

PROTECTIVE MARKING

METROPOLITAN
POLICE

TOTAL POLICING

Form 693

Form for Applying for a Summary Licence Review**Application for the review of a premises licence under section 53A of the Licensing Act 2003**
(premises associated with serious crime, serious disorder or both)**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 the 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.

Insert name and address of relevant licensing authority and its reference number:

Name:	CROYDON COUNCIL		
Address:	BERNARD WEATHERILL HOUSE, 8 MINT WALK		
Post town:	CROYDON	Post code:	CR0 1EA
Ref No.:			

I **DARREN RHODES PC194ZD**

on behalf of the chief officer of police for the Metropolitan Police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.

1. Premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description:			
CLUB 791, 791 LONDON ROAD			
Post town:	THORNTON HEATH	Post code: (if known)	CR7 6AW

2. Premises licence details

Name of premises licence holder or club holding club premises certificate (if known):	
MR KIBUUKA FRED KYEYUNE	
Number of premises licence or club premises certificate (if known):	
10/00547/LIPREM	

3. Certificate under section 53A(1)(b) of the Licensing Act 2003. (See guidance note 7)

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or serious disorder or both, and the certificate accompanies this application.

Please tick the box to confirm:

PROTECTIVE MARKING

4. Details of association of the above premises with serious crime, serious disorder or both

On Saturday 10th October 2015 between 0410hrs and 0440 hours a male customer was stabbed in the neck inside the premises. The suspect and the people he was with then left the premises and are at this moment in time unidentified. The victim was rushed to hospital and has undergone surgery on this serious wound. At this stage it seems apparent that neither the suspect or victim have been scanned on the ID scanner.

On 9th June 2015 PC Rhodes wrote to the premises licence holder following another assault, and in order to prevent a review of the premises licence and or criminal proceedings, the premises licence holder agreed to install an ID scanner and confirmed that everyone entering the premises regardless of age would have their photo ID scanned.

On 1st August 2015 PC Rhodes attended the premises and spoke at great length with the door team about the use of the ID scanner, ensuring that everyone was searched, and about the victim scene suspect system (VSS).

Having now viewed the CCTV footage from the premises the suspect and his friends are allowed entry to the premises without presenting any form of ID, the searching of these males was of a very poor standard. This has directly resulted in a near fatal stabbing inside the premises and has seriously hindered the apprehension of the person(s) responsible. Whilst the management at the premises have always responded to police requests and advice in a positive way there is no confidence in the ability of the security team to perform their role. This is not however the first time something of a serious nature has happened at this venue and under the circumstances of such a serious nature this application is essential in order to support and promote the Prevention of Crime and Disorder licensing objective. The Metropolitan Police also request that this premises licence is suspended with immediate effect until a full review can be heard by a licensing sub committee.

Signature of applicant

Signature:	<i>[Handwritten Signature]</i>	Date:	12TH OCTOBER 2015
Capacity:	APPLICANT		

Contact details for matters concerning this application

Surname:	RHODES	First Names:	DARREN
Address:	CROYDON POLICE STATION,		
Post town:	CROYDON	Post code:	CR9 1BP
Tel. No.:	020 8649 0167	Email:	ZD-Licensing@met.police.uk

Notes for guidance

- A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

 - conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
 - conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious disorder is not defined in legislation, and so bears its ordinary English meaning.
- Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.

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**METROPOLITAN
POLICE**

Form 693A

TOTAL POLICING

Certificate under Section 53A(1)(b) of the Licensing Act 2003

Metropolitan Police Service | New Scotland | Yard 8-10 Broadway | London | SW1H 0BG

I hereby certify that in my opinion the premises described below are associated with:
serious crime

Premises (include business name and address and any other relevant identifying details).

Postal address of premises or club premises, or if none, ordnance survey map reference or description:
 CLUB 791, 791 LONDON ROAD

Post town: THORNTON HEATH **Post code:** CR7 6AW
 (if known)

Premises licence number (if known):
 10/00547/LIPREM

Name of premises supervisor (if known):
 KIBUUKI FRED KYEYUNE

I am a **SUPERINTENDENT*** in the Metropolitan Police Service.
*Insert rank of officer giving the certificate, which must be superintendant or above.

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case because:

(Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned)

This incident of serious crime involves a male being stabbed in the neck and could very easily resulted in a fatality. This has been allowed to take place because of the failings of the licensed premises and it security team. My licensing office have had numerous interventions with the venue and its staff up to the point of a standard review application. They have negotiated a number of measures and procedures to prevent this from happening yet still these types of incidents continue. This application is both necessary and proportionate considering the serious nature of this incident. This premises cannot be allowed to continue to be open to the public until the matter can be heard before a licensing sub committee

Signature

Signature:  Date: 12-10-2015.

PREMISES LICENCE

Premises licence number

10/00547/LIPREM

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description including Post Town and Post Code

791 London Road
Thomton Heath
Surrey
CR7 6AW

Telephone number	N/A
-------------------------	-----

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol – On the premises

The provision of regulated entertainment namely:

a) live music b) recorded music and c) the provision of entertainment facilities for dancing.

The provision of late night refreshment -.

The times the licence authorises the carrying out of licensable activities

The sale by retail of alcohol on the premises
 Monday & Tuesday 1200 hours (noon) until 0200 hours on the days following
 Wednesday 1200 hours (noon) until 0100 hours on Thursday
 Thursday to Sunday 1200 hours (noon) until 0400 hours on the days following

The provision of regulated entertainment namely:
 Recorded music and the provision of entertainment facilities for dancing.

Monday & Tuesday & Thursday 2000 hours until 0200 hours on the days following
 Wednesday 2000 hours until 0100 on Thursday
 Friday to Sunday 1200 hours 0500 hours on the days following

Live music
 Monday & Tuesday 2000 hours until 0200 hours on the days following
 Wednesday 2000 hours until 0100 on Thursday
 Thursday to Sunday 1200 hours 0500 hours on the days following

The provision of late night refreshment –

Monday & Tuesday 2300 hours until 0200 hours on the days following
 Wednesday 2300 hours until 0100 hours on Thursday
 Thursday to Sunday 2300 hours until 0500 hours on the days following

The opening hours of the premises

Monday & Tuesday 1200 hours (noon) until 0200 hours on the days following
 Wednesday 1200 hours (noon) until 0100 hours on Thursday
 Thursday to Sunday 1200 hours (noon) until 0500 hours on the days following

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

On

Part 2

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence

Mr Kibuuka Fred Kyeyune
~~XXXXXXXXXXXXXXXXXXXX~~
~~XXXXXXXXXXXXXXXXXXXX~~
~~XXXXXXXXXXXXXXXXXXXX~~
~~XXXXXXXXXXXXXXXXXXXX~~

**Registered number of holder, for example company number, charity number
(where applicable)**

N/A

**Name, address and telephone number of designated premises supervisor
where the premises licence authorises the supply of alcohol**

Mr Kibuuka Fred Kyeyune

~~020320123456789~~

~~020320123456789~~

~~020320123456789~~

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

Personal Licence No.: LN/201000125

Licensing Authority: L B of Enfield

Date Original Licence Issued: 08.07.2010

Date This Licence Valid From: 04.03.2011

K. M. 

**Safety and Licensing Manager
Community Services Department**

Annex 1 - Mandatory conditions

This licence is granted subject to the terms of the Licensing Act 2003

1. No supply of alcohol may be made under the premises licence a) at a time when there is no designated premises supervisor in respect of the premises licence, or b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

3. Any door supervisor employed at the premises must be licensed by the Security Industry Authority (the SIA) and must wear their SIA authorisation badge in a prominent place on their person at all times whilst on duty.

4. (1) The responsible person* shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children –

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to–
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
- (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on–
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
- (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise antisocial behaviour or to refer to the effects of drunkenness in any favourable manner.

5. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
7. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
8. The responsible person shall ensure that—
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) customers are made aware of the availability of these measures.

*Responsible person is defined in the Licensing Act 2003 as 'the holder of a premises licence, 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 who can oversee the supply of alcohol'.

Annex 2 - Conditions consistent with the Operating Schedule

The Premises Licence Holder shall:-

1. Maintain a CCTV system to the reasonable requirements of the Metropolitan Police, covering the entrances, exits, internal and external areas of the premises and retain images for a minimum of 28 days and deliver CCTV images to Police or Council Officers, in useable, form on request.
2. Events.
 - Ensure that each event held at the premises shall be subject to a crime and disorder risk assessment, at least 14 days in advance of the event. This shall be carried out as agreed from time to time with the Metropolitan Police.
 - Consult the local Metropolitan Police Licensing Unit to clarify whether the proposed event is **significant**
 - Undertake a risk assessment of any **significant promotion or event** (as defined below) using the MPS Promotion/Event Risk Assessment (Form 696) and provide a copy* to the Metropolitan Police Service and the licensing authority not less than 14 days before the event is due to take place.

*(696 documents will be submitted in electronic form by e-mail)

3. Metropolitan Police Definition of a '**Significant Event**' (This definition relates to events that require a Promotion/Event Risk Assessment Form 696).
4. A **significant event** will be deemed to be: any occasion in a premises licensed under the provisions of the Licensing Act 2003, where there will be a live performer(s) – meaning DJs or, MCs; that is promoted in some form by either the venue or an outside promoter; where entry is either free, by invitation, pay on the door or by ticket.
5. Ensure that for **significant events** an anti-drugs policy is in operation in conjunction with a search and seizure policy as agreed from time to time in writing with the Metropolitan Police.
6. **Door-supervisors**
 - Ensure that a suitable and sufficient number of male and female door supervisor staff are employed at the premises, based on risk, as agreed from time to time with the Metropolitan Police.
 - Ensure that records are kept by the DPS, at the premises, of the following details of any door-supervisor employed at the premises: -
 - Name and date of birth
 - Full 16 digit SIA badge number
 - Signature of door-supervisor
 - Dates and times employed
 - The responsible person must countersign each daily record.
 - These records shall be made available, in useable form, to the Metropolitan Police or authorised officers of the Security Industry Authority upon request.
7. Ensure that the premises is a member of the Safer Croydon Radio system. The equipment shall be kept in working order. The Premises Licence Holder or an authorised deputy will be responsible for ensuring the proper use and monitoring of the equipment and that contact is maintained with the Croydon Council monitoring centre at all times when Licensable Activities are being provided at the premises. When available in the area.
8. Ensure that for the Prevention of Crime and Disorder, the maximum number of persons allowed to be in the premises is 200 and that records are kept, half hourly, of the total number of persons present in the premises from the commencement of each until the premises closes.
9. Ensure that no members of the public are admitted after 0230hrs, save for the re-admission of customers who have temporarily left the premises to smoke.
10. Ensure that a comprehensive incident register is maintained, at the premises. The DPS shall ensure that details of incidents shall be added to the register within 24hrs of any incident.

- The following details shall be recorded: -
- Date
- Time
- Location
- Persons concerned
- Summary of incident
- Identification of any Emergency Services Personnel who attended.

Annex 3 - Conditions attached after a hearing by the licensing authority

N/A

Annex 4 – Plans

Attached

PREMISES LICENCE SUMMARY

Premises licence number

10/00547/LIPREM

Premises details

Postal address of premises, or if none, ordnance survey map reference or description including Post Town and Post Code

791 London Road
Thornton Heath
Surrey
CR7 6AW

Telephone number N/A

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol – On the premises

The provision of regulated entertainment namely:

a)live music b) recorded music and c) the provision of entertainment facilities for dancing.

The provision of late night refreshment -.

**Registered number of holder, for example company number, charity number
(where applicable)**

N/A

**Name of designated premises supervisor where the premises licence
authorises the supply of alcohol**

Mr Kibuuka Fred Kyeyune

State whether access to the premises by children is restricted or prohibited

As per Licensing Act 2003

A1



Working together for a safer London

TERRITORIAL POLICING

**Croydon Borough
Licensing Office**

Kibuke Fred Kyeyune

791 London Road
Thornton Heath
Surrey
CR7 6AW

Croydon Police Station
71 Park Lane
Croydon
CR9 1BP

Telephone: 0208 649 0172
Facsimile: 0208 649 0186

Email: Darren.rhodes@met.police.uk

9th June 2015

- **Prevention of Crime and Disorder**

10/00547/LIPREM

Dear Fred

On 11th May 2015 between 0320hrs & 0340hrs two females have alleged that they were victims of a serious unprovoked assault in your premises. This matter is currently being investigated by the CID from Croydon Police Station. I have read the details from the crime report and I am very disappointed by the comments which relate to the capturing of the incident from your CCTV system. As I understand on the night your security ejected the suspect from the premises following the assault. This is unacceptable and does not support the Prevention of Crime and Disorder Licensing Objective. All of your door supervisors should be in possession of VSS cards (Victim, scene, suspect). This is an aid memoire on how to deal with suspects, victims and crime scenes. The very minimum I would expect is for you to provide first aid to the victims, detain the suspect and alert the police via Safer Croydon Radio or 999 telephone system.

I note from the crime report that you have told the investigating officer that your CCTV system only records for 21 days and that the footage is now lost. Annex 2 Condition 1 states that CCTV should record for a minimum of 28 days and be made available on request.

Annex 2 Condition 10 states that you must maintain a comprehensive incident register detailing the date, time, location, persons concerned, summary of the incident and identification of emergency personnel in attendance.

I consider the failure to provide CCTV to police on request as a serious breach of your premises licence bearing in mind the nature of the incident. If you are unable to provide me with the footage which was requested by the police on the 2nd June during a telephone conversation between you and Pc Garrod then you are in breach of your premises licence. This constitutes an offence under Section 136 of the Licensing act 2003.

As a minimum I will review your premises licence with a view to reducing your hours and imposing conditions appropriate to supporting the Prevention of Crime and Disorder Licensing Objective, such as a reduction in hours and the installation of an ID scanner whilst also giving consideration to instigating criminal proceedings in relation to the 136 offence.

I also want to see your incident report for this night and a list of all door supervisors who were on duty. I must remind you that all door supervisors who were involved in both the ejecting of the suspect and the victim should have completed written reports outlining their actions and their decision making process. I would also like to see a copy of the door supervisor reports.

The Metropolitan Police as a Responsible Authority under the Licensing Act 2003 reserves the right to initiate a Review of your Premises License and take enforcement action with reference to the commission of offences under the 'Act'

Darren Rhodes PC194ZD
Licensing Officer
Croydon Police Station



Licensing Team
 Croydon Council
 Floor 10, Zone B
 Bernard Weatherill House
 8 Mint Walk
 Croydon, CR0 1EA

Our Ref: dd/lb/KYE1-1

Your Ref: 10/00547/LIPREM

20th October 2015

Dear Sirs,

Re: Club 791, 791 London Road, Thornton Heath, CR7 6AW

We have been instructed to act on behalf of Mr Fred Kibuuka Kyeyune of the above premises.

We understand an expedited review under S.53A has been made in respect of the above premises and the Licensing Sub-Committee has made the decision to suspend the Premises Licence.

We wish to make application against interim steps made under S.53A. Please accept this letter as formal notice of representation under S.53B(6), amongst other things:

1. That the interim steps to suspend the licence is disproportionate and not necessary; and
2. That our client wishes to have an opportunity to be heard to make further representations and provide the aforementioned at a hearing.

Please confirm safe receipt.

We look forward to hearing from you and would be grateful if you could advise the date and time of the hearing. We would be grateful if you could kindly consider holding the hearing on Thursday morning.

Yours faithfully

Dadds

DADDS LLP

Dadds Solicitors

Crescent House, 51 High Street, Billericay, Essex CM12 9AX
 T: 01277 631811 F: 01277 631055 E: office@dadds.co.uk
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A2



Licensing Team
Croydon Council
Floor 10, Zone B
Bernard Weatherill House
8 Mint Walk
Croydon, CR0 1EA

Our Ref: dd/lb/KYE1-1

Your Ref: 10/00547/LIPREM

21st October 2015

Dear Sirs,

Re: Club 791, 791 London Road, Thornton Heath, CR7 6AW

We write with reference to the above and further to our letter dated 20th October 2015 which included our client's clear indication that the letter was notice of his representation against the interim steps.

We write further today to confirm that our letter dated 20th October 2015 was our client's representation against interim steps and in accordance with Section 53B (9) (C) the relevant licensing authority must consider the representations made by the holder of the premises licence made at the hearing.

Our client will say, amongst other things:-

1. That the interim steps to suspend the licence is disproportionate and not necessary, and
2. That he wishes to have an opportunity to be heard to make further representations and provide the aforementioned at a hearing.

We are further somewhat perplexed as to how you accepted a similar letter dated 13th October 2015 as a notice of representation and yet have not acted consistently in accepting yesterday's letter as the same.

Our client is entitled to a hearing and if you are refusing him the opportunity to be heard then we will have to consider what advice to give to our client in relation to opening.

We would therefore ask you to confirm that you accept yesterday's letter, along with this letter, as a letter of representation against the interim steps and we await hearing from you with details of the date and time of the hearing for tomorrow.

Dadds Solicitors

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We look forward to hearing from you.

Yours faithfully

Dadds

DADDS LLP



Home Office

Section 53A Licensing Act 2003
Summary Review Guidance



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- 6. Right of Appeal**

ANNEX A

- 1. Certificate Under section 53A(1)(b) of the Licensing Act 2003**

ANNEX B

- 2. Application for the review of a premises licence under section 53A of the Licensing Act 2003 (premises associated with serious crime or disorder)**

INTRODUCTION

- 1.1 This guidance explains how to use the provisions in the Licensing Act 2003 ("the 2003 Act"), inserted by section 21 of the Violent Crime Reduction Act 2006, which allow a quick process for attaching interim conditions to a licence and a fast track licence review when the police consider that the premises concerned is associated with serious crime or serious disorder (or both).
- 1.2 This guidance has no statutory basis but is intended to assist police forces and licensing authorities when considering using the procedures.
- 1.3 The powers are set out in sections 53A to 53C of the 2003 Act and apply only where a premises licence authorises the sale of alcohol. They do not apply in respect of other premises licences, or to premises operating under a club premises certificate. The purpose of these powers is to complement existing procedures in the 2003 Act for tackling crime and disorder associated with licensed premises. Existing powers in Part 8 of the 2003 Act provide for the instant closure of premises by the police in some circumstances (in essence, disorder or nuisance) and the consequent review of premises licences by the licensing authority. The powers under sections 53A to 53C, which are in Part 3 of the 2003 Act, are aimed at tackling serious crime and serious disorder, in particular (but not exclusively) the use of guns and knives.
- 1.4 The powers allow:
- the police to trigger a fast track process to review a premises licence where the police consider that the premises are associated with **serious crime or serious disorder (or both)**; and
 - the licensing authority to respond by taking interim steps quickly, **where appropriate, pending a full review.**
- 1.5 In summary, the process is:
- the chief officer of police for the area in which the premises are situated may apply to the licensing authority for an expedited review of a premises licence where a senior police officer has issued a certificate stating that in his/her opinion the premises are associated with serious crime or serious disorder (or both);
 - on receipt of the application and the certificate, the licensing authority must within 48 hours of the time of its receipt consider whether it is necessary to take interim steps pending determination of the review of the premises licence – the authority must in any event undertake a review within 28 days after the day of receipt of the application.
- 1.6 The options open to the licensing authority at the interim steps stage include:
- modification of the conditions of the premises licence;
 - the exclusion of the sale of alcohol by retail from the scope of the licence;
 - removal of the designated premises supervisor from the licence; and

- suspension of the licence.

1.7 Following the full licence review, the licensing authority may do any of the above or may revoke the licence.

1.8 The purpose of this guidance is to:

- set out the circumstances where the power can be used; and
- outline the process and the steps at each stage.

THE STEPS

2. Triggering the expedited review

2.1 Section 53A of the Licensing Act 2003 sets out who may apply for an expedited review and the circumstances in which it can be used.

Application for expedited review

2.2 The chief officer of police for the area in which the premises are situated may apply to the relevant licensing authority for an expedited licence review if a **senior member** of the force has issued a **certificate** that in his/her opinion a licensed premises is associated with **serious crime or serious disorder (or both)**.

2.3 The key definitions used above are:

- **Senior member of the force:** This must be an officer of the rank of superintendent or above.
- **Certificate:** This is a formal note which identifies the licensed premises and includes a signed statement by a senior officer that he believes the premises is associated with serious crime, serious disorder or both. **This form is not prescribed in legislation. However, a sample form which forces may wish to adopt is attached at annex A to this guidance.**
- **Serious crime:** The tests to determine the kinds of conduct that amount to serious crime are set out in section 81(2) and (3) (a) and (b) of the Regulation of Investigatory Powers Act 2000. Those tests are that the conduct:
 - (a) constitutes an offence for which a person who is 21 years of age or over with no previous convictions could reasonably be expected to be sentenced to imprisonment for 3 years or more; and
 - (b) involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.
- **Serious disorder:** There is no definitive list of behaviours that constitute serious disorder, and the matter is one for judgment by the local police. The phrase should be given its plain, ordinary meaning, as is the case under section 12 of the Public Order Act 1986 in which it is also used.
- **The application for a summary or expedited review:** this is an application made by, or on behalf of, the Chief Officer of Police under section 53A of the

2003 Act. The application must be made in the form which is set out in Schedule 8A to the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 (SI 2005/42). The completed application must be accompanied by the certificate issued by a senior officer. The form which must be used is reproduced in annex B of this guidance.

2.4 In deciding whether to sign a certificate, the senior officer will want to consider the following (as applicable):

- The track record of the licensed premises concerned and whether the police have previously had cause to give advice about serious criminal or disorderly conduct (or the likelihood of such conduct) attributable to activities taking place on the premises – it is not expected that this power will be used as a first response to a problem.
- The nature of the likely crime and/or disorder – is the potential incident sufficiently serious to warrant using this power?
- Should an alternative power be deployed? Is the incident sufficiently serious to warrant use of the powers in sections 161 to 165 of the 2003 Act to close the premises? Or could the police trigger a standard licence review to address the problem? Alternatively, could expedited reviews be used in conjunction with other powers (for example, modifying licence conditions following the use of a closure power).
- What added value will use of the expedited process bring? How would any interim steps that the licensing authority might take effectively address the problem?

2.5 It is recommended that these points are addressed in the chief officer's application to the licensing authority. In particular, it is important to explain why other powers or actions are not considered to be appropriate. It is up to the police to decide whether to include this information in the certificate or in section 4 of the application for summary review. The police will also have an opportunity later to make representations in relation to the full review.

2.6 In triggering the process, the police will wish to take into account the fact that an intended use of the power is to tackle the use of dangerous weapons and the violence they fuel. For example, in appropriate circumstances the police might want to make representations to the licensing authority suggesting that they modify the conditions of the premises licence to require searches of customers for offensive weapons upon entry. Under the powers in sections 53A to 53C, this could be done on an interim basis pending a full hearing of the issues within the prescribed 28-day timeframe.

2.7 Similarly, the power could, where appropriate, be used to reduce the risk of injury caused by glass by requiring the adoption of a safer alternative (but see paragraphs 3.6 and 3.7 below).

2.8 However, it should continue to be borne in mind that these are selective measures. It is not the aim to require all licensed premises to undertake these searches or use toughened glass. Rather, the policy aim is to provide a selective

tool, to be used proportionately, to limit this condition to those pubs that are at risk either because police intelligence shows there is a risk of knives/guns being carried or because crime and disorder has occurred on the premises.

3. The Licensing Authority and the interim steps

3.1 Within 48 hours of receipt of the chief officer's application, the licensing authority must give the premises licence holder and responsible authorities a copy of the application for review and a copy of the certificate, and must also consider whether it is necessary to take interim steps. When calculating the 48 hour period any non-working day can be disregarded.¹

3.2 The licensing authority may want to consult the police about the steps that it thinks are appropriate, pending the determination of the review, to address the immediate problems with the premises, in particular the likelihood of serious crime and/or serious disorder. The licensing authority may consider the interim steps without the holder of the premises licence having been given an opportunity to make representations. This does not, of course, mean that the licensing authority *cannot* afford such an opportunity if it thinks it appropriate and feasible to do so in all the circumstances.

3.3 The determination of interim steps is not a matter that may be delegated to an officer of the licensing authority. The relevant decisions are likely to be taken by a licensing sub-committee. It should also be noted that there is no requirement for a formal hearing in order to take interim steps. This means that the relevant sub committee members can communicate by telephone or other remote means in order to reach a decision. A written record should always be produced as soon as possible after a decision is reached.

3.4 The interim steps that the licensing authority must consider taking are:

- the modification of the conditions of the premises licence;
- the exclusion of the sale of alcohol by retail from the scope of the licence;
- the removal of the designated premises supervisor from the licence; and
- the suspension of the licence.

Modification of the conditions of the premises licence can include the alteration or modification of existing conditions or addition of any new conditions, including those that restrict the times at which licensable activities authorised by the licence can take place. Further examples of possible licensing conditions, including those aimed at tackling crime and disorder, can be found in the amended guidance issued under section 182 of the 2003 Act (available at:

www.homeoffice.gov.uk/publications/alcohol-drugs/alcohol/guidance-section-182-licensing).

3.5 If the licensing authority decides to take steps at the interim stage:

¹ This means that, for example, if the application was received at 3pm on a Friday, the 48 hour period would cover the remaining 9 hours on that Friday and the remaining 39 hours starting on the Monday morning (provided it was not a bank holiday). In this case the licensing authority would have to decide on interim steps by 3pm on the Tuesday.

- the decision takes effect immediately, or as soon after it as the licensing authority directs; but
- the licensing authority must give immediate notice of its decision and its reasons for doing so to the holder of the premises licence and the chief officer of police who made the application. The 2003 Act does not specify that the immediate notice has to be in writing. However, in an individual case the licensing authority may consider that the need for immediate communication at least initially requires a non-written approach, such as a telephone call. This may happen when, for example, the authority decides that the decision should have immediate effect. In such a case, the decision and the reasons for it should be explained clearly and in full to the licence-holder (or someone who may properly act for the licence-holder), and the call followed up as soon as possible with a written version of the decision and the reasons (for example, by email or fax) which is identical to, or not significantly different from, the version given by telephone.

3.6 The licensing authority, in deciding when its decision on interim steps should take effect, should consider the practical implications of compliance in relation to the premises. For example to comply with a modification of the conditions of a licence that requires employment of door supervisors, those running the premises may need some time to recruit appropriately qualified and accredited staff.

3.7 In addition, very careful consideration needs to be given to interim steps which would require significant cost or permanent or semi-permanent adjustments to premises which would be difficult to remove if the outcome of the subsequent full review was to withdraw or modify those steps. For example, making structural changes, installing additional CCTV or replacing all glassware with safer alternatives may be valid steps, but might be disproportionate if they are not likely to be deemed necessary following the full review (or any subsequent appeal). The focus for interim steps should be on the immediate measures that are necessary to prevent serious crime or serious disorder occurring. In some circumstances, it might be better to seek suspension of the licence pending the full review, rather than imposing a range of costly conditions or permanent adjustments.

4. Making representations against the interim steps

4.1 The premises licence holder may make representations against the interim steps taken by the licensing authority. There is no time limit for the premises licence holder to make representations on the interim steps, although in practice this would at some point be superseded by the full review which would have to be completed within 28 days of the application being received by the licensing authority. On receipt of such representations, the licensing authority must (if the representations are not withdrawn) hold a hearing within 48 hours of their receipt. When calculating the 48 hour period, any non-working day can be disregarded.

4.2 The licensing authority must give advance notice of the hearing to the premises licence holder and the chief officer of police. Given that these measures are designed to deal with serious crime and serious disorder on an interim basis only, the process is designed to avoid delay and, as such, significant portions of the Licensing Act 2003 (Hearings) Regulations 2005 (SI 2005/44) (which set out the usual processes governing the conduct of licensing authority hearings) do not apply in order to streamline the hearing process. One result of this is that licensing authority cannot adjourn the hearing to a later date if the licence holder fails to attend

at the scheduled time, as is the case under the normal review procedure. And as is the case with that procedure, the licence holder does not have to be present for the hearing to take place. In addition, there is no timescale for notifying the licence holder of the hearing under the modified process, providing the notification takes place before the hearing is held. However, it is imperative that the licence holder be given as much notice as is possible in the circumstances to afford the holder a maximum practicable opportunity to prepare for and attend the hearing. Licensing authorities should bear in mind that the usual principles of public law decision-making will apply to interim determinations, in a form that has regard to the statutory context of an expedited process.

4.3 At the hearing the licensing authority must:

- consider whether the interim steps are appropriate for the promotion of the licensing objectives; and
- determine whether to withdraw or modify the steps taken.

4.4 When considering the case the licensing authority must take into account:

- the senior officer's certificate that accompanied the application;
- the chief officer's representations (if any); and
- any representations made by the premises licence holder.

4.5 There is no right of appeal to a magistrates' court against the licensing authority's decision at this stage.

5. The review of the premises licence

5.1 The licensing authority must hold a review of the premises licence within 28 days after the day of receipt of the chief officer's application. This must take place even if the chief officer asks to withdraw his application or representations. At the hearing, the licensing authority must:

- consider what steps it considers appropriate for the promotion of the licensing objectives; and
- decide which interim steps (if there are any) cease to have effect altogether or become the subject of any steps which it considers are appropriate when making its determination on the review.

5.2 The steps the licensing authority can take are:

- the modification of the conditions of the premises licence;
- the exclusion of a licensable activity from the scope of the licence;
- the removal of the designated premises supervisor from the licence;
- the suspension of the licence for a period not exceeding 3 months; and
- the revocation of the licence.

Modification of the conditions of the premises licence can include the alteration or modification of existing conditions or addition of any new conditions, including those that restrict the times at which licensable activities authorised by the licence can take place. Further examples of possible licensing conditions, including those aimed at tackling crime and disorder, can be found in the amended guidance under section 182 of the 2003 Act.

5.3 The licensing authority must:

- advertise the review inviting representations from any persons for no less than seven consecutive days, by notice as described in regulation 38 of the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 (SI 2005/42) and, if applicable, on the licensing authority's website (see regulation 38(1)(b) of the above). The relevant notices should be published on the day after the day of receipt of the chief officer's application.
- advertise that any representations made by the premises licence holder, responsible authority and any other persons should be submitted to the licensing authority within 10 working days of the advertisement of the review appearing.
- give formal notice of the hearing no later than five working days before the day or first day on which the hearing is to be held to the premises licence holder and to every responsible authority².

5.4 A party shall give to the authority a notice no later than two working days before the day or the first day on which the hearing is to be held stating –

- whether he intends to attend or be represented at the hearing;
- whether he considers a hearing to be unnecessary.
- whether he would like permission for any other person (other than the person he intends to represent him at the hearing) to appear at the hearing and, if so, explain on which points that person will be able to contribute.

5.5 The regulations relating to hearings are set out in the Licensing Act 2003 (Hearings) Regulations 2005 (S.I. 2005/44). They apply to final hearings under the section 53A(2)(b) in a similar way to hearings following closure orders under section 167 of the 2003 Act (it should be emphasised that the truncated version of the hearings regulations described in paragraph 4.2 above applies to interim hearings only). The issues they address include who can make representations and what those representations can be about. It is therefore possible for responsible authorities or any other persons to make representations in relation to any of the licensing objectives, not just crime and disorder. Similarly, where it is in the public interest, the regulations relating to the exclusion of individuals from hearings, or conducting the hearing in private, will apply.

5.6 The licensing authority must take into account any relevant representations made. Relevant representations are those that:

² Responsible authorities are defined under sections 13(4) and 69(4) of the 2003 Act.

- relate to one or more of the licensing objectives;
- have not been withdrawn; and
- are made by the premises licence holder, a responsible authority or any other person (who is not also a responsible authority).

5.7 The licensing authority must notify its decision and the reasons for making it to:

- the holder of the premises licence;
- any person who made relevant representations; and
- the chief officer of police who made the original application.

6. Right of Appeal

6.1 An appeal may be made to the magistrates' court within 21 days of the licence holder being notified of the licensing authority's determination on the review. An appeal may be made by the premises licence holder, the chief officer of police and/or any other person who made relevant representations.

6.2 The decision of the licensing authority, following the review hearing, will not have effect until the end of the period allowed for appeal, or until the disposal of the appeal.

[insert name and address of police force]

Example Form

Annex A

CERTIFICATE UNDER SECTION 53A(1)(b) OF THE LICENSING ACT 2003

I hereby certify that in my opinion the premises described below are associated with serious crime / serious disorder / both serious crime and serious disorder³.

*Premises*⁴:

Premises licence number (if known):

Name of premises supervisor (if known):

I am a _____⁵ in the
police force.

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case, because⁶:

.....

³ Delete as applicable.

⁴ Include business name and address and any other relevant identifying details.

⁵ Insert rank of officer giving the certificate, which must be superintendent or above.

⁶ Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned.

A3

(Signed) _____ (Date) _____
Statutory Form For Applying For A Summary Licence Review

Annex B

[Insert name and address of relevant licensing authority and its reference number (optional)]

Application for the review of a premises licence under section 53A of the Licensing Act 2003 (premises associated with serious crime or disorder)

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 the 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.**

I _____ [on behalf of] the chief officer of police for the _____ police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.
--

1. Premises details:

Postal address of premises, or if none or not known, ordnance survey map reference or description:
--

Post town:

Post code (if known):

2. Premises licence details:

Name of premises licence holder (if known):

Number of premises licence holder (if known):

3. Certificate under section 53A(1)(b) of the Licensing Act 2003 [Please read guidance note 1]:

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm)

4. Details of association of the above premises with serious crime, serious disorder or both:

[Please read guidance note 2]

Signature of applicant:

Date:

Capacity:

Contact details for matters concerning this application:

Address:

Telephone number(s):

Email:

Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

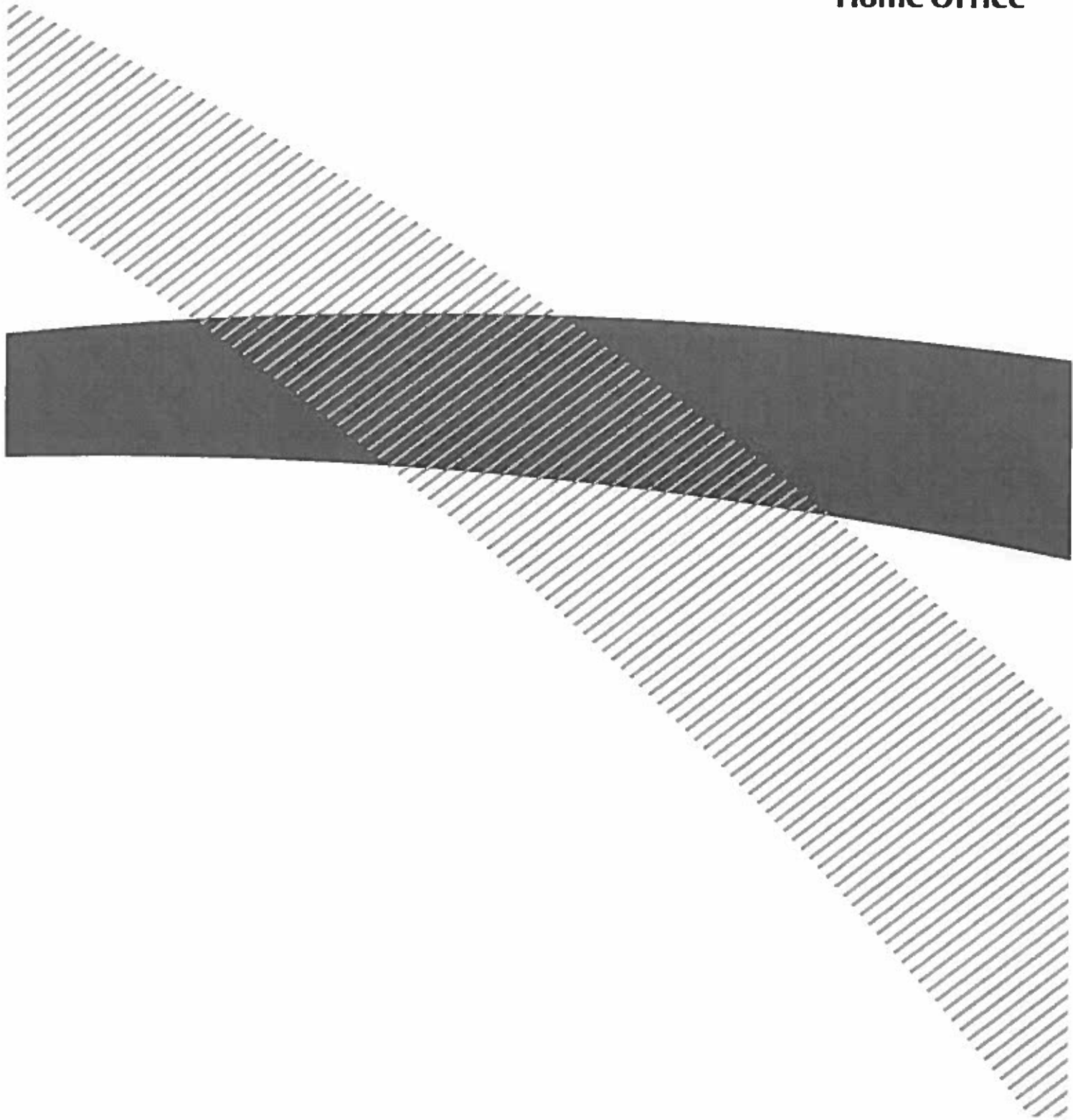
Serious disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.

A3



Home Office



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PREMISES LICENCE

Premises licence number

10/00547/LIPREM

Part 1 – Premises details**Postal address of premises, or if none, ordnance survey map reference or description including Post Town and Post Code**

791 London Road
Thornton Heath
Surrey
CR7 6AW

Telephone number N/A**Where the licence is time limited the dates**

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol – On the premises

The provision of regulated entertainment namely:

a) live music b) recorded music and c) the provision of entertainment facilities for dancing.

The provision of late night refreshment -.

The times the licence authorises the carrying out of licensable activities

The sale by retail of alcohol on the premises
Monday & Tuesday 1200 hours (noon) until 0200 hours on the days following
Wednesday 1200 hours (noon) until 0100 hours on Thursday
Thursday to Sunday 1200 hours (noon) until 0400 hours on the days following

The provision of regulated entertainment namely:
Recorded music and the provision of entertainment facilities for dancing.

Monday & Tuesday & Thursday 2000 hours until 0200 hours on the days following
Wednesday 2000 hours until 0100 on Thursday
Friday to Sunday 1200 hours 0500 hours on the days following

Live music
Monday & Tuesday 2000 hours until 0200 hours on the days following
Wednesday 2000 hours until 0100 on Thursday
Thursday to Sunday 1200 hours 0500 hours on the days following

The provision of late night refreshment –

Monday & Tuesday 2300 hours until 0200 hours on the days following
Wednesday 2300 hours until 0100 hours on Thursday
Thursday to Sunday 2300 hours until 0500 hours on the days following

The opening hours of the premises





Monday & Tuesday 1200 hours (noon) until 0200 hours on the days following
Wednesday 1200 hours (noon) until 0100 hours on Thursday
Thursday to Sunday 1200 hours (noon) until 0500 hours on the days following

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

On

Part 2

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence

Mr Kibuuka Fred Kyeyune





A4

**Registered number of holder, for example company number, charity number
(where applicable)**

N/A

**Name, address and telephone number of designated premises supervisor
where the premises licence authorises the supply of alcohol**

Mr Kibuuka Fred Kyeyune

[REDACTED]
[REDACTED]
[REDACTED]

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

Personal Licence No.: LN/201000125

Licensing Authority: L B of Enfield

Date Original Licence Issued: 08.07.2010

Date This Licence Valid From: 04.03.2011

K. M. [Signature]

**Safety and Licensing Manager
Community Services Department**

Annex 1 - Mandatory conditions

This licence is granted subject to the terms of the Licensing Act 2003

1. No supply of alcohol may be made under the premises licence a) at a time when there is no designated premises supervisor in respect of the premises licence, or b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

3. Any door supervisor employed at the premises must be licensed by the Security Industry Authority (the SIA) and must wear their SIA authorisation badge in a prominent place on their person at all times whilst on duty.

4. (1) The responsible person* shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children –

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
- (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
- (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise antisocial behaviour or to refer to the effects of drunkenness in any favourable manner.

5. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
7. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
8. The responsible person shall ensure that—
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) customers are made aware of the availability of these measures.

*Responsible person is defined in the Licensing Act 2003 as 'the holder of a premises licence, 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 who can oversee the supply of alcohol'.

Annex 2 - Conditions consistent with the Operating Schedule

The Premises Licence Holder shall:-

1. Maintain a CCTV system to the reasonable requirements of the Metropolitan Police, covering the entrances, exits, internal and external areas of the premises and retain images for a minimum of 28 days and deliver CCTV images to Police or Council Officers, in useable, form on request.
2. Events.
 - Ensure that each event held at the premises shall be subject to a crime and disorder risk assessment, at least 14 days in advance of the event. This shall be carried out as agreed from time to time with the Metropolitan Police.
 - Consult the local Metropolitan Police Licensing Unit to clarify whether the proposed event is **significant**
 - Undertake a risk assessment of any **significant promotion or event** (as defined below) using the MPS Promotion/Event Risk Assessment (Form 696) and provide a copy* to the Metropolitan Police Service and the licensing authority not less than 14 days before the event is due to take place.

*(696 documents will be submitted in electronic form by e-mail)

3. Metropolitan Police Definition of a '**Significant Event**' (This definition relates to events that require a Promotion/Event Risk Assessment Form 696).
4. A **significant event** will be deemed to be: any occasion in a premises licensed under the provisions of the Licensing Act 2003, where there will be a live performer(s) – meaning DJs or, MCs; that is promoted in some form by either the venue or an outside promoter; where entry is either free, by invitation, pay on the door or by ticket.
5. Ensure that for **significant events** an anti-drugs policy is in operation in conjunction with a search and seizure policy as agreed from time to time in writing with the Metropolitan Police.
6. **Door-supervisors**
 - Ensure that a suitable and sufficient number of male and female door supervisor staff are employed at the premises, based on risk, as agreed from time to time with the Metropolitan Police.
 - Ensure that records are kept by the DPS, at the premises, of the following details of any door-supervisor employed at the premises: -
 - Name and date of birth
 - Full 16 digit SIA badge number
 - Signature of door-supervisor
 - Dates and times employed
 - The responsible person must countersign each daily record.
 - These records shall be made available, in useable form, to the Metropolitan Police or authorised officers of the Security Industry Authority upon request.
7. Ensure that the premises is a member of the Safer Croydon Radio system. The equipment shall be kept in working order. The Premises Licence Holder or an authorised deputy will be responsible for ensuring the proper use and monitoring of the equipment and that contact is maintained with the Croydon Council monitoring centre at all times when Licensable Activities are being provided at the premises. When available in the area.
8. Ensure that for the Prevention of Crime and Disorder, the maximum number of persons allowed to be in the premises is 200 and that records are kept, half hourly, of the total number of persons present in the premises from the commencement of each until the premises closes.
9. Ensure that no members of the public are admitted after 0230hrs, save for the re-admission of customers who have temporarily left the premises to smoke.
10. Ensure that a comprehensive incident register is maintained, at the premises. The DPS shall ensure that details of incidents shall be added to the register within 24hrs of any incident.

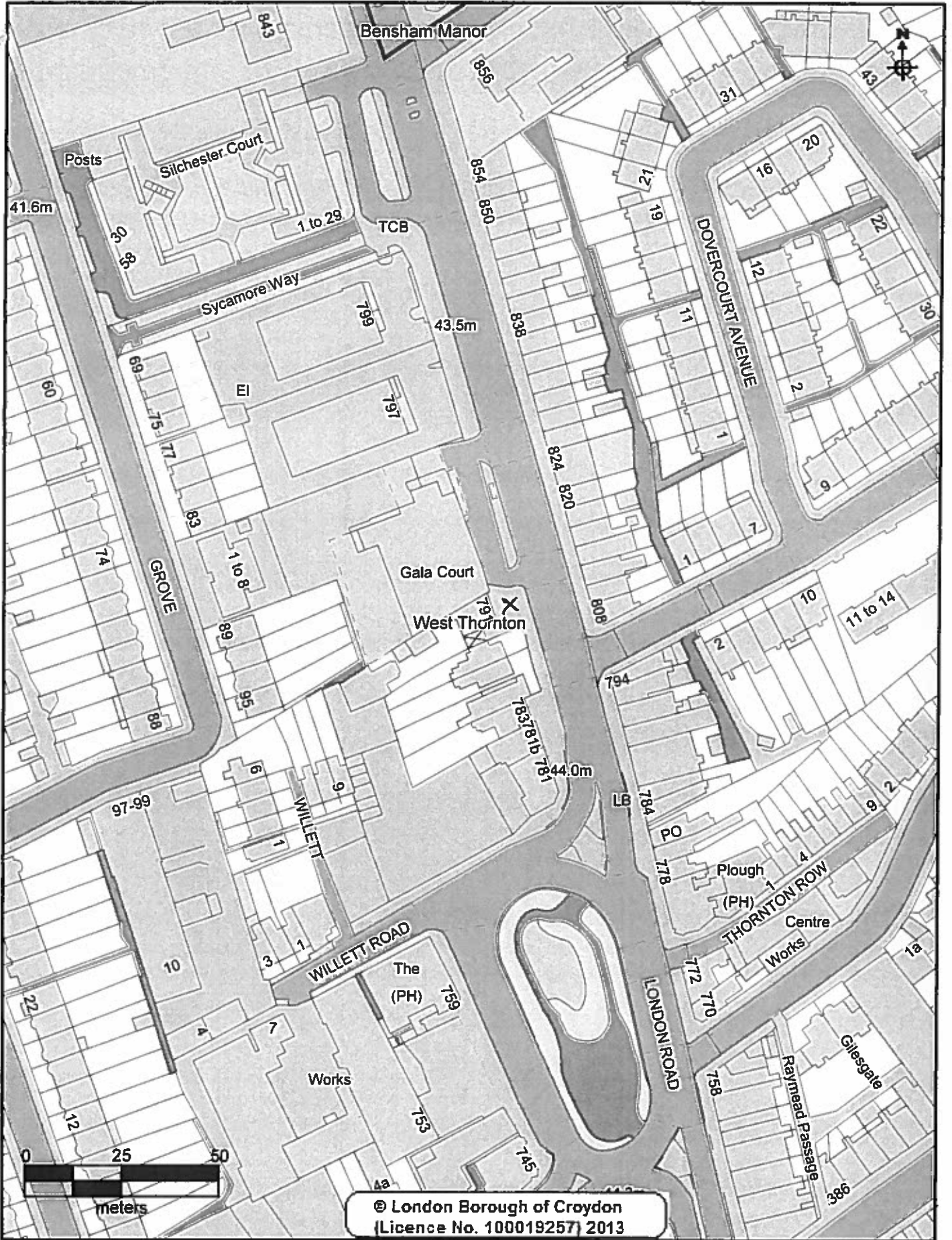
- The following details shall be recorded: -
- Date
- Time
- Location
- Persons concerned
- Summary of incident
- Identification of any Emergency Services Personnel who attended.

Annex 3 - Conditions attached after a hearing by the licensing authority

N/A

Annex 4 – Plans

Attached



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