

Bolton Council

Report to: Licensing Act 2003 Committee

Date: 18th May 2021

Report of: Director of Place

Report No: LSC/16/2021

Contact Officer: Principal Licensing Officer

Tele No: 01204 336584

Report Title: Review of a Premises Licence

Non-Confidential

This report does **not** contain information which warrants its consideration in the absence of the press or members of the public.

Purpose:

To invite the Committee to consider an application to review a premises licence received under the provisions of section 51 of the Licensing Act 2003

Recommendations:

No recommendations

Background Doc(s):

Bolton MBC Statement of Licensing Policy
Licensing Act 2003 and Section 182 Guidance

Appendix 1 - copy of application and supporting documentation
Appendix 2 - copy of representation (to follow)
Appendix 3 - copy of premises licence

Summary:

No summary

Licensing Act 2003 - Hearing of an Application to Review a Premises Licence

1. Background

1. The Licensing Act 2003, which consolidated six licensing regimes in a single statute, and which replaced the previous controls on the sale of alcohol under the provisions of the Licensing Act 1964, introduced the concept of the 'premises licence'.
2. A premises licence is required for any venue where any 'licensable activity' is carried on. Such activities include the sale or supply of alcohol, the provision of regulated entertainment and the provision of late-night refreshment etc.
3. All pubs, nightclubs, private members clubs, off licences, cinemas, theatres and late-night takeaways etc require a licence.
4. The government included a very clear presumption in favour of businesses in the Licensing Act 2003 since the Act requires that any application should be granted on the terms on which it is applied for, unless any valid representation is made.
5. Where representations are made, the Act suggests that the Licensing Authority can apply 'light touch' regulation.
6. This approach is 'balanced' in the Act by provisions which permit a premises licence to be 'reviewed' by the Licensing Authority, upon receipt of a valid application for review from an interested party, responsible authority or any other person.
7. An application for the review of a premises licence must be circulated to the 'responsible authorities' to give them the opportunity to make representations. (Police, Fire Service, Environmental Health – Pollution Control & Health & Safety, Trading Standards, Social Services Child Protection Unit, Planning Department, Public Health and the Home Office - Immigration).
8. Where an application for a review has been accepted by the Licensing Authority the Act requires that a notice is displayed on the premises, in a position where it can be seen from the outside of the premises, stating that an application to review the premises licence has been made. A notice is also displayed at the Licensing Unit offices.
9. Members of the public or businesses in the area where the premises to which the review application relates is situated, or their representatives, can also make representations, which can be considered as part of the review.
10. Representations are only valid where they relate to one of the four licensing objectives, namely:
 - a) the prevention of public nuisance
 - b) the prevention of crime and disorder
 - c) ensuring public safety
 - d) protection of children from harm

The review application must be considered in the light of the four licensing objectives (above) and the Bolton MBC Statement of Licensing Policy.

2. Application for review of the Premises Licence

1. The licensing team is in receipt of an application to review a premises licence. The applicant is the Licensing Authority (Enforcement Team).
2. The Licensing Authority (Enforcement Team) are a Responsible Authority under the provisions of the Licensing Act 2003.
3. The application is to review the licence held by Nelson Square Leisure Ltd for the premises that trade as The Bar, Nelson Square in Bolton. The director of the limited company is Mr Tommy Stokes.
4. Mr Aaron McGuinness is the designated premises supervisor (DPS), and he holds a personal licence granted by Bolton Council.
5. The application relates to the 'prevention of crime and disorder' and 'public safety' which are two of the four licensing objectives.
6. All applications for the review of a premises licence require the applicant to state the 'grounds for the review'. The Licensing Authority (Enforcement Team) have provided the following information:

I am a Licensing Enforcement Officer employed by Bolton Council. The Licensing Authority is a responsible authority under the Licensing Act 2003. I wish to apply for a review of the premises licence granted to Nelson Square Leisure Limited for premises at The Bar, Provincial House, Nelson Square, Bolton BL1 1JT.

The operation of this premises has seriously undermined two of the four licensing objectives, namely.

- *The prevention of crime and disorder*
- *Public safety.*

Due to the high levels of Coronavirus evident across Greater Manchester, in late October 2020, Bolton was placed on the 'Very High' Covid alert level by the Government. This meant that from Friday 23rd October 2020, pubs and bars were required to close unless they operated as a restaurant, which meant serving substantial meals, like a main lunchtime or evening meal. Premises could only serve alcohol as part of such a meal.

The guidance provided to premises was:

Businesses may only continue to sell alcohol for consumption on the premises if –

- *the alcohol is only served for consumption on the premises as part of a 'table meal'.*
- *the food and drink are ordered by, and served to, a customer who is seated on the premises, and*
- *you take all reasonable steps to ensure that customer remains seated whilst consuming the food and drink on the premises.*

A copy of the Tier 3 Warning letter is produced as Appendix 1.

On Friday 30th October 2020 whilst carrying out covid checks in the borough of licensed premises by officers from Greater Manchester Police and Licensing Enforcement Officers visited premises named The Bar located on Nelson Square in Bolton. This was as a result of concerns raised by Andy Bolan, Head of Regulatory Services, on 29th October 2020 as follows:

I have been reviewing body-cam footage from last weekend's activities (licensed premises observations).

Whilst the vast majority of businesses were compliant, I do have concerns around quite a few venues: -

- The Bar*

It is clear from the footage that the proprietors of these licensed premises demonstrated blatant disregard to the rules and intentionally allowed customers to purchase alcohol without a substantial meal.

The explanations offered for allowing this situation to take place were simply unsatisfactory. Can someone from Licensing Enforcement make contact with each premises owner/manager and make it clear that any recurrence of such activity will result in enforcement action being taken (£1000 FPN fine).

I am very mindful that if no intervention takes place, we will encounter the same behaviours this weekend. The attached letter was sent to all licenced premises in the borough yesterday, so there should be no reason for businesses to claim they are unsure about the rules (Tier 3) going forward. Can you let me know once these discussions have taken place and can they also be actioned on CIVICA.

A copy of the warning notice issued to The Bar on Friday 30th October 2020 is produced as Appendix 2.

A further visit was made on Saturday 31st October 2020 with GMP, where Licensing Enforcement Officers witnessed very limited food on the tables. Two of the tables had three to four people sat on there and had approximately 12 to 15 cocktails on a stand which was on their tables. Alcohol was also being provided to customers where it was not served only with a table meal.

I obtained copies of the receipts for the two tables and have found that there are food items on those receipts which have been discounted to a zero payment. This then just allowed the customers to pay for their drinks.

A copy of the receipts obtained from The Bar on Saturday 31st October 2020 is produced as Appendix 3.

On Wednesday 4th November 2020 a fixed penalty notice was issued to Aaron McGuinness (DPS) at The Bar, Provincial House, Nelson Square, Bolton.

Records show the FPN has still not been paid therefore a prosecution is being submitted for this offence.

The grounds for imposing the penalty were as follows:

Regulation contravened: Regulation 3 – Paragraph 16(1) of Part 2 of Schedule 1: Carried on a business of selling alcohol during the emergency period other than as permitted by paragraph 16(2) Part 2 of Schedule 1

The particulars of the offence outlined in the fixed penalty notice were:

Observations made by Bolton Council Licensing Enforcement Officer and Regulatory Services Officers on Saturday 31st October 2020 at approximately 21:20 hours showed alcohol being provided to customers where it was not served only with a table meal.

A copy of the Fixed Penalty Notice issued by Bolton Council is produced as Appendix 4.

The Bar was also issued with a fixed penalty notice by Greater Manchester Police in September 2020 for a breach of the North of England Regulations. The particulars were hosting an 18th birthday party on 4th September which had been booked some weeks before.

I submit that the manner in which the premises have been managed, allowing the consumption of alcohol not only with a table meal, falls short of what is expected from a licensee in promoting the licensing objectives.

These actions put the welfare of staff, customers, attending Police, Council Officers, and the wider members of the public in danger of contracting a potentially fatal illness. I consider the behaviour and actions of the management and staff at The Bar, Nelson Square, Bolton to have been totally irresponsible especially during the period of 'very high' restrictions Bolton were placed in.

The instructions and regulations given to Licenced Premises are clear and should be understood by everybody. There is a clear risk to Public Health during a global pandemic.

The reasons for this review are:

- 1. In September and October 2020 these premises showed a blatant disregard for the legislation and global pandemic at a time when Bolton had been placed first into North of England restrictions, then into a high tier and then into a 'very high' tier due to increased rates whilst the surrounding Greater Manchester authorities were in the 'high' tier.*
- 2. The instructions and guidance given to licensed premises were clear - businesses may only continue to sell alcohol for consumption on the premises if:*
 - the alcohol is only served for consumption on the premises as part of a 'table meal'.*
 - the food and drink are ordered by, and served to, a customer who is seated on the premises, and*
 - you take all reasonable steps to ensure that customer remains seated whilst consuming the food and drink on the premises.*
- 3. These actions put the welfare of staff, customers, attending Police, Council Officers, and the wider members of the public in danger of contracting a potentially fatal illness.*
- 4. The Government has published a four-step roadmap to ease restrictions across England which outline different measures that hospitality venues will have to adhere to at each step. Given the premises ignored the legislation previously I question whether they will follow the new requirements even with clear instructions and guidance provided, therefore potentially putting recovery at risk.*

NB. The appendices above are numbered as LA1 etc

- 7. A copy of the application form and supporting documentation are attached to the report at Appendix 1.**
- 8. The licensing team has accepted the application for the review of the premises licence as valid.**
- 9. On the 30th March 2021, the licensing team shared the application with the Responsible Authorities. No further comments have been received.**
- 10. Following acceptance of the application, copies of the application and supporting documentation were hand delivered to The Bar.**
- 11. The notices required under the legislation were displayed at The Bar and at the offices of the Licensing Authority.**

12. The notices were correctly displayed on the premises when checked by an officer from the licensing team on the 8th, 13th, 21st and 27th April 2021.
13. The licensing team have received a further representation from Bolton Parties Ltd. A copy of their correspondence is attached to the report at **Appendix 2** (to follow).

3. Current permissions

1. The premises licence currently in force at the premises authorises the following activities:

Performance of Live Music

Monday – Tuesday	11:00-02:00
Wednesday – Thursday	11:00-04:00
Friday – Saturday	11:00-06:00
Sunday	12:00-02:00

Playing of recorded music (indoors)

Monday – Tuesday	11:00-02:00
Wednesday – Thursday	11:00-04:00
Friday – Saturday	11:00-06:00
Sunday	12:00-02:00

Performance of Dance

Monday – Tuesday	11:00-02:00
Wednesday – Thursday	11:00-04:00
Friday – Saturday	11:00-06:00
Sunday	12:00-02:00

Other Entertainment Similar to Live or Rec Music or Dance Performance

Monday – Tuesday	11:00-02:00
Wednesday – Thursday	11:00-04:00
Friday – Saturday	11:00-06:00
Sunday	12:00-02:00

Provision of facilities for making music (indoors)

Monday – Thursday	11:00-02:00
Friday – Saturday	11:00-06:00
Sunday	12:00-02:00

Provision of facilities for dancing (indoors)

Monday – Thursday	11:00-02:00
Friday – Saturday	11:00-06:00
Sunday	12:00-02:00

Other Entertainment Facilities Similar to Making Music or Dancing

Sunday – Thursday	11:00-02:00
Friday – Saturday	11:00-06:00

Late Night Refreshment (indoors and outdoors)

Sunday – Thursday	11:00-02:00
Friday – Saturday	11:00-06:00

Sale by retail of alcohol for consumption ON and OFF the premises

Sunday – Tuesday	11:00-02:00
Wednesday – Thursday	11:00-04:00
Friday – Saturday	11:00-06:00

2. A copy of the current premises licence, which details the timings and conditions consistent with the operating schedule, is attached to the report at **Appendix 3**.

4. Premises – Description & History

1. The premises are situated on Nelson Square in Bolton town centre and is part of the night time economy.
2. The venue is on the ground floor of a five-storey building. The entrance to the business is accessed from the front with a smoking area to the side.
3. The photographs below provide the Committee with an indication of the character of the locality:

View of the premises:



View from the premises looking right:



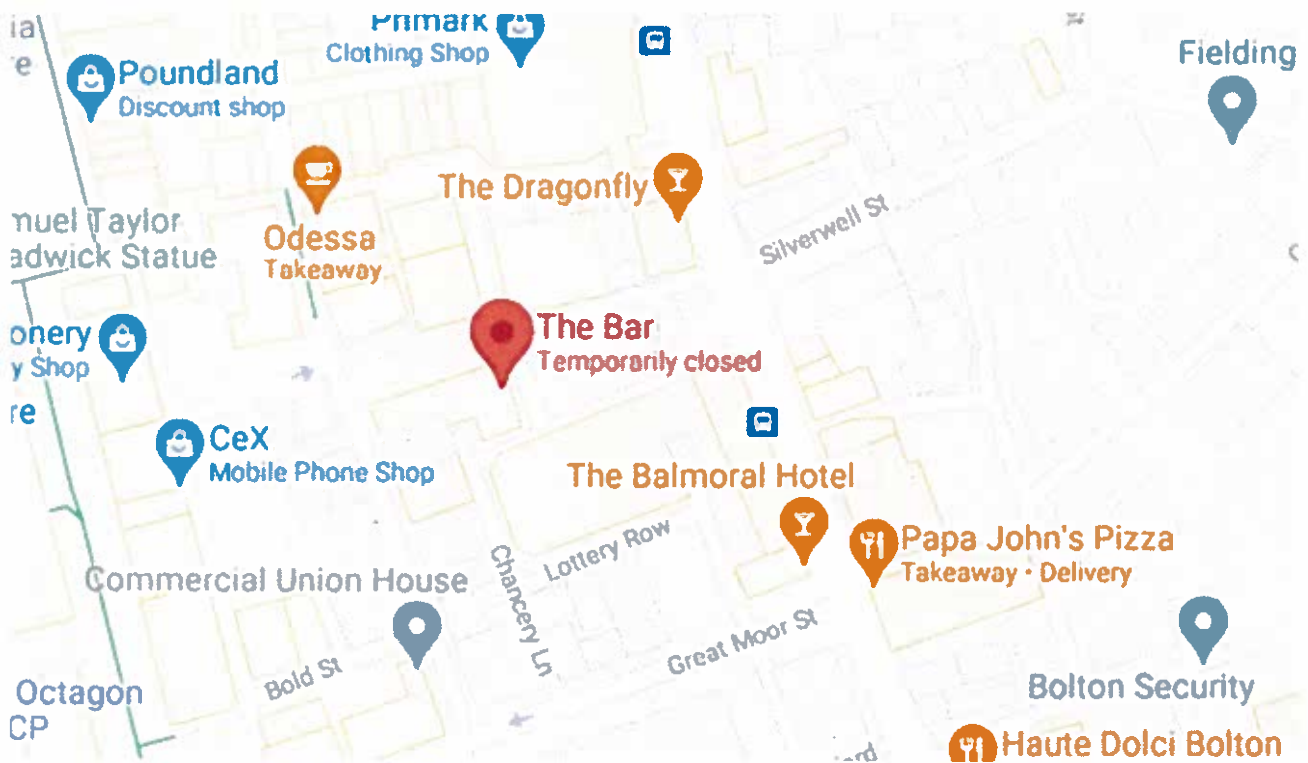
View from the premises entrance looking left:



View from the premises looking out from the entrance:



A map showing the location of the premises is detailed below:



A satellite image of the location is shown below:



5. Determination of the application for a review

1. Section 52 of the Licensing Act 2003 requires the licensing authority to hold a hearing and to have regard to the Application for Review and any relevant representations and to take such steps, mentioned below, if any, as the authority considers necessary to promote the four licensing objectives, namely:
 - a. To modify the conditions of the licence
 - b. To exclude a licensable activity from the scope of the licence
 - c. To remove the designated premises supervisor
 - d. To suspend the licence for a period not exceeding three months
 - e. To revoke the licence

Notes: The conditions of the licence are modified if any of them is altered or omitted or any new condition is added. The mandatory conditions cannot be modified

Where the Sub Committee take the steps mentioned in a) or b) above, it *may* provide that the modification or exclusion is to have effect for only such period as it may specify (up to a maximum of three months).

APPENDIX 1

Application for the review of a premises licence or club premises certificate 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 Usmangani Gazra

(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

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

THE BAR
Nelson Square Leisure Limited,
Provincial House,
Nelson Square,

Post town Bolton

Post code BL1 1JT

Name of premises licence holder or club holding club premises certificate (if known)

NELSON SQUARE LEISURE LTD

Number of premises licence or club premises certificate (if known)

PLA 0456

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

☐

2) a responsible authority (please complete (C) below)

X

3) a member of the club to which this application relates (please complete (A) below)

☐

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr ☐

Mrs ☐

Miss ☐

Ms ☐

Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

☐

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Usmangani Gazra Bolton Council Licensing Enforcement 2 nd Floor Paderborn House Bolton BL1 1QY
Telephone number (if any) 01204 336379
E-mail address (optional) Usman.gazra@bolton.gov.uk

This application to review relates to the following licensing objective(s)

- | | |
|---|-------------------------------------|
| | Please tick one or more boxes ✓ |
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 2)

I am a Licensing Enforcement Officer employed by Bolton Council. The Licensing Authority is a responsible authority under the Licensing Act 2003. I wish to apply for a review of the premises licence granted to Nelson Square Leisure Limited for premises at The Bar, Provincial House, Nelson Square, Bolton BL1 1JT.

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- Public safety.

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The guidance provided to premises was:

Businesses may only continue to sell alcohol for consumption on the premises if –

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A

17

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The instructions and regulations given to Licenced Premises are clear and should be understood by everybody. There is a clear risk to Public Health during a global pandemic.

The reasons for this review are:

1. In September and October 2020 these premises showed a blatant disregard for the legislation and global pandemic at a time when Bolton had been placed first into North of England restrictions, then into a high tier and then into a 'very high' tier due to increased rates whilst the surrounding Greater Manchester authorities were in the 'high' tier.
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 - the alcohol is only served for consumption on the premises as part of a 'table meal'.
 - the food and drink are ordered by, and served to, a customer who is seated on the premises, and
 - you take all reasonable steps to ensure that customer remains seated whilst consuming the food and drink on the premises.
3. These actions put the welfare of staff, customers, attending Police, Council Officers, and the wider members of the public in danger of contracting a potentially fatal illness.
4. The Government has published a four-step roadmap to ease restrictions across England which outline different measures that hospitality venues will have to adhere to at each step. Given the premises ignored the legislation previously I question whether they will follow the new requirements even with clear instructions and guidance provided, therefore potentially putting recovery at risk.

Please provide as much information as possible to support the application (please read guidance note 3)

Appendix 1 – Copy of the Tier 3 Warning letter.

Appendix 2 – Copy of the warning notice issued to The Bar on Friday 30th October 2020.

Appendix 3 – Copy of the receipts obtained from The Bar on Saturday 31st October 2020.

Appendix 4 - Copy of the Fixed Penalty Notice issued by Bolton Council.

Please

7

Day Month Year

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If you have made representations before relating to the premises please state what they were and when you made them

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ✓
- 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 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). If signing on behalf of the applicant, please state in what capacity.

Signature



.....
Date **29th March 2021**
.....

Capacity **Licensing Enforcement Officer**
.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance.

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

Date:
Your Ref:
Our Ref:



Licensing Team
Ground Floor
Town Hall
Bolton
BL1 1RU

Name
Address1
Address2
Address3

01204 336584
licensing.covidrecovery@bolton.gov.uk
www.bolton.gov.uk

BOLTON IS VERY HIGH RISK FOR CORONAVIRUS
AND THE BOROUGH IS NOW SUBJECT TO ALERT LEVEL TIER 3 RESTRICTIONS

Dear business owner / licensee

Due to the high levels of Coronavirus across Greater Manchester, Bolton has now been placed on the 'Very High' Covid alert level by the Government.

I am therefore writing to businesses in Bolton, to help you understand what is expected of you and to help you achieve compliance. Some of this information may not apply to your business type. Below, you will find a quick reference guide with the addition of links where you can find more in-depth information. This includes information regarding grant funding for affected businesses.

Our environmental health and licensing teams will continue to work with Greater Manchester Police to monitor and ensure businesses and venues across the Borough are following the restrictions and requirements, you will be asked to provide evidence of compliance with Regulations. Whilst I recognise the implications and consequences of these restrictions, appropriate action will be taken in relation to non-compliance, which could include fines of up to £10,000, prosecution, licence review or closure.

1. BUSINESSES THAT MUST CLOSE *(as of 23 October 2020)*

- pubs, bars or other businesses that sell alcohol for consumption on the premises
(unless they operate as a restaurant and alcohol is only served for consumption on the premises as part of a substantial meal; alcohol served as room service is excluded, e.g. in a hotel)
- nightclubs, dance halls, discotheques and other venues that open at night, provide music and space for members of the public to dance
- sexual entertainment venues and hostess bars
- casinos, betting shops, bingo halls and adult gaming centres
- soft play areas and soft play centres
(there is an exception for the provision of soft play areas to people with disabilities)

Director of Place Gerry Brough

All businesses that remain open must operate in a COVID-secure manner.

2. SUBSTANTIAL FOOD IN PUBS / BARS / ON PREMISES CONSUMPTION OF ALCOHOL

Your business may only continue to sell alcohol for consumption on the premises if –

the alcohol is only served for consumption on the premises as part of a 'table meal'

- the food and drink are ordered by, and served to, a customer who is seated on the premises, and
- you take all reasonable steps to ensure that customer remains seated whilst consuming the food and drink on the premises.

A 'table meal' is:

- A meal that you'd expect to serve as a main midday or main evening meal (or as a main course at either such meal)
- A meal eaten by a person seated at a table, (or at a counter/or other structure functioning as a table where people are seated)

For the avoidance of doubt, alcohol can only be ordered if the customer is ordering or consuming a substantial meal deemed to be a table meal and businesses should exercise judgement in line with the licensing objectives, around what is considered to be reasonable when alcohol is ordered and consumed during the relevant timeframe of the table meal.

A business is permitted to use a third-party caterer for the provision of food, however the primary business, i.e. the pub/bar, must take the order from and serve the food directly to customers who are seated on the premises. If you intend to do this, you should ensure that your caterer is registered with Environmental Health and has a food hygiene rating. You can check a rating at <https://ratings.food.gov.uk/>. You need to be able to provide details of the caterer to Environmental Health.

Introducing food

If you want to introduce food preparation or provision, you need to contact Environmental Health as soon as possible to discuss your plans and food safety controls.

- You need to ensure your business has an appropriate food registration in place. If you are expanding your food provision, please re-register here: <https://www.bolton.gov.uk/business-licenses/food-business-registration>
- You will need a Food Safety Management System – The Food Standard Agency's (FSA) Safer Food Better Business Catering Pack is recommended.
- Allergen management plans must be documented, implemented and all staff trained in how to deal with allergen queries.

Food Safety inspections will take place unannounced and an assessment will be made of hygiene practices, cleanliness, structure and management systems. A food hygiene rating will be issued and displayed on the FSA website.

Any queries can be sent to: environmental.health@bolton.gov.uk

Frequently Asked Questions:

1. Is takeaway / outside catering permitted?

Reg 15(1)(a) stipulates that a person responsible for carrying on a restricted business in the tier 3 area which serves alcohol for consumption on the premises may sell food or drink for consumption on the premises only if the food or drink is ordered by, and served to, a customer who is seated on the premises.

Director of Place Gerry Brough

From a tier 3 covid perspective, there is nothing stopping a business from utilising a third party to supply the food, however customers must order the food and be served the food whilst seated on the premises, not bring it in themselves.

You must however follow the Environmental Health 'repurposing' advice given above.

2. Are breakfasts / brunches classed as a table meal?

Yes, if it's a substantial meal, ordered from the premises and if consumed seated at a table.

3. Can I serve drinks before and / or after the meal?

Reg 16(2) 'Alcohol is only served for consumption on the premises as part of a table meal'. A drink whilst waiting for food is a normal part of a table meal, and finishing a drink after the meal would be reasonable however the continuous supply of alcohol in absence of food arriving or after meal we would suggest would no longer be deemed to form part of the table meal.

4. Who does liability lie with for any food hygiene and safety related issues, for example food poisoning, reaction to allergens?

Liability would lie initially with the pub/bar selling the food – however, the supplier of the food could also be guilty of an offence of supplying food to the pub/bar.

3. RISK ASSESSMENT

You are required to have a Covid-19 risk assessment in place setting out the measures you have in place to keep your staff and customers safe. All staff need to understand it and ensure they comply with it. You can find further information here: www.hse.gov.uk/coronavirus/assets/docs/risk-assessment.pdf

If your employees are required to self-isolate, you must not allow them to continue to work in any setting other than their place of isolation.

4. GATHERINGS

Different households (and support bubble) are not permitted to socialise indoors or outdoors at public venues. Support bubble rules are very clear: they refer to people living on their own and one parent families. You cannot form 'bubbles' with other extended family or work colleagues in addition to this. The police can issue fines of up to £10,000 to people breaching this requirement.

I appreciate that this is difficult for the hospitality sector to control, but I would expect you to challenge customers by making them aware of the restrictions in place to protect them, your other customers, your staff and yourself.

Where customers are seated to eat and/or drink, you must take all reasonable measures to ensure the following:

- No person in one household (and support bubble) mingles with any person in another household (and support bubble); and
- an appropriate distance is maintained between tables of at least 2 metres or at least 1 metre, if:
 - there are barriers or screens between tables;
 - the tables are arranged with back to back seating, or otherwise arranged to ensure that people sitting at one table do not face any person sitting at another table at a distance of less than 2 metres; or
 - other measures are taken to limit the risk of transmission of the coronavirus between people sitting at different tables

Director of Place Gerry Brough

5. CURFEW

Businesses selling food or drink (including cafes, bars, pubs, restaurants and takeaways) **must be closed to the public between 10pm and 5am**. All customers must have vacated the premises by 10pm and the doors shut.

Please factor in 'last orders' i.e. the latest time that customers can order food and drink, to enable them to have left the premises by 10pm. Delivery services are permitted after 10pm.

- Deliveries can be made in response to orders received through a website or on-line communication, by phone (including text message), or by post.
- A purchaser can collect food or drink on foot or in a vehicle provided that the food has been pre-ordered and the purchaser does not enter inside the premises to do so.

Businesses providing late night refreshment (the serving of hot food and drinks between 11pm and 5am) must be licensed to do so under a premises licence. Details on how to obtain a licence can be found here: <https://www.bolton.gov.uk/alcohol-gambling/alcohol-entertainment-late-night-refreshments>

A cinema, theatre or concert hall may operate after 10pm in order to conclude a performance which began before that time.

6. TEST AND TRACE INFORMATION

If customers are eating and drinking on your premises, you are **legally obliged** to:

- display and make available the NHS QR Code for customers with a smartphone to scan upon entry. You can use this link to obtain one for your business – www.gov.uk/create-coronavirus-qr-poster
- record their contact details and this extends to staff and visitors. Details must be stored for 21 days and shared with NHS Test & Trace if requested. Businesses that do not comply will face fixed penalties:
- you must ensure that customers use the QR code, or you can use your own test and trace system, in addition to displaying the NHS QR code. You are legally required to collect the following information:
 - i. the name of the individual;
 - ii. a telephone number where they can be contacted;
 - iii. an e-mail address if the individual can't provide a telephone number;
 - iv. a postal address if the individual can't provide an email address;
 - v. the date and time that the individual entered the relevant premises;
 - vi. where the individual is a member of a group, the number of people in that group including anyone who has scanned a QR code to enter the premises (*as per point 4, single household/bubble only*)

You **must** refuse entry to customers who refuse to provide these details, or where you have reason to believe the details provided are inaccurate.

7. TABLE SERVICE

In a premises licensed to sell alcohol for consumption on the premises, all food and drink **must** be ordered from, and served at, a table. This means no customers are permitted to approach or order at a bar or counter. If you do not have a portable card reader, it is permissible for customers to set up a tab and for this to be settled at the bar before they leave. All food and drink must be consumed whilst sat at a table in all premises with on-premises consumption.

Director of Place Gerry Brough

8. FACE COVERINGS (existing exemptions still apply)

Customers must wear face coverings in hospitality venues, except for when eating or drinking at a table. It is also compulsory for staff in hospitality venues to wear face coverings, in areas that are open to the public.

You are legally obliged to display a notice, reminding customers to wear a face covering before entering, unless they are exempt from doing so.

LOCAL RESTRICTIONS SUPPORT GRANT

The Government has announced that Local Restrictions Support Grants will be available to businesses who are subject to Business Rates and are required to close as a result of the imposition of local restrictions.

Eligible businesses will be able to access up to £3,000 per month and they are eligible for payment after two weeks of closure.

- Businesses with a rateable value of exactly £15,000 or under will receive a payment of £667 per two weeks of closure (£1,334 per month).
- Businesses with a rateable value of over £15,000 and less than £51,000 will receive grants of £1,000 per two weeks of closure (£2,000 per month)
- Businesses with a rateable value of £51,000 or above will receive grants of £1500 per two weeks of closure (£3,000 per month).

If your business is required to close, you will need to apply online to the Council for this support. The Council is expecting more detailed guidance to be issued by the Government before the application form goes live, so please check for updates.

<https://www.bolton.gov.uk/coronavirus-support-1/local-restrictions-cannot/2?documentId=648&categoryId=20119>

Business Support

Bolton Council is keen to engage with you to ensure that you are aware of the full range of business support that may be available to you. Please contact us at www.businessbolton.org to discuss further.

Visit <https://www.visitbolton.com/whatson> - if you would like free promotional materials to support your business, including posters and floor stickers contact the team.

Our website has the latest information on how coronavirus restrictions affect your business, and details of financial and other support available to both businesses and individuals. Please use the following link to keep up to date: <https://www.bolton.gov.uk/>

Please be aware that the Government are legally obliged to monitor the need for tier 3 restrictions every 28 days, so this is continually under review.

Thank you for your understanding and compliance and if we can help, please do not hesitate to contact us or use the support available at the links given above.

Director of Place Gerry Brough

If you have any queries or concerns, please email licensing.covidrecovery@bolton.gov.uk.

We understand the difficult task you face in implementing these ever-changing rules and procedures and understand the impact this is having on your businesses and livelihoods. We would like to take the time to thank you for your continued support and effort in fighting the COVID-19 Pandemic.

To assist in further communications please can you provide a contact email address to licensing.covidrecovery@bolton.gov.uk

Yours faithfully,

Kellie Hopkins

Kellie Hopkins

Assistant Director Neighbourhood and Regulatory Services

Director of Place Gerry Brough

WARNING - NOTICE OF POTENTIAL ACTION

**Pursuant to
The Health Protection (Coronavirus, Local COVID-19 Alert
Level) (Very High) (England) Regulations 2020**

This communication responds to a serious and imminent threat to public health.

It is considered necessary to prevent, protect against, control or provide a public health response to the incidence or spread of infection in Bolton of coronavirus. You are referred to the Regulations and the Government Guidance which can be found at: <https://www.gov.uk/coronavirus>

It is intended to give you due notice of action that Bolton Council may be forced to take unless you take steps to make your premises covid secure.

There are concerns following a visit to your premises that you and/or your staff and/or visitors to your premises are not adhering to the current Coronavirus Regulations.

As explained to you, it is vital the regulations in place are complied with as they are necessary to protect the public from the further spread of the coronavirus and the impact that this will have on communities and businesses.

You can find out more at: <https://www.gov.uk/coronavirus>

This warning is necessary for the purpose of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection by coronavirus in Greater Manchester and more particularly Bolton. **The Bar, Nelson Square Leisure Limited, Nelson Square, Bolton, BL1 1JT**

As a result the Council is now having to consider considering taking action, which could include the serving of a Fixed Penalty Notice under **The Health Protection (Coronavirus, Local COVID-19 Alert Level) (Very High) (England) Regulations**. The fee for such a notice is £1000.

Failure to comply with the actions set out in this letter will result in action being taken without further notice should further breaches be observed.

We know that this is a difficult time for business and none of us want to bring Covid home, putting our families at risk.

If you need any support or wish to discuss this letter please contact the number shown below.

Yours sincerely,



Andrew Bolan
Head of Regulatory Services (Interim)

The Health Protection (Coronavirus, Local COVID-19 Alert Level) (Very High) (England) Regulations 2020

Name of person(s) receiving warning notice:	Aaron McGuinness DPS / Dean Morton		
Name of Premises:	The Bar		
Address:	Nelson Square Leisure Limited, Provincial House, Nelson Square, Bolton, BL1 1JT		
Action required to ensure compliance with the above Regulations	A person responsible for carrying on a business of a public house, bar or other involving the sale of alcohol for consumption on the premises must cease to carry on that business, unless alcohol is only served for consumption on the premises as part of a table meal, and the meal is such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal.		
Name of Enforcement Officer issuing warning:	U.GAZRA		
Signature of Enforcement Officer			
Date of visit and issue of warning notice:	30 TH October 2020		

THE BAR
Unit 5 Nelson Sq
Bolton
Tel: 01204 526333

TABLE #	4
Bill #	1477
Pizza Bottomless Bru	3 74.85
#1 Piri Piri Chicken	1 0.00
#1 Smirnoff Single	1 0.00
- lemo	
#1 Piri Piri Chicken	1 0.00
#1 Gordons Original	1 0.00
- orange mixer	
#1 Margherita Pizza	1 0.00
#1 Smirnoff Single	1 0.00
- orange	
Smirnoff Single	1 5.00
#1 Orange Juice Dash	1 0.50
#1 Orange Juice Dash	1 0.50
Gordons Original Sin	1 5.00
#1 Orange Juice Dash	1 0.50
Malibu Single	1 5.00
#1 Lemonade Dash	1 0.50
12 Gordons Gin Tree	1 60.00
Ham Pizza Board	1 4.95
Chicken Pizza Board	1 4.95
BBQ Chicken Pizza Bo	1 4.95
3 Pizza Boards for £12.00	-2.85
Manager Free Drink	
@100%	-12.00

DISCOUNTS	14.85
Total	151.85

Bill # 1477

R#00000000 C#000002 MC# 1
31/10/2020 21:31

You were served by Tommy

THE BAR
Unit 5 Nelson Sq
Bolton
Tel: 01204 526333

TABLE #	8
Bill #	1476
Sex On The Beach	4 32.00
241 Sex On The Beach	-16.00
Smirnoff Double	2 13.00
#1 Pepsi Max Dash	1 0.50
#2 Pepsi Max Dash	1 0.50
12 Gordons Pink Gin	1 60.00
Tequila Rose Shot	6 21.00
Shots 4 for £10	-4.00
Cosmo	2 16.00
241 Cosmo	-8.00
Pornstar Martini	3 28.50
Margherita Pizza Boa	2 9.90
Chicken Pizza Board	1 4.95
3 Pizza Boards for £12.00	-2.85
100% Staff Drinks	
@100%	-12.00
Ham Pizza Board	1 4.95
Piri Piri Chicken Pi	1 4.95
Manager Free Drink	
@100%	-9.90

DISCOUNTS	52.75
Total	143.50

Bill # 1476

R#00000000 C#000002 MC# 1
31/10/2020 21:31

You were served by Tommy

Unique ref No: ZB0006723 1

Bolton Council**The Health Protection (Coronavirus, Local COVID-19 Alert Level) (Very High) (England) Regulations 2020 (SI. 2020 No. 1105)****FIXED PENALTY NOTICE**Date: 4th November 2020**Part A**

To: Mr Aaron McGuiness

At: [REDACTED]

Of: The Bar, Nelson Square Leisure Limited,
Provincial House, 5 Nelson Square, Bolton, BL1 1JT

Trading as: The Bar

This Fixed Penalty Notice is served under regulation 6(1) of The Health Protection (Coronavirus, Local COVID-19 Alert Level) (Very High) (England) Regulations 2020 (the Regulations).

The Regulations impose certain restrictions to protect against the risks to public health arising from coronavirus. Failure to comply with the requirements of the Regulations, without reasonable excuse, is a criminal offence.

I, Usmangani Gazra, designated as an authorised person for the purposes of the Regulations by the Borough Council of Bolton, have reasonable grounds for believing that you have committed a criminal offence under the Regulations, detailed in Part C below. I am issuing this Notice to offer you the opportunity to discharge liability to conviction for the offence by payment of a fixed penalty.

The Borough Council of Bolton may not take criminal proceedings against you in respect of the offence during the period of 28 days following the date of this Notice. Payment of the fixed penalty within that period means that you cannot be convicted in relation to the offence set out in Part C of this Notice.

Part B. Amount of Penalty and period to pay

The monetary penalty you must pay is: £1000 which I have determined in accordance with:

- regulation 6(10) of the above Regulations in respect of a business offence as provided for in regulation 6(10) to (12)

This sum is calculated on the basis that there are no previous FPNs on record for these purposes.

Payment of the fixed penalty must be made within 28 days of the date of this notice.

The penalty must be paid to: **Bolton Council**

Payment can be made by the following means: **Contact 01204 331634 (payment can only be taken over the phone via credit card or debit card Monday to Friday 9am to 4pm)**

Part C. Grounds for imposing the Penalty

Regulation contravened: Regulation 3 – Paragraph 16(1) of Part 2 of Schedule 1: Carried on a business of selling alcohol during the emergency period other than as permitted by paragraph 16(2) Part 2 of Schedule 1

Particulars of the offence: Observations made by Licensing Enforcement Officer and Regulatory Services Officers on Saturday 31st October 2020 at approximately 21:20hours showed alcohol being provided to customers where it was not served only with a table meal.

Part D. Challenging this Fixed Penalty Notice

If you consider that the Notice should not have been issued, you can make representations to Bolton Council in writing outlining your reasons for challenging the Notice, within 14 days of the date on this Notice.

Your challenge will be processed in accordance with Bolton Council's Complaint Procedure: Fixed Penalty Appeals, Ellesmere House, Mayor Street Depot, Ellesmere Street, Bolton, BL3 5DT.

Contact: Mrs E Pritchard

Alternatively, you may challenge this Notice by way of Judicial Review. Should you wish to pursue this option, you may wish to consult a lawyer to obtain independent legal advice.

This Notice remains in force even if you have raised a challenge.

Should the local authority's review of your challenge determine that the Notice should not have been issued, you will be notified in writing.

Part E. Consequences of non-payment/ continued non-compliance

If you fail to pay the fixed penalty within 28 days, you lose the opportunity to discharge liability to conviction, and criminal proceedings may be commenced against you in respect of the offence set out in Part C of this Notice.

Continued contravention of a requirement in the Regulations, without reasonable excuse, is an offence punishable by a fine on summary conviction in a Magistrates Court.

In the event of continued contravention, a further Fixed Penalty Notice may be issued for a higher fine, or you may be prosecuted under the Regulations.

Signed:



Date: 04th November 2020

Name in Capitals: USMANGANI GAZRA

Name and Address of Local Authority: Bolton Council, Victoria Square, Bolton BL1 1RU

Telephone: 01204 336584

Email: licensing.unit@bolton.gov.uk

If you are not sure of your rights or the implications of this notice, you should seek independent legal advice

APPENDIX 2

To follow

APPENDIX 3

Licensing Act 2003 Premises Licence

PLA0546

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

THE BAR

Provincial House, Nelson Square, Bolton, Lancashire, BL1 1JT

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

Performance of Live Music
Playing of Recorded Music
Performance of Dance
Other Entertainment Similar to Live or Rec Music or Dance Performance
Facilities for Making Music
Facilities for Dancing
Other Entertainment Facilities Similar to Making Music or Dancing
Late Night Refreshment
Supply of Alcohol

THE OPENING HOURS OF THE PREMISES:

Sunday – Tuesday	11:00-02:30
Wednesday – Thursday	11:00-04:30
Friday – Saturday	11:00-06:30
NON-STANDARD TIMINGS -	
New Years Eve, from terminal hour on 31st December to the commencement time on 1st January.	

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES:

Performance of Live Music	Monday – Tuesday	11:00-02:00
	Wednesday – Thursday	11:00-04:00
	Friday – Saturday	11:00-06:00
	Sunday	12:00-02:00
	Christmas Eve	11:00-06:00
	NON-STANDARD TIMINGS -	
	New Years Eve, from terminal hour on 31st December to the commencement time on 1st January.	
Playing of recorded music (indoors)	Monday – Tuesday	11:00-02:00
	Wednesday – Thursday	11:00-04:00
	Friday – Saturday	11:00-06:00
	Sunday	12:00-02:00
	Christmas Eve	11:00-06:00

Licensing Act 2003 Premises Licence

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	NON-STANDARD TIMINGS - New Years Eve, from terminal hour on 31st December to the commencement time on 1st January	
Performance of Dance	Monday – Tuesday Wednesday – Thursday Friday – Saturday Sunday Christmas Eve	11:00-02:00 11:00-04:00 11:00-06:00 12:00-02:00 11:00-06:00
	NON-STANDARD TIMINGS - New Years Eve, from terminal hour on 31st December to the commencement time on 1st January	
Other Entertainment Similar to Live or Rec Music or Dance Performance	Monday – Tuesday Wednesday – Thursday Friday – Saturday Sunday Christmas Eve	11:00-02:00 11:00-04:00 11:00-06:00 12:00-02:00 11:00-06:00
	NON-STANDARD TIMINGS - New Years Eve, from terminal hour on 31st December to the commencement time on 1st January	
Provision of facilities for making music (indoors)	Monday – Thursday Friday – Saturday Sunday Christmas Eve	11:00-02:00 11:00-06:00 12:00-02:00 11:00-06:00
	NON-STANDARD TIMINGS - New Years Eve, from terminal hour on 31st December to the commencement time on 1st January	
Provision of facilities for dancing (indoors)	Monday – Thursday Friday – Saturday Sunday Christmas Eve	11:00-02:00 11:00-06:00 12:00-02:00 11:00-06:00
	NON-STANDARD TIMINGS - New Years Eve, from terminal hour on 31st December to the commencement time on 1st January	
Other Entertainment Facilities Similar to Making Music or Dancing	Sunday – Thursday Friday – Saturday	11:00-02:00 11:00-06:00
Late Night Refreshment (indoors and outdoors)	Sunday – Thursday Friday – Saturday	11:00-02:00 11:00-06:00
Sale by retail of alcohol for consumption ON and OFF the premises	Sunday – Tuesday Wednesday – Thursday Friday – Saturday	11:00-02:00 11:00-04:00 11:00-06:00
	NON-STANDARD TIMINGS - New Years Eve, from terminal hour on 31st December to the commencement time on 1st January.	

Licensing Act 2003 Premises Licence

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WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND/OR OFF PREMISES
On and Off Premises

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

NELSON SQUARE LEISURE LTD
Provincial House, Nelson Square, Bolton, Lancashire, BL1 1JT
01204 526333

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NELSON SQUARE LEISURE LTD

7640151

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE
AUTHORISES THE SUPPLY OF ALCOHOL

Mr Aaron McGuiness
(Deleted by LU)

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR
WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence Number:126352

Issued By: Bolton

ANNEXES

Annex 1 – Mandatory Conditions under the Licensing Act 2003

1. Where a premises licence authorises the supply of alcohol, the licence must include the following conditions.
2. The first condition is that 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.
3. The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Mandatory condition: exhibition of films

1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
3. Where-
 - a. the film classification body is not specified in the licence,
 - or
 - b. the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by that licensing authority

4. In this section-

"children" means persons aged under 18; and

Licensing Act 2003 Premises Licence

PLA0546

"film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

Mandatory condition: door supervision

1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual 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.

The following conditions shall come into force on 6th April 2010

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

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children-
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act),
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on-
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

Licensing Act 2003 Premises Licence

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The following conditions shall come into force on 1st October 2010

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

The following conditions shall come into force on 1st October 2010

1. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

Annex 2 – Conditions consistent with the operating schedule

General

We intend to uphold all four licensing objectives. Preventing crime and disorder, ensuring public safety, protecting children from harm and ensuring therefore the prevention of public nuisance.

The Prevention of Crime & Disorder

To use the relevant security and when necessary, to ensure alcohol is not retailed to persons already intoxicated. To communicate with CCTV town centre management and other venues within the town.

Public Safety

Security when necessary, responsible retailing of alcohol. Reporting any nuisance or disturbance to CCTV town centre management.

The Prevention of Public Nuisance

Responsible retailing of alcohol. Quiet closing procedure (asking customers to leave the venue quietly). Ensuring no encouragement is given to people who may congregate outside once the venue is closed - dispersal policy.

The Protection of Children from Harm

Operating a Challenge 21 policy to combat underage sales, ensuring all staff members are trained accordingly and if in doubt refer to Challenge 25.

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

Licensing Act 2003 Premises Licence

PLA0546

CONDITIONS WHICH REQUIRE TO BE SATISFIED ON THE GRANT OF A PREMISES LICENCE UNLESS SUPERSEDED BY PERMISSIONS INCLUDED IN THE PREMISES LICENCE ISSUED UNDER THE LICENSING ACT 2003 OR PROVISIONS WITHIN THE ACT

CONDITIONS ATTACHED TO LICENCE BY VIRTUE OF LICENSING ACT 2003 SCHEDULE 8(6)(6)

In these conditions the following words and expressions have the following meanings:-

- (a) 'The Council' means the Borough Council of Bolton
- (b) 'The Chief Fire Officer' means the Divisional Commander of the Greater Manchester Fire Service for the Division of Bolton.
- (c) 'The Chief Officer of Police' means the Chief Superintendent of Greater Manchester Police for the Division of Bolton.
- (d) 'The licensed premises' means the premises in respect of which a premises licence under the Licensing Act 2003 has been granted.
- (e) 'Licensee' means the person or persons in whose name(s) a premises licence has been issued.

GENERAL REQUIREMENTS

1. The premises shall not be kept or used for the purposes authorised by this licence on Christmas Day, except with the written consent of the Council. The premises shall further not be kept or used for the purposes authorised by this licence or any of them between the hours of two o'clock a.m. and eleven o'clock a.m. on any day, except with the consent of the Council in writing.
2. The licensee shall comply with any reasonable fire preventive and safety measures that may be required of him by the Chief Fire Officer and shall also comply with any reasonable requirement of the Council as to fire protection, the structural safety of the premises, and the means of ingress and egress.
3. The licensee shall take all due precautions for the safety of the public, the performers, and the employees, and except with the approval of the Council in writing, shall retain control over all parts of the premises.
4. The licensee shall comply with any reasonable requirement of the Council in relation to the provision and safety of plant and equipment at the premises and in particular shall ensure that:-
 - (a) All parts of the premises, the fixtures, fittings and equipment therein, including the seating, door fastenings and notices, shall be maintained at all times in good order and condition.
 - (b) The edges of the treads of steps and stairways shall be made conspicuous if so required by the licensing authority. All gangways, exit ways and the treads of steps and stairways shall be maintained with a non-slip surface.
 - (c) Mats, matting and other floor coverings shall be secured and maintained so that they will not ruck or be in any way a source of danger.
5. (a) The licensee, or some responsible person nominated by him in writing, not being a person under twenty-one years of age, shall be in charge of and present on the premises at all times when the public are on the premises, and there shall also be during that time sufficient number of attendants in the building for the purpose of securing safety. The person in charge should not be engaged in any duties which would or might prevent him from exercising general supervision.
 - (b) The licensee and all such attendants shall take due precautions for the prevention of accidents, and shall abstain from any act whatever which tends to cause fire.
 - (c) The premises shall be provided with fire appliances to the satisfaction of the Chief Fire Officer and such fire appliances shall be maintained in proper working order and shall be available for instant use.
 - (d) The licensee shall ensure that he, the person in charge of the premises and at least one other member of the staff, are properly instructed in the protection of the premises from fire, the use of fire appliances provided, and the method of summoning

Licensing Act 2003 Premises Licence

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the Fire Service.

(e) There shall be installed on the licensed premises a telephone for the use of the licensee and the staff in summoning the emergency services in an emergency and such telephone shall be maintained in good working order and condition.

6. The Licensee shall be fully responsible for the carrying out of every one of these terms or conditions and for the safety of the public, performers and employees in the event of fire or panic.

HEALTH AND GENERAL SAFETY MATTERS

7. Adequate and separate sanitary conveniences and hand washing facilities shall be provided for persons of each sex in accordance with the requirements of the Council. All the sanitary accommodation and sanitary fittings in the licensed premises shall at all times be kept in good order and repair, be properly and effectually cleansed, ventilated, disinfected and supplied with water, and the doors leading thereto shall be suitably marked.

8. No rubbish or waste paper shall be stored or allowed to accumulate in any part of the licensed premises. Storage or necessary combustible materials shall be in such positions as may be approved in writing by the Council.

9. (a) The public parts of the premises shall be kept properly and sufficiently ventilated to the satisfaction of the Council.

(b) Every heat producing appliance used in the premises, which is so situated as to be within reach of any member of the public, shall only be used to the satisfaction of the Council and where appropriate shall be fitted with guards which comply to the standards of construction and fitting required by any regulations for the time being in force applying to such heating appliances and every heat producing appliance used in the premises shall be fixed in position and shall be situated sufficiently far from woodwork, hangings, or other materials or substances liable to catch fire so that there shall be no likelihood of fire by reason of their proximity to the heat producing appliance.

10. The licensee shall not use the licensed premises so as to cause or be a nuisance to the neighbourhood. The volume of sound from music, or other entertainment to which this licence applies shall be such as not to cause annoyance.

ELECTRICAL REQUIREMENTS

11. All electric fittings, wiring and appliances shall be constructed and maintained in a safe and satisfactory condition and to the satisfaction of the Council.

12. All parts of the licensed premises shall be provided with an effective artificial lighting system to the satisfaction of the Council, including where so indicated by the Council an emergency lighting system. The licensee shall ensure the proper maintenance of the system(s) at all times.

13. The electrical installations in the licensed premises shall at all times comply with the current requirements of the Institute of Electrical Engineers Regulations for the Electrical Equipment of Buildings, and the Council's "Specification for Electrical Installations in Premises Licensed for Public Entertainments, Theatres and Cinemas". The Council's "Certificate of Electrical Efficiency" (Form 819) shall be supplied by the licensee upon each application for a licence or a renewal.

FIRE SAFETY REQUIREMENTS

14. (a) Persons awaiting admission to the premises shall not be allowed to congregate in any part of the premises except in positions approved by the Council in writing for this purpose.

(b) The total number of persons permitted to be on the premises or any part thereof shall not exceed 300 on the ground floor.

15. All doors leading from exits into passages or the outside of the premises shall, where required by the Council be kept open and fastened back by means of a padlock or other device, and be kept clear of obstruction. Temporary barriers shall not be fitted, and any permanent barrier in exitways which may be provided with the approval of the Council for checking or controlling admission, shall be so arranged that the portion immediately in line of exit will open automatically upon pressure being applied in the direction of exit.

16. The number, size and position of all doors or openings provided for the purpose of the egress of the public from the premises

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shall be to the satisfaction of the Council and shall, without prejudice to the generality of the foregoing, comply with the following requirements:

- (a) Such notices and signs indicating the way out of the premises shall be provided as the Council may consider necessary.
- (b) All such doors or openings approved by the licensing authority shall be clearly indicated by the word "EXIT" in six inch green letters, and the notices to that effect shall, where practicable, be at a height of six feet nine inches above the floor and be placed over the doors or openings to which they relate.
- (c) Doors and openings, other than exits which lead to parts of the premises accessible to the public, shall have notices indicating the use of such parts or be marked "PRIVATE".
- (d) All other doors or openings leading from the premises to a dead-end or to such places as are unsuitable or unsafe for the purpose of egress shall be kept locked.

17. Only such parts of the premises as have been approved by the Council shall be used as retiring rooms, or cloakrooms, and provision for hanging hats or cloaks shall not be made in corridors, passageways, gangways or exitways used by the public.

18. No fastenings, other than automatic bolts, shall be fitted on exit doors used by the public and bolts so fitted shall be of such pattern and in such positions as the Council may determine, except that cabin hooks or stops to keep the exit doors in an open position may be fitted. Automatic bolts shall be of such a pattern that horizontal pressure on the cross bars will open the doors. The cross-bars shall, where practicable, be placed at a height of 3 feet from the bottom of the door. Doors fitted with automatic bolts shall have the words "**PUSH BAR TO OPEN**" clearly indicated upon them in block letters at least 4 inches high.

Provided that, if the Council have given consent in writing to the use of chains, padlocks or other locking devices for securing exit doors when the public are not on the premises, a responsible person shall be required to remove such chains, padlocks or other devices before the admission of the public, and such chains, padlocks or other devices shall not be replaced during the whole time the public are present in the licensed premises.

19. Where collapsible gates or roll-up shutters are used these shall be locked in the open position whilst the public are present. Revolving doors shall not be used as exit doors except with the express consent in writing of the Council.
20. (a) The hangings or curtains over exit doors or across gangways shall be made to part in the centre, to hang so as to be readily drawn aside and not to trail on the floor, and be arranged so as not to conceal any "EXIT" notice.
- (b) All fixed or permanent decorations shall be of inherently non-combustible materials or shall be treated and so maintained so that they will not readily catch fire.
- (c) No temporary decorations other than Christmas decorations shall be used except with the permission of the Council in writing and in accordance with any condition of such permission, and no such temporary decoration shall be affixed to any electrical light fitting, device or appliance, or be so positioned so as to constitute a fire risk.
21. Alterations or additions, whether permanent or temporary, to the structure, the lighting, heating or ventilating installations, or to the seating, gangways or other arrangements at the premises including the installations of additional temporary seating shall not be made except with the prior approval of the Council. Copies of the plans of the proposed alterations or additions shall be deposited with the Council, the Chief Officer of Police and the Chief Fire Officer at least 28 days prior to the application for approval.
22. (a) Except with the permission of the Council in writing, and in accordance with any conditions attached to such permission, scenery or stage properties shall not be kept or used on the platform or in any other part of the premises.
- (b) Except with the prior consent of the Council in writing and subject to any conditions which may be attached to such permission, explosives or highly inflammable substances shall not be brought into or used on the premises.
- (c) Balloons filled with inflammable gas shall not be used, sold, or exhibited on the premises.

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CONDUCT OF PREMISES

23. The Licensee shall not suffer, allow or permit any exhibition, recitation, acting, singing or dancing which is obscene, offensive to public decency or calculated to excite any breach of the peace.
24. The Licensee shall not suffer or permit any person to give at the premises (otherwise than as provided by Section 5 of the Hypnotism Acts 1952) any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which the susceptibility of the mind of that person to suggestion or direction is increased or is intended to be increased.

On Licences (No Children's Certificate)

1. Permitted Hours

Alcohol shall not be sold or supplied except during permitted hours.
In this condition, permitted hours means:

- a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 11 a.m. to 11 p.m.
- b) On Sundays, other than Christmas Day or New Year's Eve, noon to 10.30 p.m.
- c) On Good Friday, noon to 10.30 p.m.
- d) On Christmas Day, noon to 3 p.m. and 7 p.m. to 10.30 p.m.
- e) On New Year's Eve, except on a Sunday, 11 a.m. to 11 p.m.
- f) On New Year's Eve on a Sunday, noon to 10.30 p.m.
- g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

Restrictions

The above restrictions do not prohibit:

- a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- b) where permitted, 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;
- c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
- d) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
- e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- f) the sale of alcohol to a trader or club for the purposes of the trade or club;
- g) 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;
- h) the taking of alcohol from the premises by a person residing there; or
- i) 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
- j) 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 alcohol 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.

2. Children in Bar

No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

- a) He is the child of the holder of the premises licence.
- b) He resides in the premises, but is not employed there.
- c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from

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- d) which there is no other convenient means of access or egress.
The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of alcohol. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

The Prevention of Crime and Disorder

Doorstaff are all SIA registered.

All Doorstaff clock in and out for each shift, this record will be retained for a minimum of twelve months and produced for inspection on request by an authorised officer.

All incidents are logged, the incident log contains dated pages, this record will be retained for a minimum of twelve months and produced for inspection on request by an authorised officer.

Entry will be refused to anyone who is drunk, behaving in a violent or threatening manner, or who has been convicted of behaving in a violent or threatening manner.

CCTV extensive system maintained and in operation whilst the licensed activities are taking place.

CCTV recordings will be kept for a minimum of 5 days and will be produced for inspection on request by an authorised officer, recordings can be retained providing they are requested within 5 days.

Operate a search policy, and any customers found to be in possession of offensive weapons will be detained and handed to the police.

Operate a radio link with the town centre and the police, the radio link will be maintained and in operation when the licensed activity is taking place. All reasonable police instructions via the radio link will be complied with.

Management liaise regularly with police.

All staff are trained in basic conflict management & drugs awareness, on induction and every six months thereafter.

All barstaff are trained in basic licensing law, particularly with regard to serving drunks and serving under 18's.

There is a marshalled taxi rank outside encouraging legal safe egress of customers.

Later operating hours provide for easier egress and transport home of customers over greater time period, and encourage slower drinking habits.

No bottles or glasses are allowed off the premises.

Toughened glasses are used on all bars.

There is a Health and Safety policy in place, specifically designed to ensure efficient collecting of glasses and bottles.

At least 20 minutes will be allowed between the last alcohol sale and the closure of the premises the DPS will permit customers to finish their drinks within this period.

Public Safety

There is a fire certificate in force.

The agreed capacity of the building is 300, at all times the number of persons on the premises will not exceed 300.

FIRE

The head doorman or duty manager checks that the fire exits are clear prior to opening.

All staff are trained in fire evacuation, use of fire fighting equipment, fire alarm, this training is then recorded in their staff files on induction.

Customer numbers within the venue are maintained by doorstaff.

Emergency lighting is checked WEEKLY this is recorded in the fire book.

Fire extinguishers are checked MONTHLY this check is recorded in the fire book.

A manager checks the building for fire risks at the beginning of each operational session.

The Fire Alarm notifies the fire brigade via BT redcare of any activation.

The fire alarm is checked by means of activation weekly in conjunction with Axa other tenants.

All curtains, drapes, fabric, foliage, wallpaper, floorcoverings and upholstery filling materials will be fire retardant.

All doorstaff are trained in basic first aid (one day course).

At least one staff member is trained to first aid at work requirements (four day course).

There is a policy in place for, COSHH, noise at work, Incident reporting, Accident reporting and extensive risk assessment, spillage management and cleaning schedule.

Electrical installations will be inspected and certified by a qualified and competent person at least every 5 years, these

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certificates will be kept and made available on request to an authorised officer.

The Prevention of Public Nuisance

NOISE

The building benefits from only negligible levels of noise escape.
There are no residential properties in the immediate vicinity. Noise is inaudible at the nearest noise sensitive premises.
Patrons are not permitted to leave with bottles or glasses.
Soft drinks are available until closing time to aid absorption of alcohol.

TRANSPORT/ QUEUING/ EGRESS

Taxi provision on Nelson Square ensures that customers need not walk away from the venue to satisfy for transport requirements.
SIA registered doorstaff ensure that queuing is conducted in a safe and orderly manner.
Later operating hours will minimise noise from departing customers, by reducing the number of customers queuing for taxis at any one time.
The DPS and SIA registered staff will monitor customers leaving the premises and where necessary remind them of their public order responsibilities.

ODOURS

The premises will be operated in a manner that will prevent unwanted odours causing nuisance to persons in the immediate areas.

LITTER

The premises will store business waste correctly and legally.

FLY POSTING

The DPS will ensure all promotional materials are displayed lawfully, the DPS will also take measures to encourage any party acting on his behalf to display promotional material lawfully.

The Protection of Children from Harm

Our policy is not to admit anyone under the age of 18yrs after 2000 hrs.

The company policy is to check identification of any customer who does not appear to be at least 21 years old,

Accepted identification is a passport or a driving licence.

Children under the age of 18 will be admitted prior to 2000 hrs providing they are accompanied by an adult and food is being served.

All doorstaff are SIA registered and trained in control of entry to the premises.

Barstaff are trained in basic licensing law particularly as regards the serving of alcohol to drunks or under 18's .

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

None

Licensing Act 2003**Premises Licence Summary****PLA0546****Premises Details**

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

THE BAR

Provincial House, Nelson Square, Bolton, Lancashire, BL1 1JT

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

Performance of Live Music
Playing of Recorded Music
Performance of Dance
Other Entertainment Similar to Live or Rec Music or Dance Performance
Facilities for Making Music
Facilities for Dancing
Other Entertainment Facilities Similar to Making Music or Dancing
Late Night Refreshment
Supply of Alcohol

THE OPENING HOURS OF THE PREMISES:

Sunday – Tuesday	11:00-02:30
Wednesday – Thursday	11:00-04:30
Friday – Saturday	11:00-06:30
NON-STANDARD TIMINGS -	
New Years Eve, from terminal hour on 31st December to the commencement time on 1st January.	

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES:

Performance of Live Music	Monday – Tuesday	11:00-02:00
	Wednesday – Thursday	11:00-04:00
	Friday – Saturday	11:00-06:00
	Sunday	12:00-02:00
	Christmas Eve	11:00-06:00
	NON-STANDARD TIMINGS -	
	New Years Eve, from terminal hour on 31st December to the commencement time on 1st January.	
Playing of recorded music (indoors)	Monday – Tuesday	11:00-02:00
	Wednesday – Thursday	11:00-04:00
	Friday – Saturday	11:00-06:00
	Sunday	12:00-02:00
	Christmas Eve	11:00-06:00
	NON-STANDARD TIMINGS -	
	New Years Eve, from terminal hour on 31st December to the commencement time on 1st January.	
Performance of Dance	Monday – Tuesday	11:00-02:00
	Wednesday – Thursday	11:00-04:00

	Friday – Saturday 11:00-06:00 Sunday 12:00-02:00 Christmas Eve 11:00-06:00 NON-STANDARD TIMINGS - New Years Eve, from terminal hour on 31st December to the commencement time on 1st January
Other Entertainment Similar to Live or Rec Music or Dance Performance	Monday – Tuesday 11:00-02:00 Wednesday – Thursday 11:00-04:00 Friday – Saturday 11:00-06:00 Sunday 12:00-02:00 Christmas Eve 11:00-06:00 NON-STANDARD TIMINGS - New Years Eve, from terminal hour on 31st December to the commencement time on 1st January
Provision of facilities for making music (indoors)	Monday – Thursday 11:00-02:00 Friday – Saturday 11:00-06:00 Sunday 12:00-02:00 Christmas Eve 11:00-06:00 NON-STANDARD TIMINGS - New Years Eve, from terminal hour on 31st December to the commencement time on 1st January
Provision of facilities for dancing (indoors)	Monday – Thursday 11:00-02:00 Friday – Saturday 11:00-06:00 Sunday 12:00-02:00 Christmas Eve 11:00-06:00 NON-STANDARD TIMINGS - New Years Eve, from terminal hour on 31st December to the commencement time on 1st January
Other Entertainment Facilities Similar to Making Music or Dancing	Sunday – Thursday 11:00-02:00 Friday – Saturday 11:00-06:00
Late Night Refreshment (indoors and outdoors)	Sunday – Thursday 11:00-02:00 Friday – Saturday 11:00-06:00
Sale by retail of alcohol for consumption ON and OFF the premises	Sunday – Tuesday 11:00-02:00 Wednesday – Thursday 11:00-04:00 Friday – Saturday 11:00-06:00 NON-STANDARD TIMINGS - New Years Eve, from terminal hour on 31st December to the commencement time on 1st January.

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND/OR OFF PREMISES

On and Off Premises

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

NELSON SQUARE LEISURE LTD

Provincial House, Nelson Square, Bolton, Lancashire, BL1 1JT

01204 526333

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NELSON SQUARE LEISURE LTD

7640151

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Mr Aaron McGuinness

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED