

## LICENSING SUB-COMMITTEE

**Tuesday, 19 October 2021**

**10.00 am**

**Committee Rooms 1-2, City  
Hall**

Membership: Councillors Loraine Woolley (Chair), Alan Briggs and Pat Vaughan

Substitute member(s): Councillor Loffhagen

Officers attending: Democratic Services, Legal Services and Rob Cuffling

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### A G E N D A

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#### SECTION A

**Page(s)**

1. Declarations of Interest

Please note that, in accordance with the Members' Code of Conduct, when declaring interests members must disclose the existence and nature of the interest, and whether it is a disclosable pecuniary interest (DPI) or personal and/or pecuniary.

2. Procedure for Hearings

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3. Application for a Variation of Premises Licence: Trebles, 5 Saltergate, Lincoln LN2 1DH

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## **LICENSING SUB-COMMITTEE**

### **Procedure for Hearings**

- (1) The Chair will introduce him/herself and will introduce the other members of the sub-committee, the Licensing Officer, the Clerk to the sub-committee and any other officers present to advise the sub-committee.
- (2) The Chair will request all parties taking part in the proceedings to introduce themselves to the Sub -Committee.
- (3) The Chair will then ask the Licensing Officer to open the proceedings by:
  - stating the nature of the matter to be considered;
  - giving the name of the applicant or licence holder; and
  - where appropriate, the name of the premises or place concerned; and
  - outlining the application and the relevant representations and/or notices made and/or given in respect of the application.
- (4) The Chair will then ask the Licensing Officer to confirm whether or not the formal requirements in respect of the matter to be considered have been complied with.
- (5) If not satisfied as to any formal requirements, the sub-committee will decide whether to:
  - continue with its consideration of the matter; or
  - adjourn the proceedings to enable the formal requirements to be completed; or
  - dismiss the application.
- (6) The Chair will then explain the procedure the sub-committee intends to follow at the hearing and shall advise the parties of the period of time each will be allowed to make their application and/or representation. If the Chair considers that there is no need for a time limit, he should say so.
- (7) The sub-committee will then consider any representations in regard to the period of time allowed for the parties and any request made by a party for permission for another person to appear at the hearing to assist the licensing authority in regard to that party's application, representations or notice (such permission will not be unreasonably withheld).

- (8) The procedure for the hearing shall be as follows:
- (a) The applicant, or their representative, will present their case. In presenting the case the applicant, or their representative, may give evidence and may call any other person, given permission to appear by the sub-committee, to assist in the proceedings. Each shall, in turn:
    - give evidence;
    - may be questioned by any other party;
    - may be questioned by members of the sub-committee;
    - may, if necessary, be re-questioned by the applicant or their representative calling them.
  - (b) If a time limit has been imposed, the applicant and/or their representative shall not, in presenting the case, exceed the period of time allowed for this purpose.
  - (c) The other party or parties, or their respective representatives, will each, in turn, present their case(s). Where there is more than one other party, in the absence of agreement, the sub-committee will decide the order in which the cases shall be presented. In presenting the case any party, or their representative, may give evidence and may call any other person, given permission by the sub-committee to appear, to assist in the proceedings. Each shall, in turn:
    - give evidence;
    - may be questioned by any other party;
    - may be questioned by members of the sub-committee;
    - may, if necessary, be re-questioned by the applicant or their representative calling them.
  - (d) If a time limit has been imposed each other party and/or their representative shall not, in presenting the case, exceed the period of time allowed for this purpose.
  - (e) Once all parties have put their cases to the sub-committee, each party will be given the opportunity of summing up their case in the order they were presented. The Chair may propose that no more than 5 minutes will be allowed to each party for this purpose, but may take representations if any are made.
  - (f) Members of the sub-committee may ask the parties, or any persons present to assist, for any additional information or clarification required.
- (9) The Chair will then advise the parties that the sub-committee will retire to determine the application. The sub-committee will be accompanied by the Clerk to the sub-committee, whose only role will be to record the decision and the reasons for that decision. The sub-committee may, after retiring, call upon the Licensing Authority's legal representative if it requires clarification on a point of law.
- (10) The sub-committee will consider its decision. The decision of the majority of the sub-committee shall be the decision of the sub-committee.

- (11) There are timescales, depending on the nature of the application, by which the sub-committee must determine an application and the timescale will be included in the officer's report.
- (12) If the hearing requires a decision at the conclusion of the hearing then having reached a decision, the sub-committee shall reconvene to announce the decision to the parties. Before doing so, where legal advice has been sought, the legal representative will inform the parties of what advice was given and the parties shall be afforded the opportunity to comment on that advice.
- (13) If the decision does not have to be made at the conclusion of the hearing the sub-committee must make its decision within five working days beginning with the day or last day on which the hearing was held. This does not preclude the Sub-committee making its decision on the day or last day of the hearing.
- (14) The Chair will announce the sub-committee's decision together with the reasons for the decision. This will, where applicable, include details of any conditions imposed and the reasons for their imposition or, where no conditions have been imposed, the reason(s) for not doing so.

## **POINTS TO NOTE RELATING TO HEARINGS**

- (a) Members of the sub-committee must remain throughout all of the hearing.
- (b) Members of the sub-committee must confine themselves to questions and **NOT** embark on discussions upon the merits or otherwise of the application or evidence until they consider their decision.
- (c) The strict rules of evidence do not apply so hearsay evidence is admissible.
- (d) Where a large number of interested parties are involved in a particular hearing, they will be encouraged to appoint a spokesperson or spokespersons so as to avoid duplication of evidence.
- (e) A general assumption will be made that all parties have read and understood the relevant paperwork and background documents before attending the hearing. There should be no need for parties to duplicate word for word the contents of their written submissions.
- (f) Unless indicated otherwise, the hearing will take place in public. If the public are to be excluded then full reasons for doing so will be given by the Chair.
- (g) In determining applications and representations members of the sub-committee will give appropriate weight to:
  - The argument and evidence presented by all parties;
  - The four licensing objectives of the Licensing Act 2003, namely
    - (a) the prevention of crime and disorder,
    - (b) the prevention of public nuisance,
    - (c) public safety, and
    - (d) the protection of children from harm;
  - The Statement of Licensing Policy of the City of Lincoln Council;
  - Section 182 Statutory Guidance issued by the Home Office;
  - Any steps necessary to promote the licensing objectives; and
  - Information contained in any operating schedule submitted by the applicant.
- (h) The general principles under which members of the sub-committee will consider all licensing applications are:
  - A fair and unbiased mind;
  - On its own merits;
  - Any pre-conceived opinions and resolutions will be put aside;
  - They will act without any prejudice or partiality;
  - They will consider both the interests of the public and the rights of the applicant; and
  - They will treat all applicants fairly and equally.
- (i) The sub-committee is required to give reasons for its decision. Such reasons need to be clear and include an explanation of why it has reached its decision including what it relied on to do so (e.g. what evidence was accepted, and what evidence was rejected, and why).
- (j) If, in making its decision, the Sub-Committee considered it proper to depart from the Section 182 Guidance or its own Licensing Policy it is also required to give full reasons for so departing.

LICENSING SUB-COMMITTEE

19 OCTOBER 2021

**SUBJECT:** APPLICATION FOR A VARIATION OF PREMISES LICENCE  
TREBLES, 5 SALTERGATE, LINCOLN, LN2 1DH

**DIRECTORATE:** COMMUNITIES & ENVIRONMENT

**LEAD OFFICER:** ROB CUFFLING, LICENSING OFFICER

**1. Purpose of Report**

- 1.1 To determine an application for a variation of premises licence made by Himesh Patel in respect to premises known as Trebles, 5 Saltergate, Lincoln, LN2 1DH

**2. The Application**

- 2.1 Under the provisions of section 35 of the Licensing Act 2003 on the 31<sup>st</sup> August 2021 an application for a variation of a premises licence was received from Himesh Patel. A copy of the application can be seen at **Appendix A**.

- 2.2 The application seeks to authorise a variation to the following activities:

- Live music outdoors for the hours 09:00 to 01:00 for seven days a week.
- Recorded music outdoors for the hours 00:00 to 01:00 for seven days a week.

- 2.3 Currently the premises is licensed outdoors until 00:00 for recorded music only. A copy of the existing licence can be seen at **Appendix B**.

- 2.4 There are no other licensable activities being varied. However, the applicant has requested the removal of outdated public entertainment licence conditions.

**3. Promotion of Licensing Objectives**

- 3.1 In submitting their application, the applicant is required to describe any steps intended to be taken in order to promote the following 4 licensing objectives:

- The Prevention of Crime and Disorder
- Prevention of Public Nuisance and
- Public Safety
- The Protection of Children from Harm

- 3.2 Section M of the application form found at **Appendix A** describes any additional steps that the applicant intends to take to promote the licensing objectives. On this occasion the applicant does not feel any further steps are required.

#### **4. Relevant Representations – Responsible Authorities**

- 4.1 There have been no representations from any responsible authority.

#### **5. Relevant Representations – Other Persons**

- 5.1 On the 28th September 2021 a representation was received from Ms Eleanor Bryan regarding the variation. Stating that the licensing objective of the Prevention of Public Nuisance was at risk.
- 5.2 A copy of the representation can be found at **Appendix C**.

#### **6. Other Information**

- 6.1.1 The applicant submitted a number of Temporary event notices to trial a DJ style event in the premises outside area, three were prior the application being submitted and four were during the representation period. These events have run on Wednesday nights until 1am.
- 6.1.2 No objections were received by the Lincolnshire Police or the City of Lincoln Councils Noise Pollution to these temporary events.
- 6.1.3 However, Noise Pollution are currently investigating the premises under their own powers due to complaints they have received relating to them
- 6.1.4 At the time of writing this report, their intention is to monitor the premises to decide whether in their opinion a noise nuisance is taking place.
- 6.1.5 An update on their investigation can be provided at the hearing.

#### **6.2 Section 182 Guidance and Licensing Authority Policy**

- 6.2.1 The duty of the Licensing Authority is to promote the licensing objectives having regard to the Act and Regulations made thereunder, Guidance issued under S182 of the Act by the Home Office and the Council's own Licensing Policy.
- 6.2.2 Copies of the Statutory Guidance issued by the Home Office, known as Section 182 guidance and a copy of the Council's Statement of Licensing Policy will be available for consultation at the hearing.
- 6.2.3 The Council's policy requires the Sub-Committee to determine applications on their own merits.
- 6.2.4 The Sub-Committee must consider the points raised in the representation at **Appendix C**, on the likely effect of the grant of this variation on the licensing objectives identified within them. The onus falls upon those making representations to show that such consequences, based on the balance of probabilities (i.e. more probable than not), are a likely effect of the grant of this variation.



6.2.5 S182 paragraph 8.41:

*In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. Licensing authorities and responsible authorities are expected to publish information about what is meant by the promotion of the licensing objectives and to ensure that applicants can readily access advice about these matters. However, applicants are also expected to undertake their own enquiries about the area in which the premises are situated to inform the content of the application.*

6.2.6 S182 paragraph 8.42:

*Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:*

- *any risk posed to the local area by the applicants' proposed licensable activities*

6.2.7 S182 paragraph 2.15:

*The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable.*

6.2.8 Paragraph 5.4.1 of the Council's Licensing Policy states:

*Licensed premises have a significant potential to impact adversely on communities through public nuisances that arise from their operation. The Licensing Authority wishes to maintain and protect the amenity of residents and businesses from the potential consequence of the operation of licensed premises whilst recognising the valuable cultural, social and business importance that such premises provide.*

6.2.9 Paragraphs 1.9 and 2.8 of the Council's Licensing Policy states:

*The Licensing Authority cannot attach conditions to licences, certificates or provisional statements unless they are mandatory, volunteered by the applicant*

*or imposed by it following a hearing resulting from the receipt of relevant representations.*

*The Licensing Authority does not intend to duplicate existing legislation and regulatory regimes that already place obligations on employers and operators (for example, The Health and Safety (First Aid) Regulations 1981 and the Regulatory Reform (Fire Safety) Order 2005) and it will therefore not attach conditions to licences if they are already adequately covered by other legislation.*

- 6.2.10 The only conditions which should be imposed on a premises licence (as opposed to being volunteered on the operating schedule) are those which the Sub-Committee consider appropriate and proportionate for the promotion of the licensing objectives. Any conditions should be tailored to the individual characteristics and activities of the premises and determined on a case-by-case basis. (See paragraph 10.10 of S182 Guidance).
- 6.2.11 Such conditions should be expressed in unequivocal and unambiguous terms in order that they are understood and not subject to legal challenge.
- 6.2.12 Lord Justice Scott Baker in the case of *Crawley Borough Council v Stuart Attenborough and Angela Attenborough* said, *“Let me say a brief word in general terms. It is important that the terms of a premises licence and any conditions attached to it should be clear; not just clear to those having specialized knowledge of licensing, such as the local authority or the manager of the premises, but also to the independent bystander such as neighbours, who may have no knowledge of licensing at all.”*

### **6.3 Human Rights Act**

#### **6.3.1 Article 6 – right to a fair hearing**

“In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interest of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.”

The right to engage in commercial activities is a civil right –  
*Kaplan v United Kingdom* 1980  
*Pudas v Sweden* 1987

#### **6.3.2 Article 8 – right to respect for private and family life**

“1. Everyone has the right to respect for his private and family life, his home and his correspondence.

2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.”

Removal or restriction of a licence may affect a person’s private life.

#### 6.3.3 Article 1, Protocol 1 – peaceful enjoyment of possessions

“Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.”

The right to engage in commercial activities under the benefit of a licence or registration is a possession

Tre Traktorer Aktiebolag v Sweden 1989

- 6.3.4 The holding of this hearing where the applicant and those making representations can give written or oral evidence either personally or through a representative ensures that the requirements of the Human Rights Act has been complied with.

### 6.4 Other Considerations

- 6.4.1 The Sub-committee is charged with furthering the objectives of the legislation in the decisions that it makes. It is not bound by the civil or criminal procedure rules. It should consider the material which has been placed before it, question any statement made either in favour of or against the variation by way of fact finding with a critical mind and then make a decision which appears to it to be logical, sensible and appropriate to advance the policy of the legislation in its area.
- 6.4.2 That decision must be based on evidence, but that means no more than it must be based on material which tends logically to show the existence or non-existence of facts relevant to the issue to be determined, or to show the likelihood or unlikelihood of the occurrence of some future event, the occurrence of which would be relevant.
- 6.4.3 The Sub-Committee should expect original evidence to be put before it by any party. It is not enough for the Sub-Committee simply to rely upon material submitted; it must apply a critical mind to the quality and reliability of that material for itself.

- 6.4.4 In determining the variation with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:
- the steps that are appropriate to promote the licensing objectives;
  - the representations (including supporting information) presented by all the parties;
  - the Section 182 Guidance; and
  - its own statement of licensing policy.
- 6.4.5 Anyone may make a representation and the weight the Sub-Committee put on such representation is for it to decide.
- 6.4.6 The Sub-Committee is entitled to, and indeed obliged to, consider any relevant material that appears useful in coming to a decision, including its own local knowledge.
- 6.4.7 All parties to the hearing will have received a copy of the Sub-Committee agenda and had the opportunity to read it prior to the hearing.
- 6.4.8 If the Sub-Committee is minded to impose further conditions or modify conditions offered in the operating schedule then any such conditions should be achievable, realistic, appropriate, proportionate and within the control of the licence holder. They should be based on a proper, common sense consideration of the risks to the licensing objectives identified in the variation and representations and what can realistically be done to mitigate them.
- 6.4.9 This hearing is subject to Regulation 26 of the Licensing Act 2003 (Hearings) Regulations 2005 and the Sub-Committee must make its determination within a period of five working days beginning the day or the last day on which the hearing was held.
- 6.4.10 Therefore, the Sub-Committee does not have to make its determination at the conclusion of the day or last day of the hearing as the case may be.
- 6.4.11 Notices of this hearing were forwarded to all parties on the 30<sup>th</sup> September 2021.

## **7. Options**

- 7.1 The Sub-Committee must, having regard to the variation and representation, take such of the steps mentioned below as it considers appropriate, rational and reasonable for the promotion of the licensing objectives.
- 7.2 The following options are available to the Sub-Committee:
- Grant the variation as applied for, with no additional conditions;
  - Grant the variation with additional conditions or modified conditions attached to alleviate the concerns raised through the representation.

(NB Conditions cannot be attached with respect to any part of the variation on which no representation has been received.);

- To partially grant the variation in respect of either activities or hours or a combination of both;
- Refuse the variation.

7.3 The Sub-Committee is required to give reasons for its decision. Such reasons need to be clear and include an explanation of why it has reached its decision including what it relied on to do so (e.g. what evidence was accepted, and what evidence was rejected, and why).

7.4 If the Sub-Committee refuses the variation, it must give reasons why it refused and why conditions would not have been effective in this instance.

## **8. List of Associated Papers**

- 8.1 Appendix A: Application for a variation of premises licence  
Appendix B: Premises Licence  
Appendix C: Representation of Ms Eleanor Bryan

**Lead Officer:** Rob Cuffling  
Licensing Officer  
01522 873564

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**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** HIMESH PATEL

*(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**  
32UD/B/0142

**Part 1 – Premises Details**

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

Post town LINCOLN

Postcode LN2 1DH

Telephone number at premises (if any)

01522 513888

Non-domestic rateable value of premises

£37500

**Part 2 – Applicant details**

Daytime contact telephone number

[REDACTED]

E-mail address (optional)

office@trebleslincoln.co.uk

Current postal address if different from premises address

Post town

Postcode

### 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			

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 2)

We want to extend our outside (in the beer garden at the back of the venue) music license from 00:00 to 01:00.

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:



#### 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 see guidance note 3)**

**Please tick all that apply**

- a) plays (if ticking yes, fill in box A) ☐
- b) films (if ticking yes, fill in box B) ☐
- c) indoor sporting events (if ticking yes, fill in box C) ☐
- d) boxing or wrestling entertainment (if ticking yes, fill in box D) ☐
- e) live music (if ticking yes, fill in box E) ☒
- f) recorded music (if ticking yes, fill in box F) ☒
- g) performances of dance (if ticking yes, fill in box G) ☐
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) ☐

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

**Supply of alcohol** (if ticking yes, fill in box J) ☐

**In all cases complete boxes K, L and M**

A

Plays Standard days and timings (please read guidance note 8)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finis h			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 6)		
Thur					
Fri			<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 7)		
Sat					
Sun					

**B**

Films Standard days and timings (please read guidance note 8)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finis h			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details</u> (please read guidance note 5)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)
Wed			
Thur			
Fri			<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</u> (please read guidance note 7)
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
Thur					
Fri			<u>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</u> (please read guidance note 7)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			<u>Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 4)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finis h	<u>Please give further details here (please read guidance note 5)</u> We are looking to amend our outdoor licence to 0900-0100.		
Mon					
	09:00	01:00			
Tue					
	09:00	01:00	<u>State any seasonal variations for the performance of live music (please read guidance note 6)</u>		
Wed					
	09:00	01:00			
Thur					
	09:00	01:00	<u>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 7)</u>		
Fri					
	09:00	01:00			
Sat					
	09:00	01:00			
Sun					
	09:00	01:00			

F

Recorded music Standard days and timings (please read guidance note 8)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finis h			
Mon			<u>Please give further details here (please read guidance note 5)</u> We are looking to amend our outdoor licence to 00:00-01:00.		
	00:00	01:00			
Tue					
	00:00	01:00			
Wed			<u>State any seasonal variations for the playing of recorded music (please read guidance note 6)</u>		
	00:00	01:00			
Thur					
	00:00	01:00			
Fri			<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 (please read guidance note 7)</u>		
	00:00	01:00			
Sat					
	00:00	01:00			
Sun					
	00:00	01:00			

G

Performances of dance Standard days and timings (please read guidance note 8)			Will the performance of dance take place indoors or outdoors or both – <b><u>please tick</u></b> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<b><u>Please give further details here</u></b> (please read guidance note 5)		
Tue					
Wed			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 6)		
Thur					
Fri			<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 7)		
Sat					
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 8)			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 4)	Indoors <input 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 5)	
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 6)	
Fri				
Sat			<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 7)	
Sun				

I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 8)			<b><u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b><u>Please give further details here</u></b> (please read guidance note 5)		
Tue					
Wed			<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 6)		
Thur					
Fri			<b><u>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</u></b> (please read guidance note 7)		
Sat					
Sun					

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 8)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 9)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>State any seasonal variations for the supply of alcohol</u></b> (please read guidance note 6)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun			<b><u>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</u></b> (please read guidance note 7)		

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 10).**

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 8)			<b><u>State any seasonal variations</u></b> (please read guidance note 6)
Day	Start	Finish	
Mon			
Tue			<b><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></b> (please read guidance note 7)
Wed			
Thur			
Fri			
Sat			
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.  
Standard Conditions On-licence, General PEL Conditions, Embedded Condition from PEL Schedule.

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 11)**

We will continue to promote what we already have in place with door supervisors present aswell as management to promote the 4 objectives.

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

**c) Public safety**

**d) The prevention of public nuisance**

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

Checklist:

**Please tick to indicate agreement**

- I have made or enclosed payment of the fee; or ☐
- 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, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**Part 5 – Signatures** (please read guidance note 12)

**Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent** (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	H Patel
Date	14/08/2021
Capacity	Licence Holder

**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 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

**Contact name (where not previously given) and address for correspondence associated with this application** (please read guidance note 15)

Ian Hughes  
5 SALTERGATE



Post town	LINCOLN	Post code	LN2 1DH
Telephone number (if any)	[REDACTED]		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) office@trebleslincoln.co.uk			

### Notes for Guidance

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.**

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example, the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. In terms of specific regulated entertainments please note that:
  - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
  - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
  - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
  - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
  - Live music: no licence permission is required for:
    - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises

- licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
- a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
  - Recorded Music: no licence permission is required for:
    - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
  - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
  - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
    - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
    - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
    - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
    - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
  5. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
  6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
  7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

8. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
9. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
10. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
11. Please list here steps you will take to promote all four licensing objectives together.
12. The application form must be signed.
13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
15. This is the address which we shall use to correspond with you about this application.

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## Premises Licence



**Premises licence number**

32UD/B/0142

### **Part 1 - Premises details**

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>		
Falcon Inn 5 Saltergate Ordnance survey map reference (if applicable),		
<table border="1"><tr><td><b>Post town</b> Lincoln</td><td><b>Post code</b> LN2 1DH</td></tr></table>	<b>Post town</b> Lincoln	<b>Post code</b> LN2 1DH
<b>Post town</b> Lincoln	<b>Post code</b> LN2 1DH	
<b>Telephone number</b> 01522 513888		

<b>Where the licence is time limited the dates</b>
N/A

<b>Licensable activities authorised by the licence</b>
<ul style="list-style-type: none"><li>• Supply of Alcohol</li><li>• Live Music</li><li>• Recorded Music</li></ul>



<b>The opening hours of the premises</b>
<ul style="list-style-type: none"><li>• Seven Days a Week from 09:00 to 03:30</li></ul>



<b>Where the licence authorises supplies of alcohol whether these are on and/ or off supplies</b>
Both on and off Supplies

**The times the licence authorises the carrying out of licensable activities**

**Supply of Alcohol**

- Seven Days a Week from 09:00 until 03:00

**The Performance of Live Music is licenced to take place Indoors**

- Seven Days a Week from 09:00 until 03:00

**The Playing of Recorded Music is licenced to take place Indoors**

- Seven Days a Week from 09:00 until 03:00

**The Playing of Recorded Music is licenced to take place Outdoors**

- Seven Days a Week from 09:00 until 00:00

## Part 2

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Himesh Patel

35 North Park  
Mansfield  
Notts  
NG18 4PB

**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 for the supply of alcohol**

Ian Hughes

[REDACTED]  
[REDACTED]  
[REDACTED]

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

[REDACTED] – City of Lincoln Council

## **Annex 1 - Mandatory conditions**

In the following mandatory conditions, a "responsible person" means - in relation to licensed premises -

- i. The holder of a premises licence in respect of the premises,
- ii. The designated premises supervisor (if any) under such a licence, or
- iii. Any individual aged 18 or over who is authorised for the purposes of this section by such a holder or supervisor.

### **Mandatory Alcohol Conditions**

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.

### **Mandatory Door Supervisors Conditions**

1. Each individual carrying out a security activity must be licensed by the Security Industry Authority.
2. But nothing in subsection (1) requires such a condition to be imposed-
  - a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films), or
  - b) in respect of premises in relation to-
    - i. any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
    - ii. any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
3. For the purposes of this section-
  - a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and
  - b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

### **Mandatory Irresponsible Promotions**

1. The responsible person must 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-
  - 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 in a manner which carries a significant risk of undermining a licensing objective;
- 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 in a manner which carries a significant risk of undermining a licensing objective;
- d) 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 anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

#### **Mandatory Drinking Water**

1. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

#### **Mandatory Age Verification**

1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
2. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
3. 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 either-
  - a holographic mark, or
  - an ultraviolet feature.

#### **Mandatory Drink Measures**

1. The responsible person must 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: 1/2 pint;
    - ii. gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - iii. still wine in a glass: 125 ml;
  - b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, alcohol to be sold, the customer is made aware that these measures are available.

#### **Mandatory condition preventing the sale or supply of alcohol below the permitted price.**

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1-
  - a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
  - b) "permitted price" is the price found by applying the formula-  

$$P = D + (D \times V)$$
 where-
    - i. P is the permitted price,
    - ii. D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
    - iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
  - c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence-
    - i. the holder of the premises licence,
    - ii. the designated premises supervisor (if any) in respect of such a licence, or
    - iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;
  - d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
  - e) "valued added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4.
  1. Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
  2. The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

### **Standard Conditions On-licence**

The times authorised for the sale of alcohol shall not prohibit:

- a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- b) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
- c) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- d) the sale of alcohol to a trader or club for the purposes of the trade or club;
- e) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- f) the taking of alcohol from the premises by a person residing there; or
- g) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by

- persons so supplied; or
- h) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

**General PEL Conditions:**

1. No alteration shall be made to any part of the building either in construction, rearrangement of the accommodation or the means of escape from the premises or otherwise to which the Building Regulations may apply without prior formal written consent of the City of Lincoln Council.
2. The Police, officers of the City of Lincoln Council and members of the Fire Service, shall at all times have free access to the licensed premises and the licensee shall comply with any reasonable recommendation made by these officers.
3. No exhibition, Recitation, Singing or Dancing, which is obscene, immoral, offensive to public decency or calculated to excite any breach of the peace, shall be allowed.
4.
  - a. Real smoke shall not be produced in the premises.
  - b. Artificial smoke shall not be produced in the premises without the prior written consent of the Chief Fire Officer and the licensee shall comply with any conditions imposed by the Chief Fire Officer in that consent.
5.
  - a. Laser produced light shall not be used except with the prior written consent of the Environmental Health Manager for the City of Lincoln Council and the Licensee shall comply with any conditions imposed by the Environmental Health Manager.
  - b. The Licensee shall ensure that any stroboscopic lighting on the premises is monitored and controlled so that it does not at any time exceed 5 flickers per second.
  - c. Foam involving a 'foam party' event shall not be produced on the premises without the prior written consent of the Environmental Health Manager of the City of Lincoln Council. The Licensee is required to give 21 days written notice prior to the event taking place and shall comply with any conditions imposed by the said Environmental Health Manager in that consent.
6. All the means of escape exits from any part of the premises stairwells and thoroughfares shall be kept free from obstruction and constantly maintained in such a state as to be available for instant egress from the premises.
7. The licensee shall not permit drunkenness or other disorderly conduct on the licensed premises.
8. The Licensee shall ensure that toughened glassware and/or plastic drinking vessels are used to serve liquid refreshment and an efficient glass/bottle collection service is provided.
9. Notwithstanding the employers obligations and duties under the Health and Safety at Work etc. Act 1974, so that immediate assistance can be given to casualties with either common injuries or illness, the Licensee shall ensure sufficient first aid provision in terms of both personnel and facilities, is available to include having on the premises at all times whilst open to the public:-
  - a. a minimum of 1 appointed person where the number of customers does not exceed 150 together with 2 additional trained first aiders where the number of customers is between 150 and 1,000 and 1 further trained first aider for every additional 500 customers over 1,000.

- b. a sufficient number of suitably and sufficiently stocked and maintained first aid boxes provided in accordance with current First Aid Regulations.
10. The Licensee shall ensure anyone unconscious, injured, or appearing to be ill or unwell is attended to by a trained first aider or medical emergency services and is NOT ejected from the premises without an evaluation having first been undertaken by a trained first aider, and each evaluation shall immediately be recorded and retained so as to be available for inspection.
  11. The licensee shall not permit the use of the premises for the purposes of regulated entertainment or the conduct of persons leaving the premises to become a nuisance to neighbouring occupiers or passers-by.
  12. No exhibition, demonstration or performance of hypnotism (as defined by Section 6 of the Hypnotism Act, 1952) shall be given on any person at the licensee's premises.
  13. No recorded music shall be played in the premises and no 'live' musical entertainment shall be performed without first obtaining a licence from Phonographic Performance Limited and/or Performing Rights Society respectively.
  14. The licensee shall give to the designated premises supervisor any other person involved in the management or control of the premises and to any person or persons hiring the premises for the purpose of regulated entertainment a copy of the licence and general conditions, whereupon they too become responsible for ensuring that the terms and conditions of the licence are strictly adhered to.
  15. The licensee shall ensure that an accurate count of persons entering and leaving the premises is taken to ensure that the maximum occupancy figure is not exceeded.
  16. A record of all employees including their dates and times of working shall be kept and be available for inspection.
  17. All parts of the licensed premises, services and fittings therein including the seating, door fastenings, notices and fire fighting equipment, shall be maintained at all times in good order and condition. All electrical wiring, fittings, appliances and emergency lighting shall be constructed, installed and maintained in a safe and satisfactory condition, having regard to statutory regulations and the current regulations issued by the Institute of Electrical Engineers.
  18. A sensitive earth-leakage protection system (residual current device) shall be installed and maintained as part of the fixed wiring installation of the premises. The device shall be designed to operate if the earth-leakage current exceeds 0.03A and shall have a maximum operating time of 30 milliseconds. A test button shall be incorporated.
  19. The Licensed premises shall comply with British Standard 6465: Part 1: 1984 with regard to the provision of sanitary accommodation for use by members of the public and an adequate supply of water shall be maintained at all times.
  20. Any polyurethane foam filled seating or cushions must contain Combustion Modified High Resilient Foam to comply with British Standard 5852: Part 2: 1982 showing resistance to Ignition Sources.
  21. All curtains and fabrics used in the licensed premises must be flame retardant in accordance with British Standard 5867: Part 2.
  22. Where the nature of the Regulated Entertainment requires the provision of fixed or loose seating in a hall or other similar place, the licensee must submit suitable layout plans of the premises to the City of Lincoln Council. The plans must show the layout of seating in rows, numbers and type of seats and method of securing seats as appropriate. Plans should also indicate width and location of access and means of escape gangways. These plans must receive the formal written approval of the City of Lincoln Council prior to the event taking place and the seating must be provided in accordance with the approved plans.

## 23. EMPLOYMENT OF DOOR SUPERVISORS

- a. For the purpose of these requirements the meaning of 'door supervisor' is that defined in the Private Security Industry Act 2001.
  - b. The Licensee shall not engage, employ or otherwise use the services of any person as a door supervisor on the premises unless that person is, at all times, licensed with the Security Industry Authority.
  - c. The Licensee shall
    - i. maintain a daily incident book which must be completed each time the premises are open to the public with door supervisors on duty and signed by each door supervisor before commencing duty;
    - ii. ensure details of all incidents attended or dealt with by door supervisors are recorded in the incident book;
    - iii. ensure the incident book is available for inspection by the police or officers of the City of Lincoln Council at all times the premises are open to the public and at any other reasonable times;
    - iv. retain completed incident books for a minimum period of two years following the date of the last entry in the book.
  - d. The Licensee shall ensure all door supervisors carry their identification permit issued to them by the Security Industry Authority at all times whilst on the premises and produce it on request to the police officer or officer of the City of Lincoln Council.
  - e. The Licensee shall immediately notify the City of Lincoln Council and the Chief Officer of Police of the dismissal of any staff, employed engaged or used by him/her in the capacity of a door supervisor, for serious misconduct or other behaviour which might affect the continuation of, or renewal of his/her registration with the Security Industry Authority.
24. Applicants for the grant or transfer of a premises licence shall ensure that any designated premises supervisor named on that premises licence possesses the Entertainment Licensee's National Certificate and have undertaken an approved training course leading to this qualification. Evidence of possession of this qualification and attendance on an approved course shall be submitted with the application. If the designated premises supervisor is not in possession of such a qualification at the time of making the application then evidence must be provided within six calendar months of the grant or transfer of the licence.

**NOTE : Exemption from this requirement may be given to a person who can satisfy the Authority that he has an equivalent qualification or that he already possesses all relevant knowledge and experience.**

Persons who already possessed a Public Entertainment Licence issued by this Authority at the time of the conversion of that licence into a premises licence will be exempt from this requirement.

### **Embedded Condition from PEL Schedule:**

1. All fire extinguishers shall be examined and tested by a competent person in accordance with British Standards 5306 every six months. The date of such tests shall be clearly marked on the extinguisher or on substantial labels attached thereto.

## **Annex 2 - Conditions consistent with the operating Schedule**

1. A CCTV system shall be installed, recording and maintained in working order and operated at the premises to the satisfaction of Lincolnshire Police, specifically:
  - a) There shall be a minimum of one high resolution camera fitted
  - b) in a weatherproof housing, for external coverage of the entrance.
  - c) There shall be a minimum of one high-resolution colour camera fitted to the public entrance/exit to provide a quality head and shoulder image for facial recognition/identification purposes of all persons entering the premises.
  - d) There shall be sufficient cameras able to cope with the normal operating illumination to reasonably cover all licensed public areas.
  - e) Recordings must be kept for a minimum of 14/31 days and endorsed with the accurate, correct time/date (BST/GMT adjusted).
  - f) The frame rate shall be maintained to a standard whereby any footage produced is of sufficient quality to be of evidential use.
  - g) Police and/or Licensing Officers shall be able on attendance to view playback of any incident without the necessity for download.
  - h) Recordings of incidents at the premises must be provided to the police following lawful request.
  - i) A member of staff should be on the premises at all times they are open to the public who is capable of operating the CCTV system and providing recordings on request. When this is not possible recordings will be provided within 24 hours of the original request
  - j) Recording equipment shall be housed in a secure room/cabinet where access and operation is strictly limited to authorised persons.
2. On every Friday, Saturday and day proceeding a Bank Holiday there shall be a minimum of 2 door supervisors who are registered with the Security Industry Authority on the premises from 21.00 hours until close.
  - a) On any other night door supervisors shall be provided in such numbers as the licence holder considers necessary for the keeping of order on the premises when used for licensable activities.
  - b) A record/log book shall be kept on the premises by the designated premises supervisor of every person employed on the premises as a door supervisor. The records shall contain:
    - i. The door supervisor's name;
    - ii. His/her security industry authority licence number;
    - iii. The time and date he/she commenced and concluded their duty;
    - iv. The door supervisor shall be asked to sign each entry; and
    - v. Each entry shall be retained for a period of no less than 12 months from date of completion.
3. An incident book shall be kept at the premises in which details of crime and /or disorder relating to the premises shall be recorded. The incident book shall contain the following details:
  - i. time, date and location of the incident;
  - ii. nature of the incident;
  - iii. details of persons involved including contact details and descriptions where applicable;
  - iv. result of incident;
  - v. any action taken to prevent further such incidents; and
  - vi. each entry shall be signed by the DPS or other responsible person employed and so

authorised by the DPS

- vii. The incident book shall be made available to Police upon request and each entry shall be retained for a period of 12 months from the date of completion.
4. All drinks shall be supplied in polycarbonate drinking vessels. All drinks supplied in the function room shall be supplied in polycarbonate or plastic drinking vessels unless consumed direct from a bottle.
5. There shall be in place for the premises a written policy to prevent the sale or supply of alcohol to persons under 18 years of age. That policy shall require any person who appears to be under the age of 25 years to produce one of the following forms of identification, which is compliant with the following:
  - a. Full UK Photo Driving Licence
  - b. Passport
  - c. A recognised proof of age card accredited under the Proof of Age Standards Scheme (PASS)

A notice or notices shall be displayed in and at the entrance to the premises where they can be clearly seen and read and shall indicate:

- a. That it is unlawful for persons under 18 to purchase alcohol or for any person to purchase alcohol on behalf of a person under 18 years of age.
  - b. That proof of age may be requested at the premises and those accepted means for proof of age listed as above.
6. Apart from the exemption for prearranged functions (as detailed below), no person under the age of 18 shall be permitted on the premises. Exemption - Persons under the age of 18 will be allowed on the premises in the upstairs function room only, on the occasion of any prearranged function / event for recognized family celebrations where under 18's can be reasonably expected to attend.
7. All bookings for private functions shall be recorded in writing and risk assessments that accompany a booking shall be made available to an officer of Lincolnshire Police and an authorised officer of the Licensing Authority on request.
8. The maximum number of persons, including staff, allowed in these premises shall be:  
  
Ground Floor 210  
First Floor 110.
9. The premises licence holder shall ensure that an accurate record is kept of the numbers in attendance, including separate numbers for individual rooms and/or levels.
10. There shall be placed at all exits from the premises in a place where they can be seen and easily read by the public, notices requiring customers to leave the premises and the area quietly.

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

None





## **Annex 4 - Plans**

See attached

## Premises Licence Summary



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**Premises licence number**

32UD/B/0142

**Premises details**

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	
Falcon Inn 5 Saltergate Ordnance survey map reference (if applicable),	
<b>Post town</b> Lincoln	<b>Post code</b> LN2 1DH
<b>Telephone number</b> 01522 513888	

<b>Where the licence is time limited the dates</b>
N/A

<b>Licensable activities authorised by the licence</b>
<ul style="list-style-type: none"><li>• Live Music</li><li>• Recorded Music</li><li>• Supply of Alcohol</li></ul>

<b>The times the licence authorises the carrying out of licensable activities</b>
<b>Supply of Alcohol</b> <ul style="list-style-type: none"><li>• Seven Days a Week from 09:00 until 03:00</li></ul>
<b>The Performance of Live Music is licenced to take place Indoors</b> <ul style="list-style-type: none"><li>• Seven Days a Week from 09:00 until 03:00</li></ul>
<b>The Playing of Recorded Music is licenced to take place Indoors</b> <ul style="list-style-type: none"><li>• Seven Days a Week from 09:00 until 03:00</li></ul>
<b>The Playing of Recorded Music is licenced to take place Outdoors</b> <ul style="list-style-type: none"><li>• Seven Days a Week from 09:00 until 00:00</li></ul>

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

Both on and off Supplies

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Himesh Patel

35 North Park  
Mansfield  
Notts  
NG18 4PB

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

N/A

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

Ian Hughes

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

Please see conditions (subject to section 145 of the Licensing Act 2003)



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## LICENSING ACT 2003

### Representation by any person

**Note:** Please be aware that this form may be viewed by the Applicant or by a representative of the Applicant. It may also be read out in public at the sub-committee hearing.

Any person can make representations against a relevant licence application. Representations may be made on behalf of any person by a representative e.g. MP, solicitor, or a friend.

Representations are only relevant to an application if they relate to at least one of the four **Licensing Objectives** listed below:

1. **The Prevention of Crime and Disorder**
2. **Public Safety**
3. **Prevention of Public Nuisance**
4. **The Protection of Children from Harm**

Representations may be made at any time during a period of 28 consecutive days starting on the day after the application was given to the Licensing Authority.

In the case of a closure order issued by the Police, representations may be made during the seven days that follow relevant notice being given to the Local Authority by the Magistrates Court, starting on the day after the day the notice was received.

Please enter contact details

Name:	Eleanor Bryan
Address:	[REDACTED]
Postcode:	[REDACTED]
Tel:	[REDACTED]
E-mail:	[REDACTED]

Please confirm name and address of person or business affected in the vicinity, if different from the address given above:

Name:	N/A
Address:	N/A
Postcode:	N/A

Please provide details of the application to which you wish to make a representation.

Name of Applicant:	Trebles
Address of Premises	5 Saltergate Lincoln LN2 1DH
Application Details:	Variation of Premises Licence

Please give details of your representation in the box below. Indicate which of the Licensing Objectives your representation refers to by ticking the relevant box(es):

- **The Prevention of Crime and Disorder** ☐
- **Public Safety** ☐
- **Prevention of Public Nuisance** ☒
- **The Protection of Children from Harm** ☐



Details of representation *(continue on separate sheet if necessary)*

A few weeks ago, my housemates and I went over to Trebles at around 12:30am on a Wednesday as their music was excessively loud. Usually Trebles are pretty good at turning their music down at 12pm so we figured they had forgotten because there was a guest DJ event on and the DJ may not have known the licencing rules. We politely went over to remind them to turn it down as we all had work in the morning and nobody could sleep. The music was heavy thumping bass so it was impossible to tune out.

The manager on shift said that Trebles had actually applied to extend their licence for 4 weeks on Wednesdays only. This didn't seem to make sense as there was less than 10 people there and it was a weekday, but we decided we'd just stick it out for 4 weeks. During that time, I ran into one of our next door neighbours, who said they had also been across to complain.

On the 5<sup>th</sup> week, the noise continued, so we emailed Trebles to ask when the temporary licence would be over. The manager invited us over to a meeting. He said he would remove one of the large outdoor speakers and would ask the DJs not to play heavy bass after 12. He said they had applied to expend their licence for Wednesdays permanently. We have since learned that the licence application isn't just for Wednesdays – it's for every day of the week.

For the first week, when he turned off one of the speakers and reduced the bass, it was slightly better but still impossible to sleep. The next week, it went right back to how it was before.

The noise levels far exceed the club's regular noise levels - even in comparison to Friday and Saturday nights - as their DJ is outside and all of the speakers are outside. We live in the town centre so we expect there to be noise, but this level of noise is obscene and unnecessary considering the small amount of people in the venue and the fact that it's on a weekday.

Our issues are further exacerbated by the fact that a drug dealer has decided to set up shop right outside our house. Trebles patrons come out of the back door and go to deal drugs outside our house. While this isn't a direct cause of the licencing extension, louder music and longer events attract these crowds of people and this situation would probably be indirectly affected by the licence extension. All of these loud, drunken conversations occur right outside our windows.

If possible please suggest alterations to the application that would resolve the problem mentioned above, again paying attention to the licensing objectives *(continue on separate sheet if necessary)*

The alterations that Trebles tried to make (as outlined above – less bass and one less speaker) made a small difference, but not enough, and this wasn't consistent.

I don't know what other alterations could be made to mitigate the noise issues. Even when we try to have an earlier night so that we're asleep when the music starts, it just wakes us up anyway. This is not sustainable as we live in a professional houseshare and we all work.

Once the Licensing Authority has received this form you will receive a written acknowledgment and you may be contacted to discuss the issue prior to any referral to a sub-committee hearing.

Please tick this box if you consent to any notice of any hearing being sent to you to the e-mail address provided by you above. ☒

(Please note if any notice is sent to you by electronic means, you will also receive confirmation of the same in writing).

Please tick this box if you do not intend to attend or be represented at any hearing. ☐

If you wish to withdraw any representations you may do so confirming this in writing to the address given below, providing you do so no later than 24 hours before the any hearing, or otherwise orally at the hearing.

Signed:  E J Bryan.....

PRINT NAME:.....ELEANOR BRYAN.....

Date: .....27/9/2021.....

Please return this form to the following address:

Licensing Team  
City of Lincoln Council  
City Hall  
Beaumont Fee  
Lincoln  
LN1 1DD

