

# Xtra Humongous Premises Licence Application

Licensing Sub-Committee  
Tuesday 12 May 2020. 0930 hrs

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## In support of the application lodged on behalf of the applicant

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### **Introduction**

Xtra humongous has been developed to offer a diverse mix of events in an open-air multi use space. This is a unique area, which will provide a unique venue.

### **Premises:**

Xtra Humongous - will offer diverse types of events, from orchestral tours, to food and drink, events to niche bespoke calendar events for Halloween, Open air cinema and much more!

A city centre open-air multi use event space that will engage and excite not only the community of Leicester but also the transient event tourists, bringing people from across the Region to the city. This will mean a boost for the local and night-time economy (NTE) with a vast amount of businesses to hotels, taxi drivers, food outlets, and bars benefitting from a significant uplift in business. Whilst strongly promoting the licensing objectives for a safe and friendly venue.

The premises site is spacious and has a maximum capacity of 5000, (although this will rarely all be used to capacity) with adequate facilities being installed to accommodate those attending events. The premises will offer a safe well-lit environment whilst not encroaching on residents/businesses and avoiding any issues with parking etc. as demonstrated in the Traffic Management Plan.

### **Community:**

The applicants are open to all suggestions regarding community use of the premises. The premises licence is not likely to trade to the public during this current year, as this time will be spent preparing the site and putting in the various facilities to accommodate a safe site. This was always the plan, even prior to Covid 19.

### **Application and Mediation**

Acting for the applicant, I have liaised extensively with Responsible Authorities, who have objected to this application; including two very fruitful meetings at the Town Hall. Much has been offered in terms of mediation, in order to attempt to mitigate a subcommittee hearing.

We believe we have offered a comprehensive suite of conditions within the operating schedule, which will fully uphold the licensing objectives. We do not believe that this type of premises will add to any cumulative effect on any of the licensing objectives. There will be specific policies and procedures in place to ensure the premises site is well run, on a day-to-day basis. (These 'live' documents will be reviewed and updated on a regular basis).

**The following documents have been used for both the application and mediation:**

- Staff Training Resource Pack
- Challenge 25
- Incident log book
- Refusals register
- Staff Training documentation
- Signage (consideration to neighbours)
- Noise monitoring procedures

**Appendices:**

**Annex**

- A. Proposed conditions from Licensing Enforcement**
- B Contact with Responsible Authorities**
- C Staff Training Resource Pack**
- D SAMPLE - Licensing/Age Restricted Sales Training Answers**
- E Extract from Refusals Log**
- F DPS Authorisations**
- G Challenge 25 Posters**
- H Extract of Incident Log Book**
- I Sample of Signage**
- J Noise Observation Reporting**

**ANNEX A**

**These conditions are those suggested by Licensing Enforcement:**

**General Objectives**

1. The cease times for all activities to be 22:30 hours on all days.
2. A calendar of events booked or planned at the venue will be served on the Police Licensing Office, the Licensing Enforcement Team of the Licensing Authority, the Noise Pollution Team and the Festivals & Events Team at Leicester City Council at least 30 days in advance in an agreed format and delivery.
3. Any event that is assessed to be deemed a risk event by any of the responsible authorities, the Licensing Authority will require the implementation by the Licence Holder of the Event Management Plan Process (EMPP) and the related conditions.
4. All Live music or recorded music events (limited to 12 in a calendar year) that involve a band, music artist or DJ will be automatically be required to implement the event management plan process (EMPP).
5. The licence is subject to Leicester City Council's Standard Conditions for Places of Public Entertainment, published on the Licensing Authority's website [www.leicester.gov.uk/licensing](http://www.leicester.gov.uk/licensing)
6. The licence is subject to the licence holder, when the EMPP is implemented, in satisfying the deadlines set in relation to submission of any event plans,

risk assessments or any other documents or plans required by the Authorities/Agencies. If these deadlines are not adhered to satisfactorily as deemed by the Licensing Authority, the licence is deemed null and void and all licensable activities will not be licensed.

7. When the EMPP is implemented, the licence holder must submit a fully documented event management plan to the Licensing Authority which must be completed within the agreed timelines. The plan must include full details relating to at the very least; event management structure and contact details, site plans, programme timings, attendance estimations, site, staging and facilities provisions, Emergency risk assessments and access, public communications, insurances and any other areas of consideration. Consultation must take place between the licence holder and the Responsible Authorities to achieve this and will be adhered to in full.
8. The Licensing Authority will consult with all the required authorities/agencies to ensure that all of the conditions are complied with in full in regards to the terms of the EMPP and inform the licence holder if this is not the case which will require immediate compliance and if not the condition/s relating to deadlines will come into force.
9. The time restrictions of activities stated on the licence are the maximum allowed, however the time limits stated within the event management plan or risk assessments would be those applicable.
10. The licence holder will comply with all reasonable actions or steps directed by or an officer acting on behalf of the Licensing Authority.

#### **Prevention of Crime & Disorder**

11. The licence holder will submit to Leicestershire Police (Operations planning department or as directed) any documents that they require as part of a documented plan or risk assessment that must be submitted in line within agreed deadlines of the EMPP.
12. The licence holder will complete any reasonable requests or instructions issued by the police in relation to the event/s.
13. Full consideration and assessment must take place of the security provision. This must be done in consultation with the police and the Licensing Authority. The authorities must be satisfied that the provisions are in place, meet the requirements of any event/s and will be adhered to in full.
14. Any personnel that require to be SIA registered must be correctly licensed and must display their SIA identification prominently at all times during any event/s.
15. The Licence Holder must ensure that all staff (paid or unpaid) selling alcohol are trained on the law with regards to age restricted sales, in particular what identification can be accepted and that this is properly documented.

#### **Prevention of Public Nuisance**

16. A comprehensive noise risk assessment must be completed in consultation with the noise pollution team of the local authority. The authority must be satisfied with this assessment and that it will be adhered to in full.
17. The licence holder will take all reasonable steps in order to reduce the chances of any event causing a public nuisance.

#### **Public Safety**

18. The licence holder will monitor and not exceed the maximum safe capacity for any event. This will be determined by the local authority in consultation with partner agencies and detailed on the event management plan.
19. The licence holder will take into account public safety in all aspects of any events and this must be documented within the event management plan and any other risk assessments or documents submitted to the satisfaction of the relevant part of the local authority.
20. The licence holder will consult and comply with any required public safety actions directed by the relevant parts of the local authority.

21. 21) The licence holder will consult with the Traffic Management/Highways or relevant parts of the local authority if required and submit a management plan in relation to traffic/highways management. This must be to the satisfaction of the local authority and complied with in full.  
**Prevention of Harm to Children**
22. If alcohol is being served or sold, then the age verification scheme 'Challenge 25' must be operated and complied with by all staff members. Staff members must be trained in the scheme and specifically what identification can be accepted. Notices advertising that the premises operates a Challenge 25 scheme must be displayed in a clear and prominent position at the entrance to the event and inside the event at all bar serverly areas where alcohol is being served or sold.
23. 23) A refusals log shall be in operation at each area where the sale of alcohol is being conducted. The refusals log shall be maintained throughout the event and be made available immediately to the police or Licensing Authority on request.

## ANNEX B

### Contact with Responsible Authorities:

There were two meetings held at the request of the applicant, these were with the responsible authorities that had shown concerns or needed clarification of the application and how it would operate. In addition to a chain of emails.

## ANNEX C

### Xtra Humongous.

#### Staff Training Resource Pack

##### **Introduction**

This training resource pack has been designed to assist management and staff of the premises (Xtra Humongous) that are licensed to sell alcohol for consumption. If used correctly, the pack will enable staff to be aware of the law in relation to age restricted products and how to avoid making illegal sales. The pack also offers advice on how to prevent breaching conditions attached to the premises licence.

This pack is for the owners, managers, Designated Premises Supervisors, Premises Licence Holders, employees and any other person who is associated with the premises.

A staff test paper is provided to ensure that all staff understand their responsibilities and is attached as **Appendix A**.

In addition to this pack, the Premises Licence holder has provided a Training Record Book in which training sessions will be recorded, as well as a Refusals Book in which to list refused sales. These must be made available to all Responsible authorities upon reasonable request.

##### **Summary of Responsibilities**

##### **Designated Premises Supervisor (DPS)**

- Under the Licensing Act 2003, it is a mandatory condition that where a premises licence authorises the sale of alcohol there must be a Designated Premises Supervisor (DPS) and that no sale of alcohol should be made at a time when there is no DPS in respect of the licence.
- The DPS must be a personal licence holder. This ensures that where alcohol is sold, there is a person at the premises who has a relevant qualification and therefore an understanding of the social issues and potential problems linked with the sale of alcohol.
- There can be any number of personal licence holders employed at a premises but only one person may be named as the DPS.
- The DPS will be recruited and appointed by the Premises Licence Holder.
- The DPS is the individual who has day-to-day control and responsibility for running the premises.
- The DPS is responsible for alcohol sales and therefore responsible for any offences relating to alcohol sales.
- The name and contact details of the DPS are stated on Part B of the Premises Licence. It is a legal requirement to display Part B at the premises. This allows Officers to easily identify who is in charge and ensure any problems that arise can be dealt with swiftly by engaging with this key individual.
- The DPS need not be on the premises at all times. They must however be able to ensure that the licensing objectives are properly promoted and that the licensing law and licence conditions are complied with
- The DPS will compile a list of named persons who they have authorised to sell alcohol on the premises. This list should be kept in the premises licensing folder by the till so it can easily be produced if requested by a Responsible Authority. (This list should be signed and dated by the DPS).

## **2. Premises Licence Holder**

- A Premises Licence Holder is any individual (aged at least 18) or body who carries on a business involving licensable activities on a premises.
- A Premises Licence Holder must ensure that a DPS is in place if the premises supplies alcohol.
- The Premises Licence Holder must ensure that the premises licence conditions are complied with and that the permitted licensable activities are carried out within the limitations set

### **General Advice**

In order to prevent illegal sales from the premises, all staff must ensure the following:

#### **Premises Licence**

- Staff know the licensed opening and activity hours attached to the premises licence.
- Staff will be informed of the conditions attached to the premises licence and that they are designed to promote the Licensing Act 2003 objectives, which are:

- **The prevention of crime and disorder**
- **The protection of children from harm**
- **The prevention of public nuisance**
- **Public safety**

- Staff are aware of who to raise any concerns with, in relation to complying with these conditions/times.

- The DPS has day-to-day control over the sale of alcohol at the premises.

- Personal Licence Holders carry their personal licence card with them so they are available for inspection by a Responsible Authority upon request.

- Part A of the licence is on the premises and in the premises licence folder and Part B is prominently displayed at the premises.

### **Training**

- New and existing staff are trained and aware of all legal requirements relating to our business.

- Refresher training takes place on a regular basis. All staff are required to sign that they have received the training and that you test that they have understood it.

- Training records are to be retained for a minimum of 12 months, by the premises licence holder.

### **Refusals**

- Your staff are clear about how to deal with attempted purchases by underage persons and are confident enough to refuse sales when necessary.

- Staff only accept photographic proof of age e.g. Passport, Driving Licence or Student Card with a PASS hologram logo on it.

- Staff are encouraged to take a 'No ID, No Sale' approach to age-restricted products, or use the "Think 25" Policy. *(The Think 25 Policy involves staff refusing to sell age-restricted products to anyone who appears to be under 25 years old, and does not have an acceptable form of identification).*

- Staff know the importance of looking at the face of every customer: not all children are short!

- We have a refusal log in place this is also kept in the licensing folder and should be completed following each refused sale. A record should be made of the time, date, description of the young person, the product they attempted to purchase, and the reason for the refusal.

The Refusals Book is monitored weekly to check for patterns in the times or days the sales are refused and whether all staff are using the book. *(This information may be useful when organising staff rotas, as more staff may be needed at certain times).*

- The DPS will monitor the Refusals Book, sign and date the book when they check it.
- Staff do not sell age-restricted products to anyone suspected of buying on behalf of an underage person.
- Staff shall not sell alcohol to anyone who appears to be drunk or to uniformed police officers.

### **Bar**

- Challenge 25 Posters will be displayed near the counter stating that we adopt this policy for all patrons of the premises.

### **Food and Alcohol**

- Customers must be 18 or over to legally purchase alcohol. However, if accompanied by an adult, a person aged 16 years or over may drink alcohol (wine, beer or cider only) when consuming a table meal.

### **Test Purchases**

- Staff are aware that underage volunteers carry out regular test purchases of age-restricted products, on behalf of Trading Standards and sales can lead to prosecutions, large fines, a criminal record and a possible review of the premises licence. (*Volunteers may lie about their age*).

### **Please note:**

If an underage sale is made, it is worth noting that if you are not the actual seller, and you have done all you reasonably can in an attempt to prevent underage sales from your premises, you may be able to raise a due diligence defence\* and avoid action being taken against you and a possible criminal conviction. Giving this training to all staff as an induction and regular refresher training will contribute to establishing a defence.

**\*Definition of due diligence defence: the accused took all reasonable and practical steps to avoid committing the offence**

### **Legal Requirements Summary Alcohol**

- It is a criminal offence to sell alcohol to a person under the age of 18, even if they look older.
- Staff under the age of 18 must not sell alcohol without the consent of an employee over 18. Consent is required **each time a sale is made**.
- Selling alcohol to a person under 18 puts the premises licence at risk of review, which could result in the licence being amended, suspended or revoked and/or the DPS being removed from the licence.
- Underage sales can result in a number of people in the business committing an offence. The seller, a personal licence holder, the premises licence holder, the DPS and the owner of the business may all face prosecution.
- Alcohol is defined under the Licensing Act 2003 as being a strength of 0.5% alcohol by volume (ABV) or above, and therefore the 18 age restriction applies to all products containing this ABV.
- It is a mandatory condition of the Licensing Act 2003, that where the supply of alcohol is one of the licensable activities, there must be a DPS named on the licence.
- Every supply of alcohol must be made or authorised by a person who holds a personal licence.

**Staff are also likely to be trained in:**

- Fire Safety, including evacuation procedures
- Health & Safety at Work Act
- Health & Safety Policies
- How to avoid trips and slips
- How to lift heavy objects
- How to report an incident
- How to report an accident
- How to identify counterfeit goods/bank notes
- Weights & Measures
- Dealing with violence/ Anti-social behaviour
- Basic food hygiene

**ANNEX D**

**SAMPLE - Licensing/Age Restricted Sales Training Answers**

**1. Between what times can alcohol be sold from these premises?**

*As per premises licence*

**2. What is the minimum age a customer has to be to purchase alcohol?**

18

**3. What is the Challenge 25 Policy?**

*“Challenge 25” means that if a customer looks under 25 years of age, they must be asked for ID to prove that they are at least 18. If they do not have ID, the sale must be refused.*

**4. What should you do if you suspect a customer to be under age?**

*Apply the “Challenge 25” Policy. If no ID, refuse sale and complete refusal book, refuse politely*

**5. What forms of ID are accepted as proof of age?**

*Driving licence, Passport, or a card with the PASS hologram on it.*

**6. What action must you take if a customer cannot prove that they are old enough to purchase the goods?**

*Refuse the sale. Make an entry in the refusals book: including date, time of attempt, description of young person, the product attempted to purchase, and the reason for refusal.*

**7. Apart from those under age, who else can you not sell alcohol to?**

*Anyone who appears to be drunk, uniformed police officers, or anyone you suspect of buying on behalf of a person under 18 (Proxy sale).*

**8. Are there any restrictions on the times children are permitted on the premises? If so, what are they?**

*Check premises licence conditions.*

**9. What are the four licensing objectives?**

- *Prevention of crime and disorder,*
- *public safety,*
- *prevention of public nuisance*



- *Protection of children from harm.*

## ANNEX E

### Extract from Refusals Log

DATE	PRODUCT	TIME	NAME OF PERSON OR DESCRIPTION	OBSERVATIONS	STAFF MEMBER
01/01/2020	2 x pints of Beer	1400 Hrs	Male blond 175 cm tall, approx. 17 years of age	Nervous and refused to show ID	Nicki Jay

## ANNEX F

DPS Authorisations

### Designated Premises Supervisor (DPS) Authorisation for Sale/Supply of alcohol

#### Xtra Humongous

I am the Designated Premises Supervisor (DPS), and the holder of a Personal Licence and I am the person in a position of authority at the premises.

I hereby authorise the following named personnel to sell and supply alcohol, to comply with the Licensing Act 2003.

This being either when I am present on the premises or in my absence. I can always be contactable on the following telephone number: .....

#### **NAMES OF AUTHORISED PERSONS:**

I, being a person named below am aware of and accept my responsibilities under the Licensing Act 2003 and will endeavour to comply in accordance with the licensing law and the licence conditions attached to the premises licence.

Name	Personal Licence Number (If Applicable)	Date	Signature

#### DESIGNATED PREMISES SUPERVISOR AUTHORISATION.

**Name:**

**Personal Licence Number:**

**Signature:**

**ANNEX G**  
**Challenge 25 Posters**



**ANNEX H**

**Extract of Incident Log Book**

Incident Report Log			
Date of incident		Time of incident	
Location		Value of Losses/Damage	
Description of Incident			
Images available	YES/NO	Are still images available	YES/NO
Was it reported to West Midlands Police	YES/NO	Crime Number	
If reported to West Midlands Police, was it reported at the time of incident or afterwards:-			
Which staff member was involved with this incident			
What further action has been taken by Premises Licence Holder			
Final comments:			

## ANNEX I

### Sample of Signage

<p><b>Xtra Humongous</b></p> <p><b>Customers are requested to show consideration to neighbours and not cause noise or nuisance when leaving the premises.</b></p> <p><b>Thank you for your cooperation.</b></p> <p><b>The Management</b> <b>Xtra Humongous</b></p>
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## ANNEX J

### Noise Observation Reporting

<b>Monitoring Location</b>	<b>Date and Time</b>	<b>Subjective Assessment Measurements</b>	<b>Remedial Action Required and Taken</b>
<b>E.G. St Johns Road</b> <i>opposite main site entrance</i>	<i>01/01/2020</i> <i>2230 – 2240 hrs</i>	<i>Noise from the venue, largely inaudible, occasional low bass beat detectable between lulls in traffic noise – unlikely to be audible to residential units</i>	<i>No action taken, but will continue to monitor at intervals</i>

### Complaints received

<b>Complainants address</b>	<b>Date and Time</b>	<b>Nature of complaint</b>	<b>Subjective assessment</b>	<b>Time of Visit</b>	<b>Remedial Action Required and Taken</b>
E.G. 123, Mary Vale Road	01/01/2020 2230 hrs	What are they hearing, when and how affecting property? If this is regular, how long has it been happening....		2230 hrs 2315 hrs	No action taken, action taken to reduce noise levels to minimise any potential impact as levels at source can accommodate such reductions.