

**Date and Time** 18 June 2024 at 10.00 am  
**Location** Council Chamber  
 Broxtowe Borough Council  
 Foster Avenue  
 Beeston  
 Nottingham  
 NG9 1AB

<b>Applicant:</b>	Greene King Brewing & Retailing Limited
<b>Premises applied for:</b>	Hayloft Nottingham Road Giltbrook Nottingham NG16 2GB
<b>Type of application:</b>	S34 Licensing Act 2003 Application to vary a premises licence
<b>Date application received</b>	25.04.2024
<b>Consultation period end</b>	23.05.2024
<b>Licensable Activities applied for:</b>	Recorded Music Provision of Late Night Refreshment Supply of Alcohol
<b>Variation(s) applied for:</b>	<p>To extend the sale of alcohol, recorded music and late night refreshment on Friday and Saturday, and any Sunday prior to a bank holiday until 02.00 hours the following morning. (currently permitted until 00.00 Friday and Saturday, and 01.00 Sunday prior to a bank holiday).</p> <p>To permit the sale of alcohol, recorded music and late night refreshment for New Year's Eve until 02.00.</p> <p>To permit the premises to open for an additional 30 minutes following the cessation of the sale of alcohol.</p> <p>To change the plan to include the external areas of the premises for the sale of alcohol.</p> <p>To remove the following conditions from the premises licence:</p> <ul style="list-style-type: none"> <li>- A zero tolerance policy towards illegal drugs will be enforced at all times.</li> <li>- If a DJ is used on any night then he/she will ask customers to leave quietly. - CCTV camera shall operate whilst the premises are open to the public and recordings and footage shall be retained and archives for a period of not less than 31 days. Such recordings shall be made available to the police or authorised officer of the council at reasonable times.</li> <li>- All instance of crime and disorder will be reported to the police and will be recorded in an incident log book.</li> <li>- Additional patrols will take place by members of staff, internally and externally, to monitor any noise pollution when entertainment is being offered within the premises.</li> </ul>

<p><b>Variation(s) applied for:</b></p>	<ul style="list-style-type: none"> <li>- Text and/or radio pagers, where already used, will continue to be used during operating hours and will be monitored by a responsible member of staff.</li> <li>- Under 18 year olds will not be allowed to play on section 34 permitted amusements with prizes (AWP) machines.</li> <li>- Clear and legible notices shall be displayed in prominent locations in and around the premises in wording and locations to be approved by the Licensing Authority advising members of the public with regard to the following:             <ul style="list-style-type: none"> <li>a) Quiet departure and dispersal of customers after closing time.</li> <li>b) Telephone helpline number provided by the licence holder for reporting any issues or concerns regarding the operation of the premises</li> <li>c) Quiet departure of customers using the car parking facilities.</li> </ul> </li> </ul> <p>To add the following conditions to the premises licence:</p> <ol style="list-style-type: none"> <li>1. All staff who have direct dealings with customers shall be trained in the following:             <ul style="list-style-type: none"> <li>(i) Licensing law and in particular that relating to the sale of alcohol;</li> <li>(ii) The Challenge 25 policy;</li> <li>(iii) The premises licence and its conditions.</li> </ul> </li> </ol> <p>A record shall be kept of this training which will be refreshed no less than every 6 months and this record shall be available for inspection by the Licensing Authority or Police upon request.</p> <ol style="list-style-type: none"> <li>2. An incident log will be kept and maintained at the premises and all incidents shall be recorded in it. As a minimum, the log will record the date and time of the incident, the name of the person making the entry, the nature of the incident and any actions taken.</li> <li>3. The DPS/ manager will undertake a risk assessment in relation to any night where premises opens until 02:00hrs in order to determine whether SIA door staff will be required to promote the licensing objectives. Where the risk assessment identifies the need for SIA door staff, these will be provided at the times and in the numbers deemed by the risk assessment to be appropriate in the circumstances. This risk assessment will be revisited regularly to ensure that the risk assessment remains appropriate. The risk assessment is to be in written form and kept at the premises for inspection by the Licensing Authority or Police upon request.</li> <li>4. A CCTV system shall be installed and maintained at the premises during times when the premises is open to the public.</li> <li>5. CCTV images will be kept for a period of 31 days and made available to the police as soon as reasonably practicable.</li> <li>6. CCTV will operate in accordance with the relevant Data Protection Legislation.</li> <li>7. Any manager left in charge of the premises shall be trained in the use of any such CCTV equipment and be able to</li> </ol>
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produce/download/burn CCTV images upon request from an authorised officer.

8. The DPS/ manager will undertake a weekly inspection of the public areas of the premises to identify anything might present an identifiable risk to public safety. Any risks identified that are deemed to be unreasonable must be rectified at the earliest possible opportunity.

9. There shall be no new entry to the premises after Midnight on a Friday, Saturday or Sunday preceding the bank holiday.

10. A sign will be displayed at each exit from the premises asking customers to respect the rights of nearby residents not to be disturbed.

11. Any outside areas are to be monitored by management and staff, when occupied, during the hours that the premises are open to the public.

12. A dispersal policy ('the policy') will be drawn up and implemented to ensure that as far as practicable customers leaving the premises at the end of each night's trading session do so quickly and quietly. The policy will be disseminated to staff as required to ensure that it is properly implemented and a copy kept at the premises for inspection by licensing or other responsible authority officers on request.

13. When regulated entertainment is provided, noise checks will be carried out at the nearest noise sensitive property. A noise check log of these checks will be kept and maintained at the premises. As a minimum the log will record the date and time of the check, the name of the person making the check, the sound level and if required, any action taken. The log will be made available to an authorised officer upon request.

14. A complaints log will be maintained and any complaints from residents shall be recorded in it. As a minimum, the information recorded shall include: date and time of the complaint, name of complainant and any action taken thereafter in relation to it.

15. A Challenge 25 policy shall be implemented and full and appropriate identification shall be sought from any person who appears under the age of 25.

16. Any external mobile bar will only be used between the hours of 11.00 hours and 22.30 hours daily.

17. Any external mobile bar will be supervised at all times when in use.

18. Any external mobile bar will be inaccessible to customers when not in use to ensure they do not have access to any alcohol.

All other hours, activities and conditions to remain unaltered.

<b>Hours applied for:</b>	<b>Recorded Music:</b> Sunday – Thursday 10.00 - 23.00 <b>(No Change)</b> Friday – Saturday 10.00 - 02.00 (exempt until 23.00)  <b>Provision of Late Night Refreshment:</b> Sunday – Thursday 23.00 - 23.30 <b>(No Change)</b> Friday – Saturday 23.00 - 02.00  <b>Supply of Alcohol:</b> Sunday – Thursday 10.00 - 23.00 <b>(No Change)</b> Friday – Saturday 10.00 - 02.00
<b>Hours open to Public:</b>	Sunday – Thursday 10.00 - 23.30 <b>(No Change)</b> Friday – Saturday 10.00 - 02.30
<b>Steps applicant proposes to take to promote the Licensing Objectives.</b>	See application <b>(Appendix 1)</b> See existing Licence <b>(Appendix 2)</b> See email from Police regarding re-wording condition <b>(Appendix 3)</b>
<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>None</b>  <b>None</b>  <b>No Objection</b>  <b>None</b> <b>None</b>  <b>None</b> <b>None</b>

<b>Representations by Interested Parties:</b>	<b>Licensing Objectives</b>			
	Crime and Disorder	Public Safety	Public Nuisance	Protection of Children from harm
Mr S Leaf	X		X	
Ms E Ward	X	X	X	
Mr A Pyngar	X		X	
Anon 1	X	X	X	
Ms Wagner	X		X	
Mr & Mrs House	X		X	
Ms L Leaf	X	X	X	
Mr J Whitmore			X	
Mrs T Wood	X		X	
Mr S Matthews			X	
Mr S Hawksworth	X	X	X	
Mr P Lamb			X	
Ms M Weston	X		X	
Mr T Britton	X		X	
Anon 2	X		X	
Cllr E Williamson	X		X	X
Mr G Weston	X		X	
Mr J Peake	X		X	
<b>Attendances on behalf of the Applicant:</b>	TBC			
<b>Attendances on behalf of Interested Parties</b>	TBC			
<b>Attached documents</b>	<ul style="list-style-type: none"> <li>• <b>Application and Plan (Appendix 1)</b></li> <li>• <b>Current Licence (Appendix 2)</b></li> <li>• <b>Email from Police – agreed re-wording of conditions (Appendix 3)</b></li> <li>• <b>Relevant representations (Appendix 4)</b></li> </ul>			

### Licensing History

The site applied for a conversion and variation of their licence when the power to licence a premises transferred from Magistrates Court to the Local Authority in 2005. The original licence was granted after a hearing on 19 August 2005.

The table below shows the applications that the licensing authority have received in relation to this premise.

<b>Date</b>	<b>Type of application</b>
19.08.2005	Conversion and Variation application granted
24.11.2005	Vary DPS
25.05.2007	Transfer application
10.12.2008	Vary DPS
06.02.2009	Vary DPS
30.03.2009	Vary DPS

27.05.2009	Vary DPS
09.11.2009	Vary DPS
04.07.2011	Transfer application
08.08.2012	Vary DPS
06.08.2013	Vary DPS
23.03.2018	Vary DPS
17.07.2019	Vary DPS
02.03.2021	Transfer application
08.10.2021	Vary DPS
17.11.2021	Vary DPS
05.04.2022	Vary DPS
20.04.2022	Vary DPS
16.06.2022	Minor Variation
06.07.2022	Vary DPS
09.02.2023	Vary DPS

The licensing authority has received six TEN's for this premise in this calendar year. The premises held a premise licence issued under the Licensing Act 2003, however, the TEN extended the licensable hours, the details of the TEN's are shown in this table:

TEN Number	Start	Finish	Days	Dates
1	00:00	23:59	2	01.01.2024 - 02.01.2024
2	00:00	23:59	4	09.02.2024 - 12.02.2024
3	00:00	23:59	4	16.02.2024 - 19.02.2024
4	00:00	23:59	3	05.04.2024 - 07.04.2024
5	00:00	23:59	3	03.05.2024 - 05.05.2024
6	00:00	23:59	4	07.06.2024 - 10.06.2024

### **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.

**Relevance of representations**

**Representations have been received from 18 local residents. All representations are relevant.**

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

- **Prevention of crime and disorder**
- **Public safety**
- **Prevention of public nuisance**
- **Protection of children from harm**

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.

**Consideration of the application**

Whether upon consideration of the facts, that the grant of an application by Greene King Brewing & Retailing 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 Licensing and Appeals Sub-Committee will have regard to:

- The representations from the Interested Parties (**Appendix4**)
- Additional conditions volunteered by the applicant (**Appendix1**)
- The guidance issued under 182 of the Licensing Act 2003 (As updated) - Chapters 2, 8, 9 and 10 (**Appendix 5**)
- The council's "Statement of Licensing Policy" 2024 – 2029 and in particular:
  - Sections 2, 5 & 6 (**Appendix 6**)
  - Policy 1 and 2:

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.

**Recommendations**

**That Members are asked to consider the variation to the application including the representations made for the Hayloft, Nottingham Road, Giltbrook, Nottingham, NG16 2GB and takes steps as it considers appropriate for the promotion of the licensing objectives.**

**The steps available on determination of a variation application are:**

- **To modify the conditions of the licence**
- **To reject the whole or part of the application**

**List of Appendices**

- Appendix 1 – Application and plan
- Appendix 2 – Existing Licence
- Appendix 3 – Police email rewording condition
- Appendix 4 – Representations
- Appendix 5 – Chapters 2, 8, 9 and 10 of S182 Guidance
- Appendix 6 – Sections 2, 5 and 6 of BBC Statement of Licensing Policy
- Appendix 7 – Procedure for hearing



