

Background

Deadline Deliveries Co Ltd have applied via AB Licensing Solutions Ltd for a new Premises Licence under the Licensing Act 2003; the premises will be known as The Winchester Club and Essence Bar.

The area is classed as a town centre location with commercial properties either side of the premises and residential flats above. The premises are situated centrally in Sheerness town centre, next to the clocktower. There is front and rear access to the premises, which is in the basement of the building and only visible by a door at street level. There is no garden, parking or smoking area.

There are several licensed premises in the immediate area the closest nightclub is at the end of the High Street, however there are no other 'Commercial' clubs within the area.

Over the last ten years several licencees have tried and failed to run a successful business from these premises. Prior to the Licensing Act 2003, the Premises (then known as Chimes Wine Bar) held a Public Entertainment Licence. In 2005 extensive re-furbishment works were undertaken by a new licencee and a Premises Licence was granted following a Committee Hearing, the premises were known then as 2UK.

After operating for a short while as a nightclub several complaints were received from local residents and a noise abatement notice was served by the Environmental Protection Team. In Spring 2006 the premises closed.

In November 2006 the premises re-opened as The Underground, however it failed to trade for more than 12 months and closed in 2007.

In February 2009 another application (Club 77) was lodged with the Council, in this instance the applicant wished to operate as a commercial club. This application was opposed by a local resident and the Environmental Protection Team. It was scheduled to be heard by the Licensing Committee however the application was withdrawn the day before the hearing.

The current applicant wishes to run the premises as a Commercial Club with a full Premises Licence, attached to this report are several policies in respect of how the club will operate. The Designated Supervisor will be Mr Philip wigglesworth, who I understand will be applying to us for his Personal Licence in due course. Mr Wigglesworth resides in Queenborough.

Survey

The premises were visited by the Police Licensing Officer and Licensing Enforcement Officer earlier this year when guidance was given to the applicant.

The Fire Brigade carried out an inspection in March of this year and submitted a request for a Fire Risk Assessment, they also state that the premises are only suitable for 60 persons due to the Fire Escape routes. They have not made a representation under the Licensing Act 2003, these points will be dealt with by their own legislation and are for information only.

The Assistant Environmental Health Officer from the Environmental Protection Team has also visited the premises.

Consultation

I have consulted in the normal manner with the Police, Fire Brigade, Pollution Team, Planning, Child Protection Services and Weights and Measures.

The Police Licensing Officer has requested that 26 conditions be applied to the licence (see attached report). The applicants agent does not feel that all of the conditions are relevant and has responded accordingly (see attached letter)

The Environmental Protection Team have objected to the grant of the licence on the grounds that the premises are unsuitable for amplified music (see attached memo).

Both representations link to the Licensing Objectives, namely 'Crime and Disorder' and 'Public Nuisance'

There have been no objections from local residents and/or other interested parties.

Conclusion

- Deadline Deliveries Co Ltd have applied via AB Licensing Solutions Ltd for a new Premises Licence under the Licensing Act 2003; the premises will be known as The Winchester Club and Essence Bar.
- Two representations have been received from two of the Responsible Authorities (Police and Environmental Protection) the complaints relate in the main to the licensing objectives 'prevention of public nuisance' and 'Prevention of Crime and Disorder'
- Councillors must decide which of the following are appropriate:
Grant the licence as applied for
Grant the licence with amendments or conditions
Refuse the licence

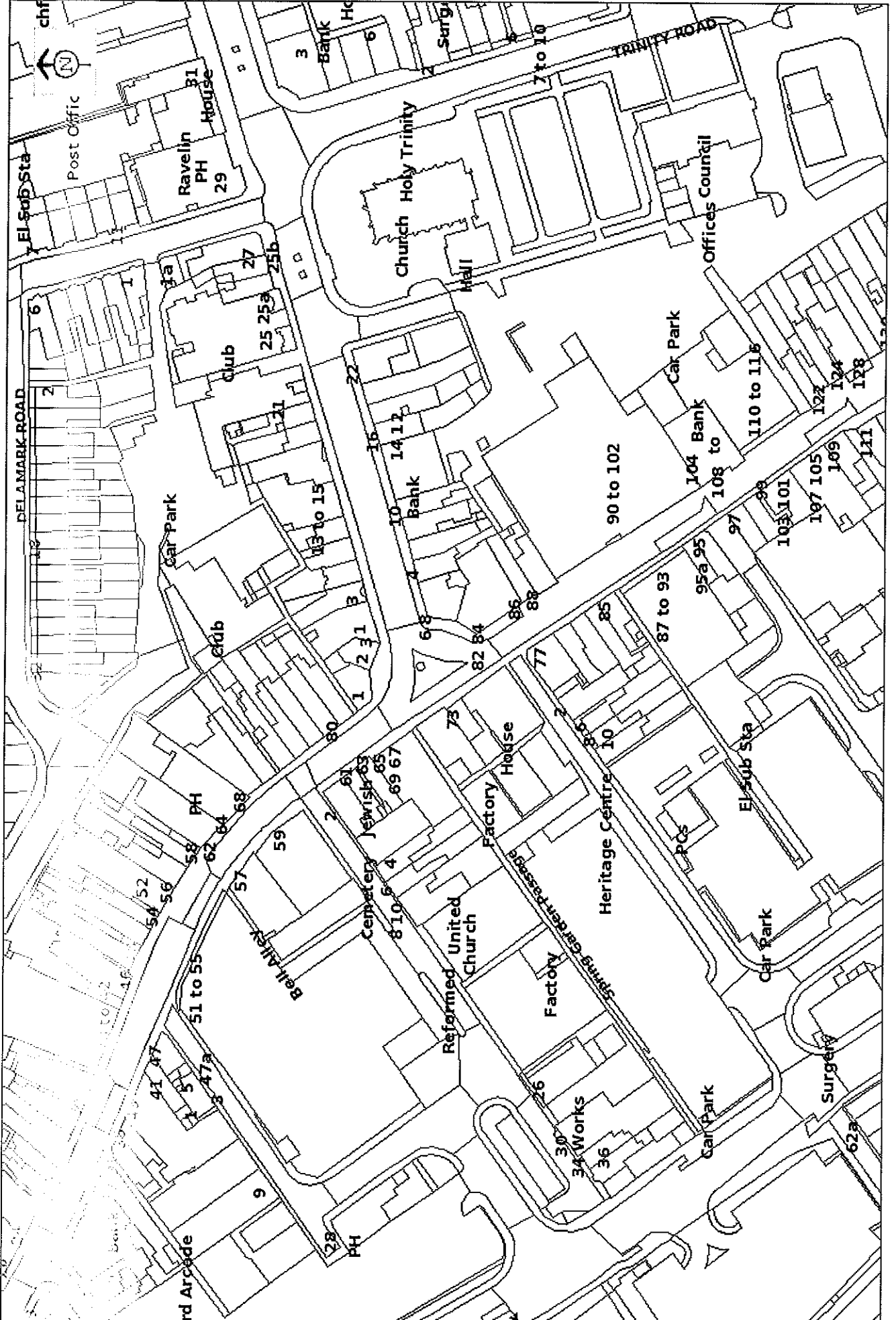
*All parties will have 21 days to appeal any decision (starting on the day of the hearing).
Appeals go to the Magistrates Court.*

Supporting documents

Plan and photograph of the area
Representation from Environmental Protection Team
Representation from Swale Police
Letter from AB Licensing Solutions Ltd

Club Rules
Drug Policy
Noise Management Plan
Age Verification Policy

The actual application was submitted electronically as is not attached, a summary of the requested provisions and hours is on the cover sheet.



Google

Address is approximate



The premises are
underground,
accessed via this
door.

Internal Memorandum

To: Sam Potts
From: Sharon Honey
Date: 11th April 2012
Location: **The Winchester Club & Essence Bar, Broadway, Sheerness**

Thank you for your notification of a licence application for the above premises.

This premise is in a part of a building and shares party walls with residential flats. There is a long history of complaints and noise issues with this premise. A Noise Abatement Notice was served in August 2005, the notice was later breached but the lease was terminated before any legal action could be instigated.

The premise have shown themselves to be unsuitable for loud amplified music, and the noise management plan is inadequate to show how any noise issues are going to be addressed. The application has requested live and recorded music until 2am, Thursday, Friday & Saturday; this is likely to lead to disturbance to the residents of the flats that surround the property.

I object to this licence application on the grounds of public nuisance.

Sharon Honey
Assistant Environmental Health Officer
Environmental Protection Team



**Kent
Police**

Chief Officer of Police Representation in relation to an application
for grant of premises licence made under Part 3 Section 17
Licensing Act 2003 (S18 Licensing Act 2003)

Details of person making objection

Name of Chief Officer of Police	Chief Inspector HENLEY
Postal Address: (Area Headquarters)	Sittingbourne Police Station Central Avenue Sittingbourne Kent ME10 4NR
E-mail address	licensing.swale@kent.pnn.police.uk
Telephone Number:	01795 419394

Details of premises representation is about

Name of Premises:	Winchester Club
Address of premises:	1 The Broadway High Street Sheerness ME12 1AG
Date application received by police	5 th April 2012
Date representation sent to Licensing Authority	5 th April 2012
<i>Must be within 28 days of receipt – The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005, Part 4 Reg. 22.</i>	

The Chief Officer of Police has received an application for the grant of a premises licence made under the provisions of Section 17 Licensing Act 2003, and under Section 18 of that Act, asks the Licensing Authority to consider these representations in respect of: -

Please tick one or more of the licensing objectives that the representation relates to:

Prevention of crime and disorder	<input checked="" type="checkbox"/>
Public Safety	<input type="checkbox"/>
Prevention of public nuisance	<input checked="" type="checkbox"/>
Protection of children from harm	<input checked="" type="checkbox"/>

Is this a representation regarding the Designation of Premises Supervisor under S18 (9) Licensing Act 2003? NO

If yes, complete the following statement: -

The relevant representation within the meaning of S.18(6) of the Licensing Act satisfy the requirements of S.18(9) of that Act and are as follows:

Due to the exceptional circumstances of this case, I am satisfied that the designation of the person concerned as the premises supervisor under the premises licence would undermine the crime prevention objective because

Please use separate sheets where necessary

The relevant representations within the meaning of S.18(6) of the Licensing Act satisfy the requirements of S.18(7) of that Act and are as follows:

Please give the reason for the representation and detail the evidence supporting it:

The premises is in the High Street but also has residents living in the area. It is essential to allow licensable activities to take place at the venue whilst residents are not disturbed by any of the licensing objectives. The High Street has a busy night time economy particularly in this central location which will require careful control and management of the entrance area of the premises which will also be the smoking area to avoid crime and disorder and public nuisance issues. There is good reason to suppose crime and disorder may take place and the use of CCTV cameras inside and outside will deter this whilst also protecting staff and customers. This is a new premises licence and the attached conditions will assist the designated premises supervisor to comply with the licensing objectives

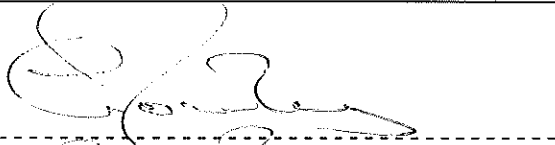
Please use separate sheets where necessary

Suggested conditions that could be added to the licence to remedy the representation or other suggestions the Licensing Sub Committee may take into account:

Please use separate sheets where necessary. Consider s106 Licensing Act 2003.

- A CCTV system will be installed, or the existing system maintained, such system to be fit for the purpose.
- The CCTV system shall be capable of producing immediate copies of recordings on site. Copies of recordings will either be recorded digitally onto CD/DVD or other equivalent medium. Any reasonable request for CCTV by a Police Officer or employee of the Police will be provided within 48 hours of the request being made.
- Any recording shall be retained and stored in a suitable and secure manner for a minimum of 28 days and shall be available, subject to compliance with the Data Protection legislation, to the Police or Officers of the Licensing Authority on request.
- The CCTV system will incorporate cameras covering all licensed areas inside, the entrance door and outside smoking area. The CCTV system will be capable of providing an image, which is regarded as identification standard.
- The precise positions of the cameras may be agreed, subject to compliance with Data Protection legislation, with Police from time to time.
- The system will display, on any recording, the correct time and date of the recording.
- A system will be in place to maintain a complete audit trail.
- The CCTV system will be maintained so as to be fully operational throughout the hours that the premises are open for any licensable activity and while persons are on the premises.
- Signage informing customers CCTV is in operation to be displayed.
- Signage informing customers that they may be asked to produce specific proof of age identification if attempting to purchase alcohol.
- A refusal/incident book will be kept with details of refusal, time, day, and date of event.
- All glasses used on the premises will be polycarbonates or toughened glass.
- Appropriate signage asking customers to leave quietly.
- The premises shall not be used for exotic dancing.
- Outside smoking area will be a clearly designated area and closed by 23.00 hours.
- No admission or re admission to the premises after 23.30 hours.
- The premises will be members of the Swale safe radio system.
- A minimum of two SIA registered door staff will work the entry door on a Friday and Saturday from 20.00 until the premises are closed.
- Members only premises. A list of members and addresses will be kept and made available to Police on reasonable request.
- Members may sign in one guest per member. A bound book will be kept and this will be the responsibility of the designated premises supervisor.
- All members and guests will be over 25.
- Entry will be by a card or fob scheme to ensure only members have access.
- The entry door will be kept closed and secure.
- No alcohol will be supplied after 01.30 hours allowing a 30 minute cooling off period prior to closure.
- Any hire agreement outside of the members club will have a booking form with details of the hirer. These details will be verified by means of passport and or driving licence and these details recorded. All conditions attached to the licence will apply when the premises are hired.
- An agreed system to accurately record numbers of persons in the premises will be in use

Signed:



Date:

5/4/2012

Print name:

.....

Force Number:

57309

pp Chief Officer of Police for the Police Area in which the licensed premises are situated

Representation may be made at any time during the 28 consecutive days starting on the day after the day on which the application to which it relates was given to the authority by the applicant. Please return this form along with any additional sheets to the Licensing Authority. This form must be returned within the Statutory Period.



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Web: www.licensingolutions.uk.com
Tel: 01233 501367
Mobile: 07551983390

AB Licensing Solutions Ltd
PO Box 499
Ashford
TN23 9QP

Mr J Rowley,
Licensing Officer
Police Station
Central Avenue
Sittingbourne
ME10 4NR

9th April 2012

Dear Mr Rowley

**The Winchester Club and Essence Bar
1 The Broadway, Sheerness**

I refer to the representations made on the 5th April 2012 in respect of the application for a new premises licence for the Winchester Club and Essence Bar the contents of which are noted.

As you will be aware the Licensing Authority may only place such conditions on any premises licence or club premises certificate as are proportionate and necessary for the promotion of the licensing objectives or as are consistent with the operating schedule submitted as part of the application process.

Further, following the ruling in Daniel Thwaites PLC v Wirral Borough Magistrates 2008 such conditions must be made on an foundation of evidence and not be "plucked out of the air", because of fear that something may happen in the future.

This being the case I am a little bemused by the draconian nature of some of the conditions suggested by the police.

This notwithstanding my client has considered the representation made and has made the following observations:

CCTV(Conditions 1 to 9)

My client already has a CCTV system in operation that maintains images on a hard drive for a period of 28 days before being overwritten. Reference to the plan attached to the application will show that it covers the bar and inside seating area and the entrance to the premises from the front.

As the area around the Clock Tower, Sheerness is a public area that is already covered by a Dome DDTV camera situated on the Halifax Bank directly opposite my clients premises. My client does not have a "smoking area" as such but will allow members and bona fide guests to smoke at the front of the premises. Are the police really requesting that staff at the Winchester

Club police a public area and members of the public who may or may not be customers of the club? This seems to be a very dangerous precedence with risk to both the club and the police if a member of the public makes complaint.

Further such a CCTV camera would have to be registered under the Security Industries Act as it would by its very nature involve collateral intrusion to members of the public. It is possible with the camera that views the front door of the premises to put forward that this will only cover members and guests. The proposed condition would also involve the operators being licensed by the SIA as CCTV operators. This does not seem to be proportionate or necessary given that a Swale Safety Unit camera is already in operation (presumably registered and licensed by the Office of the Information Commissioner and SIA)

Signage as to the presence of CCTV is a matter for the Security Industry Authority and not the Licensing Authority. The Guidance issued under the provisions of Section 182, Licensing Act 2003 specifically states that the Licensing Act should not be used to enforce legislation adequately covered by other statutes. This being the case condition 9 would seem at best unenforceable and at worse unlawful.

You will note that my client has already put forward a proposed condition in the operating schedule that "the CCTV will be maintained in good and efficient working order and utilised when the premises are open to the public." He is prepared to amend that condition to include the proviso that "staff shall be trained in the use of the CCTV system, and a training record kept that will be made available to police or an authorised officer of the licensing authority at any reasonable time"

My understanding is that all other suggestions are already in place as part of the CCTV system and I would suggest form part of the system being maintained in good and efficient working order. We are willing to put in place a policy for the CCTV system that would include the points that you have made however to condition to this extent would mean that any operating procedures could not be reviewed and updated on a regular basis.

Proof of Age (Condition 10)

This forms part of the proof of age policy required by the mandatory conditions. A proof of age policy is already in place together with a Challenge 25 scheme with suitable signage in the premises. This being the case there would seem to be triplication between the operating schedule conditions, the mandatory conditions and the representation.

Refusals Book (Condition 11)

This is in place. My client is happy to have a condition as part of the operating schedule in the following form:

The management shall ensure that a refusals registered is maintained in accordance with the current standards set by Kent Trading Standards. Staff shall receive training in its use. The refusals book shall be made available to police or an authorised officer of the licensing authority at any reasonable time.

Polycarbonate/Toughened Glasses (Condition 12)

My client is happy to include a condition on the operating schedule that no drinks shall be taken outside the premises. However in the absence of any incidents (and given that the premises are a new premises and a private members club this is not possible) there seems to be little or no justification for the inclusion of such a condition.

The police as a responsible authority have the right under Section 51, Licensing Act 2003 to call for a review if they feel the licensing objectives are not being actively promoted. I would suggest that that is when any suggestion of the use of polycarbonates are considered not when there is no evidence of a problem.

Signage asking persons to leave quietly (Condition 13)

Agreed

No exotic dancing (condition 14)

The club is a private members club with a membership restricted to persons over 25 and guests of an age of not least 21 years of age. Whilst there is no application for dancing the club has the lawful right under the Licensing Act 2003 to apply for Temporary Events Notices. The Local Government (Miscellaneous Provisions) Act 1982 as amended also allows for up to 11 events of relevant entertainment in a rolling calendar year. I should be grateful if you would expand as to how you see that the licensing objectives would not be promoted given the restrictions outlined?

Outside Smoking Area (Condition 15)

As previously stated the club does not have a designated smoking area. Members can, if they wish to smoke, use the public area around the clock tower. The owners have no power to close that area at any time and so would not be able to comply with such a condition. It would appear to be unenforceable.

No admission after 23:30 (Condition 16)

As previously stated this establishment is a private members club. Whilst under most circumstances the restriction on entry/re-entry to an open club is considered a crime prevention tool it is difficult to see how this promotes the licensing objectives in this case. Only members or their bona fide guests are admitted so passing trade is not a problem. Any member or guest that breaches club rules will be subject to disciplinary action. This condition effectively closes the club at 00:01 hours notwithstanding that it will be licensed for longer permitted hours. I should be grateful for the evidence to support such a condition.

Swale Safe Radio (Condition 17)

The 182 Guidance suggests that conditions should only be imposed where the premises licence holder has the ability to enforce them. The imposition of this condition is not such a condition. What happens if the scheme fails? Every licensed premises with such a condition would be in breach of its licence and subject to closure

Whilst my client is willing to consider becoming a member of Swale safe the imposition of a condition requiring membership of a voluntary organisation that is outside the control of the premises licence holder is clearly unenforceable and I would suggest ultra vires to the Act.

SIA Door Staff (Condition 18)

Given the nature of the club I should be grateful for evidence in support of this condition.

Members List (Condition 20)

Agreed

Members and Guests Age (Condition 21)

The club rules already restrict the age of members to 25 years of age. Members may be 21 years of age as this allows members to bring younger partners/wives in to enjoy an adult atmosphere. My client feels the rules in place adequately promote the licensing objectives.

Entry by card or fob (Condition 22)

Agreed

Entry Door to be kept closed and secure (Condition 23)

The entry door is one of only two means of escape from the premises in case of fire or other emergency. To secure the door would severely restrict that means of escape and may well be a breach of the Regulatory Reform (Fire Safety) Order 2006. Enforcement of this condition would therefore be unlawful.

No alcohol to be supplied after 01:30 and premises to be closed at 02:00 (Condition 24)

The imposition of this condition would effectively negate all of the non-standard timings. I should be grateful for the evidence on which you base this representation. Otherwise this would appear to be a matter for consideration by the Licensing sub-Committee.

Private hires of the premises (Condition 25)

Agreed

Agreed system for counting numbers on the premises (Condition 26)

Are the police suggesting there is a public order issue that requires the imposition of a capacity limit for the club? If so please provide the evidence in order that my client may consider the matter.

If the representation relates to capacity limits under the Regulatory Reform (Fire Safety) Order 2006 I reiterate the guidance that where a more appropriate enactment is in place that statute should be used in enforcement rather than hijacking the Licensing Act 2003 to do so

My client and myself are happy to meet Chief Inspector Henley and yourself to discuss your representations and ascertain if there is any movement by which a hearing can be avoided.

I am away for the first week in May but otherwise, given reasonable notice, I will be available.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Tony Bartlett', with a large, sweeping flourish underneath.

Tony Bartlett, MA, BA, FInstLM, MIOL
Director.

The Rules of The Winchester Club and Essence Bar

1. The address of the Winchester Club & Essence Bar ("the Club") is 1 The Broadway, Sheerness ME12 1AB

2. The objects of the Club are: -

To provide and make available to members of the Club and their bona fide guests, leisure and recreation facilities and to promote and encourage among members of the Club and their bona fide guests a greater degree of physical well-being.

To provide and maintain the Club premises and employ staff in order to facilitate the attainment of the above objectives.

Constitution

3. The Club is a proprietary club, the proprietor of which is Deadline deliveries Limited, whose registered office is at 14-18 Heralds Way, South Woodham Ferries, Essex, CM3 5TO.

4. The Proprietor will provide the Club with the Club premises and all reasonable necessities for carrying on the Club in accordance with its objects and these Rules and will be solely responsible for all expenses connected therewith for the engagement, dismissal and payment of staff, and for catering and all other matters involving expenditure of money. No member shall, by reason of his or her membership alone, be under any financial liability to the Club other than as provided in these Rules.

5 No member shall, by reason of his or her membership alone, be entitled to take any part in the management of the Club and shall receive no benefits from the Club other than those acquired by reason of his or her membership.

The Winchester Membership Committee

6. (a) The Proprietor may at its option permit a Circle Membership Committee to operate within the Club for the benefit of assisting the Proprietor in the election of persons to membership.

(b) The Circle Membership Committee shall consist of at least six persons (including the Proprietor) of which two persons may be co-opted from outside as independent observers.

Membership

7.(a) Membership will be open to persons associated with commerce and professional services in the Isle of Sheppey.

(b) A person shall become a member of the Club if elected thereto by the Management and/or the Circle Membership Committee.

8. No member or proposed member of the Club shall be allowed to enter the premises of the Club or enjoy the amenities thereof, save as a bona fide guest of a member, until he or she has been given consent from the management or Proprietor.

9. The Proprietor shall have the right to refuse entry or remove any member or bona fide guest from the premises or any part of the premises of the Club for breach of any of these rules or any bye-laws of the Club or for any other reason which seems to the Proprietor to be good and sufficient without any explanation being given.

Termination of Membership

10. The Proprietor shall have an absolute discretion as to whether a person shall become or remain a member of the Club, and shall have the right to expel or terminate the membership of any member for any reason which shall seem to the Proprietor to be good and sufficient without any explanation being given and without returning that member's or person's subscription or any part thereof.

Subscriptions

11. (a) Membership subscription shall be due and payable on election and thereafter annually or monthly by direct debit. Without prejudice to the generality of Rule 9 hereof the Proprietor shall have the right to terminate the membership of any member whose subscription is not paid. The annual subscription shall be fixed from year to year at the sole discretion of the Proprietor and shall be made known to any member or proposed member upon receipt of any application for renewal of or admission to membership.

(b) Membership shall be restricted to persons not less than 25 years of age

(c) Nothing in these rules will prevent the Proprietor from promoting membership by way of special offers with regard to membership subscriptions.

Conduct of Members

12. No conduct contrary to law or calculated or liable to injure the name or reputation of the Club shall be allowed on the premises of the Club and each and every member of the Club shall be deemed in applying for membership, to have read and to agree to abide by the Rules of the Club if and when he becomes a member thereof.

13. Each member of the Club shall periodically inform the Proprietor of his address and shall inform the Proprietor of change of address as soon as the same may reasonably be possible and any notices required to be given to members may be given by email or prepaid letter addressed to the member at the last address which he has furnished the Proprietor and shall be deemed to have been delivered in the due course of post.

Notwithstanding the aforesaid provisions nothing in these Rules shall be read as requiring or shall be deemed to require the Proprietor to give any notice to members of the Club otherwise than by publication in writing at the premises of the Club.

Guests

14. (a) Members may introduce and entertain friends at the Club and there shall be kept at the Club premises a visitors' book or ID scan record in which the names of both the member and his guest or guests shall be entered. The introducing member shall be responsible for his guests strictly observing the Club Rules and will also be responsible for any bills unpaid by his guests. Members should ensure their guests bring photo ID with them.

(b) No guest shall be under the age of 21 years of age when signed in by a member.

(c) The Proprietor may suspend from membership any member who takes any undue advantage of his privilege to the detriment of the Club. No person who has been expelled from the Club previously or known to the police for criminal activity or whose membership has been terminated or whose application membership has been rejected previously shall be introduced as a guest.

(d) A member may introduce not more than two guests (or such greater number by prior arrangement) on any one occasion or visit.

Functions

16. The Proprietor may allow the Club premises to be used for private or pre-arranged functions in which event the Proprietor may close the Club to members in whole or in part on the occasion of such private or pre-arranged functions.

Admission Charges

17. The Proprietor shall have an absolute discretion as to whether or not to charge an admission fee.

Notices

18. Notwithstanding Rule 13 hereof all notices relating to all matters under these Rules or any by-laws made there-under shall be sufficiently notified to all members if posted on the Club Notice Board.

Interpretation

19. (a) In these rules, wherever the word "Proprietor" shall appear, such word shall be deemed to include if the Managing Director of the Company.

(b) The singular shall include the plural and vice versa.

Amendments and Bye-Laws

20. The Proprietor shall have the right to alter, revoke, supplement or augment these Rules or make other Rules in substitution therefore or make vary and revoke bye-laws (not inconsistent with these Rules) for the regulation of the affairs of the Club and the conduct of members, which bye-laws shall be binding on the members of the Club.

The Winchester Club & Essence Bar

1 The Broadway, Sheerness, ME12 1AB

Drugs Policy

Drug & Needle Finds in Licensed Premises

Introduction

The purpose of this document is to outline the Policy & Procedures to be adopted by staff and volunteers concerned in relation to the safe and legal handling of both illegal substances and needles. It should be remembered that possession of an illegal substance is an offence and it is hoped that by following the policies and procedures outlined in this document, that no person will fall foul of the law and leave themselves open to criminal prosecution.

It is recognised that from time to time staff working in licensed premises, such as cleaners, door supervisors, bar staff, will come across either illegal substances or needles. It is therefore important that procedures are put in place to ensure that the following principles outlined in the Licensing Act 2003 are complied with:

- Prevention of Crime & Disorder
- Public Safety
- Protection of children.

This document hopes to address these issues in that persons will not commit a criminal offence when dealing with found illegal substances, that members of the public, including children, will be kept safe as there will be a safe way of disposing of found needles and a secure way of storing illegal substances.

Responsibility of Licensed premises:

On finding or confiscating an illegal substance the duty manager will be informed and should place the substance in a secure container, to which once placed inside, no one apart from a key holder, has access.

Before placing the substance into the secure container a record should be made containing the following:

- Where substance found/seized
- Time & date when substance found/seized
- By whom substance found/seized
- Description of substance found/seized
- From whom substance seized (if applicable & known. If not a description of the person should be included)

The person finding/seizing the substance should ensure a witness is present when it is placed in the secure container, and both the witness and the person who found/seized the substance, should sign the record book.

The management should ensure that all staff are aware of the location of the secure container and the record book.

Once an item has been placed in the secure container and the record sheet completed, the

Police should be contacted on 01622 690690 and a request made for an incident to be created requesting that an officer attend to collect the item(s) from the secure container. A note should be made of the incident number and this should be entered in the record book.

The person handing over the substance should ensure that the record book is signed by the police officer who collects it.

Needle (Sharps) Finds:

Any needles found should be placed in this a sharps container and NOT the Secure Container for illegal substances. A record should be kept showing:

- Where the needle was found
- Time & Date needle was found
- Who found the needle

There is no requirement for the placing of a needle into the sharps bin to be witnessed. The management should contact the Dover District Council on a monthly basis to request collection of the sharps bin (if there are needles in it).

It is suggested as best practice that any staff that may need to dispose of found needles (sharps), should receive relevant training in respect of handling these items.

Where a person is detained

It is recognised that neither door or bar staff have a right to detain persons suspected of committing an offence under the Misuse of Drugs Act. Wherever possible the name and address and proof of identification should be obtained the person be requested to remain at the theatre. If the person remains at the scene they will be treated with courtesy and handed over to the police to deal with. Should the person refuse to remain at the theatre a description should be obtained and passed to police either by telephone or on attendance at the premises.

In the event of a prosecution it may be necessary for a member of staff to make a witness statement or appear at court. Time should be made available for the staff member to make such notes as he/she feels necessary to refresh their memory.

Licensed Premises - Producing a Noise Management Plan

Licensed premises have to live in harmony with their neighbours, and by their very nature can often cause some disturbance to people living nearby. The aim of the Noise Management Plan should be to put in place reasonable measures to reduce the noise impact of sources associated with the premises. Since people are generally less tolerant of avoidable noise, particular attention must be paid to reducing or eliminating avoidable noise. The following table lists *some* of the issues which *may* have to be considered when preparing a noise management plan (NMP) for a premises licence and should be used as an **aide memoir** for preparing the NMP under the headings in the table below. It should be borne in mind that each plan will be premises specific and the table is not exhaustive. Not all issues will apply to all premises and the practicality of implementing some measures will depend on individual circumstances. Although the preparation and compliance with a NMP may be a requirement of the premises licence it is also expected to be applied to events permitted under Temporary Events Notices (TENS) held at permanently licensed premises.

Source	Possible effects on impact	Mitigation to consider
Inside music noise, films etc (Note 1)	Hours and no. of events	Specify hours and consider how often
	Volume	Control e.g. limiters. Live or recorded and cooling down period
	Doors and Windows	Keep closed at all or certain times/self closers
	Vents	Acoustic baffles
	Building design and construction	Sound insulation improvements and lobbies
	Location of speakers	Away from doors/windows, avoid party walls .
	Location of source	Avoiding conservatories or near large single glazed areas or external patron access doors
	Bass control	Limit
Outside music (Note 2)	Hours	Specify – but avoid later times
	Volume	Control e.g. limiters. Live or recorded
	Direction of speakers	Point away from residents (see note 1)
	Location of speakers	As far away from noise sensitive as possible
Deliveries and collections(Note 3)	Times of day	Between 08:00 and 18:00
	Days of week	Mon-Fri only and not on Public Holidays
Smoking shelters, external seating and eating areas (Note 4)	Location	Site away from noise sensitive locations, no music
	Times of use	Limit the hours of use, to avoid later times
	Tables and chairs	Provide rubber feet to chairs and tables, Don't collect tables/chairs from outside late at night
Gardens, and play areas (Note 5)	Music(see above)	Restrict hours, supervise/check and use signs.
	Children and customer noise	Supervisor patrols
	Public address systems	Avoid PA systems or direct away from residents.
	Bouncy castle pumps etc.	Consider orientation and screening of any equipment
Customers and Car Parks (See Note 6)	Misuse	Registered staff
	Leaving customers	'3 strikes' rule for unruly customers. Signage at premises exit, Door staff remind patrons on leaving, Supervisor patrols, CCTV. No stereo car rule. Responsible taxi companies. No entry policy after specified "late" Hour.
	Radios	Re-entry policy for smoking. No drinks outside policy. Supervision of smokers
	"Late" hour access	
	Loitering and smoking outside of the premises	
Refuse and recycling bins, bottles and stores, barrels	General noise	Follow good working practices. If noisy do in morning not late evening. Site refuse and recycling stores away from residential if possible
Chillers, air con, extractors etc	Nature of noise including hums, rumbles and whines	Locate sources away from residents. Use quieter plant, silencers and acoustic housings, equipment serviced regularly and well maintained
Skittle alleys	Balls	Various works including cushioning
	Behaviour	Good management
Complaints (See Note 7)	Response and attitude	Policy including the recording date, time, name, cause and action taken Consider neighbour liaison approach

It is also advised that the Noise Management Plan is regularly reviewed and updated (see note 9) :

- On existing un-assessed noise sources
- Before introducing new plant and equipment
- Following a complaint
- Prior to launching new entertainment
- When planning alterations to the Building are proposed
- When monitoring procedures identify that controls are inadequate

Additional Explanatory Notes

1. Inside Music Noise

Often the bass elements are noticeable outside, close to the premises and inside nearby premises especially if they are attached. Good management control to keep doors and windows closed and control hours and volumes with a cooling-down period (reduced volume) for the last 15 minutes is achievable by the supervisor. Consideration of location of loudspeakers, limiting Juke Boxes and structural works may require someone with specialist experience bearing in mind that structural works may not be fully effective in reducing bass. Live music is very difficult to manage, since many musicians bring their own equipment and it cannot be effectively controlled by the supervisor unless there is a good working relationship. It may be prudent to favour events which minimise impact. Warn neighbours in advance of special events which might have a greater potential for disturbance.

Carry out regular checks at the boundary of the nearest noise sensitive properties, but **remember** if you have been subject to loud music for an hour or so your hearing will not be as sensitive and the music level outside can easily be underestimated when you carry out your check. This effect is known as temporary threshold shift.

2. Outside Music Noise

Outside music can very easily cause a nuisance to nearby neighbours. The nuisance potential is closely linked to volume, hours of use and number of times a year. For example a beer garden with regular piped music for long periods at weekends or during the week is likely to be a nuisance if it can be heard in a neighbour's garden. On the other hand an occasional jazz band (for example) for a couple of hours at lunchtime a few times a year (e.g. Bank Holidays) is much less likely to be a nuisance. Special events such as wedding receptions may need careful planning and thought, including liaison with nearby occupiers.

3. Deliveries, recycling and refuse collections, and stores

Deliveries and collections are noisy e.g. the refrigeration units on delivery vehicles and the clanging of barrels, the rattle of bottles, and the noise from refuse collection vehicles. The most effective way of minimising impact is to ensure that they take place at reasonable times on a weekday. Wherever possible locate stores away from noise sensitive premises and consider the use of purpose built or sound-proofed stores.

4. Smoking shelters, external seating/eating areas. (see note 8 below)

Smoking shelters and the use of external parts for customers to smoke may give rise to disturbance to occupiers of neighbouring premises especially later at night. Carefully consider their location. A smoking shelter may also need planning permission. Similarly external seating and eating areas, either on the premises or on the adjacent street can cause problems as can the use of metal tables and chairs, particularly if legs do not have rubber protectors on the feet. Remember that the late night removal of tables and chairs can also give rise to disturbance.

5. Gardens and play areas

Gardens are an important feature of many premises and their use may be difficult to control. Sensible precautions like location, signs and restriction on the hours of use of play areas may help as can supervision.

6. Customers and Car Parks

Customer noise is a difficult matter, people leaving a noisy venue often carry on talking outside at the same volume, and this can be disturbing. Customers congregating outside to smoke, use mobiles or try to hold a conversation across the window façade with friends in the venue can cause problems. Particularly disruptive customers should be warned and a '3 strikes' exclusion policy introduced. Car parks are another area where occasional supervision and checks especially late at night may help to prevent loitering, chatting or inconsiderate and noisy driving. Signs which emphasise the need to refrain from shouting, slamming car doors, sounding horns and loud use of vehicle stereos and anti-social behaviour should be considered. A good relationship should be fostered with responsible taxi operators and customers encouraged to contact these operators from inside. Taxi drivers should be encouraged to come to the door to collect passengers.

7. Complaints

The importance of a sympathetic and polite response to complaints cannot be over emphasised. Many problems can be defused by the right attitude and response. Letting neighbours know that you are willing to meet with them to discuss issues can help maintain relations and assists with neighbour tolerance. The Council will offer to assist by providing Officer presence at any residents meetings if all parties feel this to be beneficial.

8. Additional Guidance

Smoke-free guidance and additional information on "*Noise Control for Licensed premises*" is available at www.swale.gov.uk

9 Staff Training and NMP updates

Increase and maintain staff awareness relating to noise management issues by inclusion in their regular training. When you update the noise management plan please forward the amended version to the Council's Licensing team

Premises known as The Winchester Club & Essence Bar,

Component	Noise Management Plan - Measures in place / to be taken
Inside music noise, films etc	Where live music events are held the premises supervisor will make regular checks in the vicinity of the premises to ensure that noise nuisance is not caused to neighbouring residential properties. A record shall be maintained of such checks and produced to the police or an authorised officer of the Licensing Authority on demand
Outside music	Not Applicable
Deliveries and collections	Wherever possible deliveries will be arranged to occur during the working day. Where this is not possible care will be taken to minimise disruption to neighbours. In the event of a live music event the removal of equipment will be supervised to ensure that no noise nuisance occurs
Smoking shelters, external seating and eating areas	No smoking shelter provided
Gardens and play areas	No play area provided
Customers and Car Parks	No car park provided
Refuse and recycling bins, barrels, bottles and stores	In order to protect the amenity of the neighbourhood no emptying into bottle bins will take place between 22:30 and 08:00 on any day
Skittle alleys	No skittle alley provided
Equipment such as chillers, air con, extractors	Air conditioners will be serviced in accordance with current best practice to ensure the quietest possible running of equipment
Complaints	Staff should try to resolve any complaint by a member of the public in the first instance. In the event that such a complaint cannot be immediately resolved a record should be kept in the incident log and brought to the attention of the management or DPS as soon as practicable. The name and telephone number of the complainant should be obtained in order to allow the management team to contact them and seek

	A resolution of the complaint
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Signed:
Premises License Holder

Date:

Continue on another sheet if necessary.

Premises Age Verification Policy

This policy applies in relation to the sale or supply of alcohol on the following premises:

Name of premises: The Winchester Club & Essence Bar

Address of premises:

1 The Broadway
Sheerness
ME12 1AB

Name of premises licence holder:

.....

Name of designated premises supervisor:

.....

1. The premises licence holder must ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol. This must as a minimum require individuals who appear to the responsible person to be under the age of 18 years of age to produce on request, before being served alcohol, identification bearing their photograph, date of birth, and a holographic mark. This can include, for example:

- A photo card driving licence
- A passport
- A proof of age card bearing the PASS hologram

2. Responsible Persons

For the purposes of this policy the following are considered to be responsible persons:

- the holder of the premises licence;
- the designated premises supervisor;
- a person aged 18 or over who is authorised to allow the sale or supply of alcohol by an under 18; or
- a member or officer of a club present on the club premises in a capacity which enables him or her to prevent the supply in question.

This policy has been adopted on the (date).....

Premises Licence Holder or DPS signature

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