

19/00005/VR4PL

North West Leicestershire District Council

**Application to vary a premises licence under the Licensing Act 2003****PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Disco Bar Ashby Limited

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number NWL20245

**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description

Manhattans  
60a Market Street

Post town	Ashby de la Zouch	Postcode	LE65 1AN
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Telephone number at premises (if any)	
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Non-domestic rateable value of premises	£13,750
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**Part 2 – Applicant details**

Daytime contact telephone number	
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E-mail address (optional)	
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Current postal address if different from premises address	8 Long Meadow Westbury Park
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Post town	Newcastle under Lyme	Postcode	ST5 4HY
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### Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? ☒ Yes

☐  
No

If not, from what date do you want the variation to take effect?

DD		MM		YYYY			
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?  
(Please see guidance note 1) ☐ Yes ☒ No

**Please describe briefly the nature of the proposed variation** (Please see guidance note 1)

The proposed variation is to extend the sale of alcohol on Friday, Saturday, Christmas Eve, Boxing Day and Sundays before a Bank Holiday from the current hours of 10:00 to 02:00 the following morning to the proposed hours of 10:00 to 03:00 the following morning.

To extend the provision of regulated entertainment (to include live music, performances of dance and anything of a similar description) on Friday, Saturday, Christmas Eve, Boxing Day and Sundays before a Bank Holiday from the current hours of 09:00 to 02:30 the following morning to the proposed hours of 09:00 to 03:30 the following morning.

Opening hours on Friday, Saturday, Christmas Eve, Boxing Day and Sundays before a Bank Holiday will be 09:00 to 03:30 the following morning.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

N/A

#### Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

##### Provision of regulated entertainment

Please tick all that apply

- |  |                                     |
|--|-------------------------------------|
| a) plays (if ticking yes, fill in box A)   | <input type="checkbox"/>            |
| b) films (if ticking yes, fill in box B)   | <input type="checkbox"/>            |
| c) indoor sporting events (if ticking yes, fill in box C)  | <input type="checkbox"/>            |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D)   | <input type="checkbox"/>            |
| e) live music (if ticking yes, fill in box E)  | <input checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F)  | <input type="checkbox"/>            |
| g) performances of dance (if ticking yes, fill in box G)   | <input checked="" type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g)<br>(if ticking yes, fill in box H) | <input checked="" type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box I)

☐

Sale by retail of alcohol (if ticking yes, fill in box J)

☒

In all cases complete boxes K, L and M

A

<u>Plays</u> Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Thur					
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

B

<u>Films</u> Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Thur					
Fri					
			<u>Non standard timings. Where you intend to use the premises for the</u>		

			<u>exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)</u>
Sat			
Sun			

C

<u>Indoor sporting events</u> Standard days and timings (please read guidance note 6)			<u>Please give further details (please read guidance note 3)</u>
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events (please read guidance note 4)</u>
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)</u>
Fri			
Sat			
Sun			

D

<u>Boxing or wrestling</u> entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	
Day	Start	Finish	Indoors	<input type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
Tue			Both	<input type="checkbox"/>
			<u>Please give further details here (please read guidance note 3)</u>	

Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)
Thur			
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)
Sat			
Sun			

## E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur					
Fri	09:00	03:30	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	09:00	03:30			
Sun			The hours of 09:00 to 03:30 the following morning also apply to Christmas Eve, Boxing Day and Sundays before a Bank Holiday.		

F

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Thur					
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

G

<b>Performances of dance</b> Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Thur					

Fri	09:00	03:30	<b><u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)  The hours of 09:00 to 03:30 the following morning also apply to Christmas Eve, Boxing Day and Sundays before a Bank Holiday.
Sat	09:00	03:30	
Sun			

## H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Wed					
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 4)		
Fri	09:00	03:30			
Sat	09:00	03:30	<b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sun			The hours of 09:00 to 03:30 the following morning also apply to Christmas Eve, Boxing Day and Sundays before a Bank Holiday.		



I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon					
Tue					
Wed			<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 4)		
Thur					
Fri					
Sat			<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sun					

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)		
Mon					
Tue					
Wed			<b>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Thur					
Fri					
The hours of 10:00 to 03:00 the following morning also apply to Christmas					

	10:00	03:00	Eve, Boxing Day and Sundays before a Bank Holiday.
Sat	10:00	03:00	
Sun			

K

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).**

N/A

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<u>State any seasonal variations</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 5)  The opening hours of 09:00 to 03:30 the following morning also apply to Christmas Eve, Boxing Day and Sundays before a Bank Holiday.
Wed			
Thur			
Fri	09:00	03:30	
Sat	09:00	03:30	

Sun			

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Please tick as appropriate

- I have enclosed the premises licence ☒
- I have enclosed the relevant part of the premises licence ☐

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

## M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

### **a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)**

This is an application for a variation of a premises licence at Manhattans, 60a Market Street, Ashby de la Zouch. The premises are operated by Disco Bar Ashby Limited. The proposed variation is to extend the sale of alcohol on Friday, Saturday, Christmas Eve, Boxing Day and Sundays before a Bank Holiday from the current hours of 10:00 to 02:00 the following morning to the proposed hours of 10:00 to 03:00 the following morning.

To extend the provision of regulated entertainment (to include live music, performances of dance and anything of a similar description) on Friday, Saturday, Christmas Eve, Boxing Day and Sunday before a

Bank Holiday from the current hours of 09:00 to 02:30 the following morning to the proposed hours of 09:00 to 03:30 the following morning.

Opening hours on Friday, Saturday, Christmas Eve, Boxing Day and Sundays before a bank holiday will be 09:00 to 03:30 the following morning.

It is acknowledged that the premises are situated within a cumulative impact area and that this application is covered by the Cumulative Impact Policy. The proposals and operating schedule set out in this application will demonstrate that there will be no negative cumulative impact on one or more of the licensing objectives, that the application for variation can be granted and that the rebuttable presumption that applications for variations will normally be refused, is rebutted by this application. It is rebutted by the submissions made in this document and the operating schedule.

#### DOCUMENTS TO BE RELIED ON IN SUPPORT OF THE APPLICATION

1. All correspondence with Leicestershire Police requesting details of any incidents directly connected to or at the premises. All requests being refused.
2. Dispersal policy and incident reports.
3. Licensing Committee Hearing 21 November 2018 page 54 - crime statutory duty.
4. Photographs of the premises / Purple flag meetings.
5. Minutes of the Licensing Sub-Committee meeting - 21 April 2017 - Ciro's and Queens Head.

The applicant has also considered in detail, the profile of the district and in particular Ashby de la Zouch. The applicant is an experienced operator in trading in Ashby de la Zouch and understands the area very well. The applicant is fully supportive of all local strategies, including Safe and North West Partnership, promotion of equality and Ashby's successful Purple Flag campaign. The applicant was supportive of the Purple Flag application and submitted photographs to be used as part of the application which according to the Community Focus Officer of Ashby looks "amazing" and a number of other photographs are submitted showing the support for Purple Flag. The applicant also organises charity events and has two charity events

lined up, including a Christmas Jumper night on 14 December for Save the Children and a charity Ladies Night on January 25 in aid of Positive Bones. Previous charity work included Cancer Research, Help the Heroes and Little Princes Trust.

There are a number of conditions on the premises licence at present and the applicant is also conscious of the decision of the licensing sub-committee on Thursday 21 April 2016 in respect of the Queens Head Hotel and Ciro's, 79 Market Street, Ashby de la Zouch, Leicestershire LE65 1AH.

In the case of Ciro's (the premises are opposite Manhattans) they confirmed that the business had been operated in a responsible and professional manner and had built reputation and relationships within the local authorities and fellow businesses. There had been a meeting with the Town Council and Police to discuss the application and as a result, the application had been reduced to assist with weekday police staffing. A management of noise and dispersal policy was included in the application and there had been no concerns raised or formal complaints by any member of the public to the Council's environment protection team. It is noted that the VIP ROOMS at CIROS no longer trades.

A number of events had been operated with later terminal hours, there was a significant management presence and Temporary Event Notices had also been operated.

In respect of Manhattans, the management team at Manhattans have excellent relationships with the local authorities and fellow businesses in Ashby de la Zouch through hands on management. There has been no concerns expressed or complaints made to the Environment and Protection Team. The applicant had considered applying for a variation for additional operating hours beyond what is applied for in this application and has reduced the application to assist with weekday police staffing. The applicant has been in regular discussion with the police, who have not provided any specific details of incident inside the premises or directly connected to the premises. The premises have operated events with later terminal hours and are fully supportive of the Purple Flag campaign and other local initiatives.

There are no major issues in the town centre and it is submitted that there has been a reduction in overall crime. Dispersal is key and a full dispersal policy would be in place and the following conditions are proposed by the applicant to deal with the rebuttable presumption in the Cumulative Impact Policy and any representations in respect of the application.

#### DISPERSAL POLICY AND INCIDENT RECORDS

The Premises current Dispersal Policy and a blank Incident record is attached.

#### PROPOSED ADDITIONAL CONDITIONS

1. No persons except those employed on the premises are allowed to enter or re-enter the venue after 01:00 hours Sunday to Thursday and 02:00 hours Friday, Saturday, Christmas Eve, Boxing Day and Sunday before a Bank Holiday.
2. Patrons will allow re-entry where they have left the premises to make use of any outdoor smoking area.
3. All persons working at the premises in a security capacity will have access to radio communication device which will allow effective communication between all members of security and the duty manager.
4. The premises licence holder shall join the Retail Radio scheme or any similar scheme operating in the area and ensure that:
  - The communication equipment is kept in working order at all times. If the communication requirement breaks then the Police shall be notified and the equipment shall be repaired within a reasonable time period;
  - The communication equipment shall be activated, made available to and monitored by the designated premises supervisor or a responsible member of staff at all times that the premises are open to the public;
  - Any police instructions/directions are complied with whenever given; and
  - All instances of crime and disorder are reported via the communication equipment by the designated premises supervisor or a responsible member of staff to an agreed police contact

point.

5. The licence holder shall ensure that where available, a body worn camera is worn by a suitable member of staff on Friday and Saturday nights from 21:00 until the venue closes on each of those nights.
6. CCTV shall be installed to specification and in locations agreed with the Leicestershire Constabulary Crime Reduction Officer and maintained in accordance with the Information Commissioner's CCTV Code of Practice. The CCTV shall record during all times that the premises are open for any licensable activity. All images are to be held for a minimum of 28 days. All recordings are to be held in a secure holding facility. If a tape system tapes are to be replaced every 6 months with new ones. This is to be recorded in an incident book for the premises. All images held are to be available immediately on request by any of the Responsible Authorities.
7. A staff member from the premises, who is conversant with the operation of the CCTV system, shall be on the premises at all times when the premises are open to the public. This staff member must be able to show the Police or Licensing Office recent data or footage with the absolute minimum of delay when requested to do so.
8. An incident police log should be kept on the premises and made available on request to the police or licensing authority which will record the following:
  - All crimes reported to the premises
  - All ejections of customers
  - Any complaints received
  - Any incidents of disorder
  - All seizures of drugs or offensive weapons
  - Any faults in the CCTV system
  - Any refusal of the sale of alcohol
  - Any visit by a responsible authority or emergency service.
9. Training will be provided for all staff whether paid or unpaid before they are allowed to sell alcohol and will include Challenge 25, proof of age, management conflict, serving intoxicated customers and refusals records. The training will be documented. The Designated Premises Supervisor will

check that the training has been understood. The training will be repeated at least annually. Records of training will be provided to the responsible authorities and the licensing authority on request.

10. The licence holder will keep records of all door supervisors showing the names of the door supervisor, their address, their security industry authority badge number and expiry date and the date/time they were employed. These details will be provided to the responsible authorities and the licensing authority on request.
11. The licence holder shall employ a minimum of three SIA licensed door supervisors to be on duty at the entrance of the premises from 22:00 hours on Friday, Saturday, Sunday before a Bank Holiday, Christmas Eve, Boxing Day and New Year's Eve, until the last admission time for the public and will employ a further SIA licensed member of staff for every 100 customers or part thereof on the premises.
12. Prominent clear notices shall be displayed at all exists requesting customers to respect the needs of local residents and leave the premises and the area quietly.
13. The licence holder shall ensure that no customer shall take glasses or open bottles from the premises.
14. A Challenge 25 policy shall be operated at the premises at all times. All staff shall require identification of all customers who appear to be less than 25 years old and wish to purchase alcohol. Acceptable proof of age will be a PASS approved proof of age card, UK passport or a UK photographic driving licence or an armed forces identity card, bearing the cardholder's date of birth.
15. Challenge 25 material shall be displayed at the premises, including at the point of sale of alcohol, to inform customers of the operation of the scheme.
16. A personal licence holder will be on site at all times licensable activities are being offered.
17. No under 18s shall be on the premises after 22:00 unless employed by the business.
18. At least one body worn camera will be operational after 22:00 hours on any night when licensable activities are being offered.
19. The Designated Premises Supervisor shall within 3 months of being approved as DPS hold the certificate in National Course of Designated Premises Supervisor.



20. No customers carrying open or sealed bottles shall be admitted to the premises at any time that the premises are open to the public.
21. The premises licence holder shall ensure that no customers shall take glasses or open bottles from the premises other than into the outside area shown and edged [red] on the plan forming part of the premises licence.
22. The premises licence holder shall ensure that suitable notices are displayed warning customers of the prevalence of crime which may target them, for example, pick pockets or bag snatchers, the need to guard their property and warning against leaving property attended.
23. The designated premises supervisor shall complete a recognised 'drug awareness' training course.
24. Staff shall be provided with 'drug awareness training' and be briefed on the drugs policy applicable to the premises.

**b) The prevention of crime and disorder**

Please see a) above.

**c) Public safety**

Please see a) above.

**d) The prevention of public nuisance**

Please see a) above.

**e) The protection of children from harm**

Please see a) above.

**Checklist:**

**Please tick to indicate agreement**

- I have made or enclosed payment of the fee. ☒
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy. ☐
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☒
- I understand that I must now advertise my application. ☒
- I have enclosed the premises licence or relevant part of it or explanation. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.**

**Part 5 – Signatures** (please read guidance note 10)

**Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent** (please read guidance note 11). **If signing on behalf of the applicant, please state in what capacity.**

Signature



Date

02 January 2019





Capacity

Woods Whur 2014 Limited - Solicitors for the Applicant

**Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent** (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature

Date	
Capacity	

<b>Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)</b> Andrew Woods 			
Post town		Post code	
Telephone number (if any)			
<b>If you would prefer us to correspond with you by e-mail, your e-mail address (optional)</b> Andrew@woodswhur.co.uk			