b>Type of application:</b>	S34 Licensing Act 2003 Application to vary a premises licence
<b>Date application received</b>	31.05.2023
<b>Consultation period end</b>	28.06.2023
<b>Licensable Activities applied for:</b>	Recorded Music Provision of Late Night Refreshment Supply of Alcohol
<b>Variation(s) applied for:</b>	Amendment to operating hours to increase by one hour on Friday and Saturday evenings as set out below
<b>Hours applied for:</b>	<p><b>Recorded Music:</b>            Sunday – Thursday 23.00 - 00.00 (<b>No Change</b>)            Friday – Saturday 23.00 - 01.30            (exempt until 23.00)</p> <p><b>Provision of Late Night Refreshment:</b>            Sunday – Thursday 23.00 - 00.00 (<b>No Change</b>)            Friday – Saturday 23.00 - 01.00</p> <p><b>Supply of Alcohol:</b>            Sunday – Thursday 11.00 - 00.00 (<b>No Change</b>)            Friday – Saturday 11.00 - 01.00</p>
<b>Hours open to Public:</b>	Sunday – Thursday 11.00 - 00.30 Friday – Saturday 11.00 - 01.30
<b>Steps applicant proposes to take to promote the Licensing Objectives.</b>	See existing Licence (Attached) See letter from Police re Door Supervisors See application: <ul style="list-style-type: none"> <li>• Active member of Pubwatch</li> <li>• Last door entry policy</li> <li>• Notice at exit asking departing customers to leave quietly</li> <li>• All windows closed at 21.00 to reduce noise breakout</li> </ul>

<b>Representations by Responsible Authorities</b>	<b>Comments</b>			
<ul style="list-style-type: none"> <li>• <b>Police</b></li> <li>• <b>Planning</b></li> <li>• <b>Environmental Health Health &amp; Safety</b></li> <li>• <b>Environmental Health Noise</b></li> <li>• <b>Fire Service</b></li> <li>• <b>Safeguarding Children Board</b></li> <li>• <b>Trading Standards</b></li> <li>• <b>Health</b></li> </ul>	<b>No Objection</b> <b>No Representation</b> <b>See Planning response re current planning permission.</b> <b>None</b>  <b>None</b>  <b>None</b>  <b>None</b>  <b>None</b>  <b>None</b>			
	<b>Licensing Objectives</b>			
<b>Representations by Interested Parties:</b>	Crime and Disorder	Public Safety	Public Nuisance	Protection of Children from harm
Mr P Saunders	X		X	
Mr I Wilson	X		X	
Mr P Dennis	X		X	
Ms J Wickham	X		X	
<b>Attendances on behalf of the Applicant:</b>	Mr J Towle			
<b>Attendances on behalf of Interested Parties</b>	TBC			
<b>Attached documents</b>	<ul style="list-style-type: none"> <li>• <b>Application</b></li> <li>• <b>Current Licence</b></li> <li>• <b>Plan</b></li> <li>• <b>Comments from Planning</b></li> <li>• <b>Letter from Police - agreed door supervisor conditions</b></li> <li>• <b>Relevant representations</b></li> </ul>			

**Focus of hearing:**

The Panel may first need to consider whether the public should be excluded during part or all of the hearing of this matter under Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005.

**14. Hearing to be public**

(1) Subject to paragraph (2), the hearing shall take place in public.

(2) The licensing authority may exclude the public from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public.

(3) For the purposes of paragraph (2), a party and any person assisting or representing a party may be treated as a member of the public.

Representations have been received relating to the licensing objectives as follows:

- **Prevention of crime and disorder**
- **Prevention of public nuisance**

**Those making representations may wish to consider any conditions that they would like the Licensing Committee to consider attaching to the licence if they are minded to grant it.**

The issues coming before the panel should be addressed as follows:

### **Relevance of representations.**

All representations are relevant

### **Consideration of the application**

Whether upon consideration of the facts, that the grant of an application by Zeon Group Limited in the terms applied for and subsequently amended in consultation with Nottinghamshire Police Licensing, will undermine the above mentioned licensing objectives.

In considering this application, the Alcohol and Entertainment Sub-Committee will have regard to:

### **The representations from the Interested Parties (Attached)**

### **Additional conditions volunteered by the applicant**

### **The Licensing Act 2003, and in particular:**

#### **S4 General duties of licensing authorities**

- (1). A licensing authority must carry out its functions under this Act ("licensing functions") with a view to promoting the licensing objectives.
- (2). The licensing objectives are—
  - (a) the prevention of crime and disorder;
  - (b) public safety;
  - (c) the prevention of public nuisance; and
  - (d) the protection of children from harm.
- (3). In carrying out its licensing functions, a licensing authority must also have regard to—
  - (a) its licensing statement published under section 5, and
  - (b) any guidance issued by the Secretary of State under section 182.

#### **S35 Determination of application under section 34**

- (1) This section applies where the relevant licensing authority—
  - (a) receives an application, made in accordance with section 34, to vary a premises licence, and

- (b) is satisfied that the applicant has complied with any requirement imposed on him by virtue of subsection (5) of that section.
- (2) Subject to subsection (3) and section 36(6), the authority must grant the application.
  - (3) Where relevant representations are made, the authority must—
    - (a) hold a hearing to consider them, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary, and
    - (b) having regard to the representations, take such of the steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives.
  - (4) The steps are—
    - (a) to modify the conditions of the licence;
    - (b) to reject the whole or part of the application;and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.
  - (5) In this section “relevant representations” means representations which—
    - (a) are about the likely effect of the grant of the application on the promotion of the licensing objectives, and
    - (b) meet the requirements of subsection (6).
  - (6) The requirements are—
    - (a) that the representations are made by an interested party or responsible authority within the period prescribed under section 17(5)(c) by virtue of section 34(5),
    - (b) that they have not been withdrawn, and
    - (c) in the case of representations made by an interested party (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
  - (7) Subsections (2) and (3) are subject to sections 19 to 21 (which require certain conditions to be included in premises licences).

### **The guidance issued under 182 of the Licensing Act 2003 (As updated)**

#### **The council’s “Statement of Licensing Policy” 2019 – 2024 and in particular:**

- Policy statements 1 & 2 and
- Sections 2, 5 & 6

#### **POLICY 1**

**The Authority expects to see evidence of the effective and responsible management of the licensed premises, such as examples of instruction, training and supervision of staff and the adoption of best practice used in the leisure industry, being specifically addressed within the Operating Schedule.**

REASON: To ensure the promotion of the licensing objectives.

#### **POLICY 2**

**When preparing or considering applications, applicants, responsible authorities, other persons, businesses and the Licensing Authority shall, where appropriate, take into account the following matters in assessing both the potential for the Licensing Objectives to be undermined and the appropriateness of any conditions which may be offered or imposed on any resulting licence, certificate or permission:**

- (i) The nature of the area within which the premises are situated.**
- (ii) The precise nature, type and frequency of the proposed activities.**
- (iii) Any measures proposed by the applicant in the Operating Schedule.**
- (iv) The nature (principally in terms of the age and orderliness) and number of any customers likely to attend the licensed premises.**
- (v) Means of access to and exit from the premises.**
- (vi) The provision and availability of adequate seating and the restriction of standing areas**
- vii Noise from the premises or noise arising from persons visiting the premises**
- (viii) The potential cumulative impact**
- (ix) Other means and resources available to mitigate any impact.**
- (x) Such other matters as may be relevant to the application.**

REASON: To ensure that all relevant matters are taken into consideration during the application process.

**Their duties under section 17 of the Crime and Disorder Act 1998.**

### **ALCOHOL AND ENTERTAINMENT LICENSING PANEL**

The overall intention is to hold a “directed discussion” on the issues

#### **Procedure for hearing of application**

1. The Chair will welcome everyone to the meeting
2. The Chair or Legal Advisor will explain the reason for the hearing and explain the protocol.
3. Legal Adviser will identify each of the parties to the hearing and inquire whether the parties have understood the hearing procedure and are able to see/hear and be seen/heard.
4. Chair considers requests for witnesses to be called by each of the parties (If any).
5. Chair assesses and then agrees the maximum period of time in minutes to be permitted for each party to address the relevant representations.
6. Chair invites the Applicant to outline his application and address the relevant representations and call any witnesses as agreed
7. After The applicant has spoken the Chair will invite each interested party to ask questions through the Chair
  - Interested parties
  - Licensing Committee members
8. After each speaker the Chair will invite the Applicant or his representative to respond through the Chair
9. The Chair invites the Interested parties to address the relevant representations and call any witnesses (if any) as agreed

10. After each speaker the Chair will invite the Applicant to respond through the Chair
11. The Chair asks the parties in the following order whether they have anything further to add as a closing statement.
  - Interested Parties;
  - Applicant.
12. Having clarified that all parties have had a fair hearing, the meeting will be closed and the panel will meet forthwith to determine the matter
13. The decision together with notification of the right to appeal will be given in writing to all parties within 5 working days of the meeting.

**NB** The Chair may vary the procedure as necessary to ensure that a “directed discussion” takes place.