

Details of premises licence

For: Tom Foolery



This document provides details of the premises licence issued to the stated premises and is not a licence itself.

Licence number: PREM/02214/004

Premises the licence relates to: Tom Foolery, 179 High Street, Boston Spa, Wetherby, LS23 6AA

Date licence first effective: 9th December 2005

Date current version effective from: October 6, 2016

Licensable activities authorised by the licence:

Sale by retail of alcohol Every Day	11:00 - 00:00
Exhibition of a film Every Day	15:00 - 23:00
Performance of live music Monday to Thursday	16:00 - 23:30
Friday & Saturday	12:00 - 00:15
Sunday	12:00 - 23:30
Performance of recorded music Monday to Saturday	11:00 - 00:30
Sunday	11:00 - 23:30
Performance of dance Every Day	17:00 - 23:30

Opening hours of the premises:

Everyday 10:00 - 00:30

Premises licence holder(s):

Mr Marcus Zol Emadi, Lower Lane Farm House, Hunsworth Lane, Bradford, BD4 6RN

Designated premises supervisor:

Mr Marcus Zol Emadi

Access to the premises by children

Access to the premises by children is restricted

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Annex 1 – Mandatory Conditions

1. Only individuals licensed by the Security Industry Authority may be used at the premises to guard against:-
 - a. unauthorised access or occupation (e.g. through door supervision), or
 - b. outbreaks of disorder, or
 - c. damage
2. No supply of alcohol may be made under this 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. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
4. The admission of children under the age of 18 to film exhibitions permitted under the terms of this licence shall be restricted in accordance with any recommendations made
 - a. By the British Board of Film Classification (BBFC,) where the film has been classified by the Board, or
 - b. By the Licensing Authority where no classification certificate has been granted by the BBFC, or,
 - c. where the licensing authority has notified the licence holder that section 20 (3) (b) (74 (3) (b) for clubs) of the Licensing Act 2003 applies to the film.
5. The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -

- a. games or other activities which require or encourage, or are designed to require or encourage individuals to -
 - i. drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - ii. drink as much alcohol as possible (whether within a time limit or otherwise);
- b. provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- c. provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- d. selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or

glamorize anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

- e. dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
6. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
7. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -

- a. a holographic mark, or
 - b. an ultraviolet feature.
8. The responsible person must ensure that -
- a. where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
 - i. beer or cider: ½ pint;
 - ii. gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - iii. still wine in a glass: 125 ml;
 - b. these measures are displayed in a menu; price list or other printed material which is available to customers on the premises; and
 - c. where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.
9. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of the condition set out in paragraph 1 of this condition -

- a. "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- b. "permitted price" is the price found by applying the formula $P = D + (D \times V)$ where -
 - i. P is the permitted price,
 - ii. D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- c. "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
 - i. the holder of the premises licence,
 - ii. the designated premises supervisor (if any) in respect of such a licence, or
 - iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;

- d. "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- e. "value added tax" mean value added tax charged in accordance with the Value Added Tax Act 1994.

Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

- (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the operating schedule

Additional details in respect of licensable activities authorised by this licence

Exhibition of a film

Location of activity: Indoors

Performance of live music

Location of activity: Indoors

Further details: Amplified and unamplified jazz music

Performance of recorded music

Location of activity: Indoors

Performance of dance

Location of activity: Indoors

All activities

Non standard timings: Christmas Eve from 11:00 to 01:30 hours and New Years Eve from 11:00 to 03:00 the following day.

Conditions consistent with the operating schedule relating to the licensing objectives

The prevention of crime and disorder

- 10. Changes to the siting and standard of CCTV systems may only be made with the written consent of West Yorkshire Police.
- 11. A Supervisors Register will be maintained at the licensed premises, showing the name, addresses and up-to-date contact details for the DPS and all personal licence holders.

12. The Daily Record Register will contain consecutively numbered pages, the full name and registration number of each person on duty, the employer of that person and the date and time he/she commenced duty (verified by the individual's signature).
13. The daily Record Register will be retained for a period of twelve months from the date of the last entry.
14. Security staff/ designated supervisors will be familiar with the premises policy concerning, admission, exclusion and safeguarding of customers whilst in the premises.
15. The Licensee will ensure that an Incident Report Register is maintained on the premises to record incidents such as anti social behaviour and ejections from the premises.
16. The Licensee will inform West Yorkshire Police of any search resulting in a seizure of drugs or offensive weapons.
17. A suitable receptacle for the safe retention of illegal substances will be provided and arrangements made for the safe disposal of its contents as agreed with West Yorkshire Police.
18. Notices will be displayed at the entrances of the premises which state:
 - a search will be conducted as a condition of entry to premises;
 - incidents of crime and disorder will be reported to the police;
 - entry to the premises will be refused to any person who appears to be drunk, acting in a threatening manner or is violent;
 - entry will be refused to any person who has been convicted of an offence of drunkenness, violent or threatening behaviour or the use or distribution of illegal substances
19. The licensee will adopt a proof of age scheme which is approved by WYP and West Yorkshire Trading Standards (WYTS).
20. Plastic or toughened glasses or bottles will be used when requested by West Yorkshire Police (e.g. football match days).
21. The licensee will ensure that customers who commit acts of anti-social behaviour are removed from the premises. Such customers will be excluded from the premises if further incidents occur.
22. The licensee will comply with the agreed protocols of the local pubwatch scheme(s) or trade body where unilateral banning orders are implemented.
23. The licensee will operate to a written dispersal policy which ensures the safe and gradual dispersal of customers from the premises. The policy will be agreed with WYP. The Licensee or DPS will ensure that staff receive training on the policy.
24. At least thirty minutes will be allowed between the final sales of alcohol and closing the premises. The DPS will permit customers to finish their drinks and leave the premises in an orderly manner.
25. A suitable closed circuit television (CCTV) system will be operational at the premises at all times when licensable activities are being carried out and at any other times where members of the public are present on the premises.
26. The CCTV system will cover all areas of the premises occupied by the public under the terms of the licence, including corridors and stairways (excluding WCs and changing rooms).

27. The CCTV system will cover all external areas of the premises occupied by the public i.e. queuing areas, beer gardens, smoking areas and car parks.
28. The CCTV system will contain the correct time and date stamp information.
29. The CCTV system will have sufficient storage retention capacity for a minimum of 31 days continuous footage which will be of good quality.
30. A designated member/members of staff at the premises will be authorised to access the CCTV footage and be conversant with operating the CCTV system. At the request of an authorised officer of the Licensing authority or a Responsible Authority (under the Licensing Act 2003) any CCTV footage, as requested, will be downloaded immediately or secured to prevent any overwriting. The CCTV footage material will be supplied, on request, to an authorised officer of the Licensing Authority or a Responsible Authority.
31. The Supervisors Register will state the name of the person who is in overall charge of the premises at each time that licensed activities are carried out, and this information will be retained for a period of twelve months and produced for inspection on request to an authorised officer.
32. The incident report register will contain consecutively numbered pages, the date time and location of the incident, details of the nature of the incident, the names and registration numbers of any door staff involved or to whom the incident was reported, the names and personal licence numbers (if any) of any other staff involved or to who the incident was reported, the names and numbers of any police officers attending, the police incident and/or crime number, names and addresses of any witness and confirmation of whether there is CCTV footage of the incident.
33. The incident report register will be produced for inspection immediately on the request of an authorised officer.
34. The PLH/DPS staff will ask for proof of age from any person appearing to be under the age of 25 who attempts to purchase alcohol at the premises.
35. Drinks, open bottles and glasses will not be taken from the premises at any time. Empty bottles and glasses will be collected regularly and promptly. Glass and other sharp objects will be stored and disposed of safely using suitable receptacles. Receptacles will be secured and not accessible to the customers.
36. The PLH/DPS will prominently display notices which inform customers that open bottles or glasses may not be taken off the premises.
37. The PLH/DPS will belong to a recognised trade body or pub watch scheme where one exists, whose aims include the promotion of the licensing objectives.
38. There will be no under 18s on the premises after 20:00 hours.

Public safety

39. A written risk assessment will be kept which covers all activities which affect the health and safety of members of the public. This will include the noise levels to which the public are to be exposed and information will be provided for the public via signage at the entrance. The assessment will be produced for inspection at the request of an authorised officer.
40. The Licensee will adopt at the premises written policies and procedures on:
 - Entry and egress to the premises (including monitoring of any capacity limit)
 - Evacuation of the premises

The Licensee will ensure staff are trained on these measures, and all other matters relating to the safety of the public.

41. The Licensee will have a written procedure for crowd control and management. All staff will be instructed in the operation of the procedure. The policy will be available for inspection at the request of an authorised officer.
42. All exit doors will be accessible, open easily, and exit routes will be maintained.
43. Safety checks, including doors, will be undertaken before opening to the public and a record kept of inspections.
44. Before opening to the public, checks will be undertaken to ensure all access to the premises are clear for emergency vehicles. Regular checks will be undertaken when the premises is open.
45. Before opening to the public, checks will be undertaken to ensure all access to the premises are clear for emergency vehicles. Regular checks will be undertaken when the premises is open.
46. Written records of all accidents and safety incidents involving members of the public will be kept. These will be made available at the request of an authorised officer.
47. All equipment with which the public may have contact, will be maintained, stored and operated in a safe manner. Appropriate maintenance and test records will be kept and be available for inspection by an authorised officer.
48. Empty bottles and glasses will be collected regularly paying particular attention to balcony areas and raised levels.
49. Electrical installations will be inspected on a periodic basis (at least every 5 years) by a suitable qualified and competent person. Inspection records/certificates will be kept. These will be made available at the request of an authorised officer.
50. Portable electrical appliances including those brought in temporarily onto the premises will be checked on a regular basis by a suitably trained and competent person to ensure they are in a safe condition. Records will be kept of these checks. These will be made available at the request of an authorised officer.
51. Temporary electrical wiring and distributions will be inspected by a suitable qualified and competent person before they are put into use. An inspection record/certificate will be retained for inspection by an authorised officer.
52. The Licensee will maintain an electrical manually operated fire alarm system that can be clearly hear in all parts of the premises to the satisfaction WYFRS.
53. The Licensee will maintain a fire alarm system with automatic heat and smoke detectors. The systems requirements, testing and operation will be to the satisfaction of WYFRS.
54. The positioning of the electrical fire alarm system, smoke and heat detectors will be agreed with WYFRS.
55. Fire alarm test will be carried out daily and recorded in a suitable log book. The log book will be made available for inspection by an authorised officer.
56. All staff will be trained in operating the alarm system and be familiar with the fire and escape routes and action to be taken in the event of fire.
57. The Licensee will install and maintain electrical emergency lighting. The source of supply for this lighting will be separate from that for the general lighting. The emergency lighting will be positioned in areas agreed with the WYFRS. These areas will include passages, corridors, ramps and stair cases. The emergency lighting will allow individuals to see their way out of the premises without the aid of general lighting. The emergency lighting will illuminate all the provided exit notices.

58. The emergency lighting will perform on a complete failure of the normal lighting in a manner agreed with WYFRS. The emergency lighting will meet the British safety standards stipulated by WYFRS.
59. The Licensee will provide to the satisfaction of WYFRS exit sign boxes lit by both primary and emergency lighting. These exit sign boxes will be placed in positions agreed with WYFRS. The size, illumination and design of the sign(s) will be agreed with WYFRS.
60. Exit doors will be provided with external primary and emergency lighting points to the satisfaction of the WYFRS. The design of external fire escape route will be to the satisfaction of WYFRS.
61. The siting, number, fire rating and standard of fire extinguishers will be agreed with WYFRS prior to installation and will comply with that agreement at all times.
62. The emergency lighting system will be tested in a manner which satisfies WYFRS. The test results will be kept in a suitable log book and will be available for inspection by an authorised officer.
63. The Licensee will provide any kitchen on the premises with a fire blanket which meets the standards recommended by WYFRS. The fire blanket will be installed and maintained to the satisfaction of the WYFRS.
64. All curtains and drapes in the premises will be fire retardant and to the satisfaction of WYFRS. Certificates of compliance to the relevant British Standards will be available for inspection by an authorised officer.
65. Fabric, foliage and decoration will be constructed from materials to the satisfaction of the WYFRS. Certificates of compliance to the relevant British Standards will be available for inspection by an authorised officer.
66. The filling materials used in the furnishings will be combustion modified foam or other material to the satisfaction of WYFRS. Evidence of compliance to the relevant British Standards will be available for inspection by an authorised officer.
67. Any wall coverings at the premises or on escape routes will be to the satisfaction of the WYFRS. Evidence of compliance to the relevant British Standards will be available for inspection by an authorised officer.
68. Floor coverings at the premises will comply with those safety standards as stipulated by WYFRS. Evidence of compliance to the relevant British Standards will be available for inspection by an authorised officer.
69. The Licensee will make provision for regular inspections of the premises structure. A written record of these inspections will be kept. The records will be made immediately available for inspection at the request of an authorised officer.
70. At the request of an authorised officer the Licensee will produce certification of any building works carried out at the premises. (This will be in the form of a building regulations completion certificate issued by the local authority or an approved inspector.)
71. Regular safety checks of decorative and functional fixtures that could fall causing injury to the public or may cause a risk of fire, will be undertaken.
72. Regular safety checks of guardings to stairs, balconies, landings and ramps will be undertaken, and supervision will be maintained to prevent people from inappropriate behaviour, including climbing which may lead to a fall from height.
73. All floor surfaces will be suitably slip resistant, kept in good condition and free of obstructions to prevent slips. Trips and falls.

74. Safety glass that is impact resistant or shielded to protect it from impact will be used in all areas where the public may come into contact with it.
75. Safety checks will be recorded and made available for inspection at the request of an authorised officer.
76. A written spillage policy will be kept to ensure spillages are dealt with in a timely and safe manner.
77. Hot food and drink preparation will be isolated or shielded from members of the public to prevent risk of scalds or burns to them.
78. Suitably trained First Aid Staff will be provided at all times when the premises are open.
79. Adequate and appropriate First Aid equipment and materials will be available on the premises.
80. A written procedure for dealing with unwell members of the public will be in place including those who appear to be affected by alcohol or drugs. Staff will be appropriately trained in such procedures.
81. The Licensee will ensure that there is a procedure for the safe evacuation of disabled persons.
82. Staff will be trained in the procedure and a record kept of such training.

The prevention of public nuisance

83. No nuisance will be caused by noise or vibration emanating from the premises. Licensable activities will be conducted and the facilities for licensed activities will be designed and operated so to prevent the transmission of audible noise or perceptible vibration through the fabric of the building or structure to adjoining properties.
84. Noise will be inaudible at the nearest noise sensitive premises between 23:00 hours and 07:00 hours the following day (where entertainment takes place less frequently).
85. There will be no external loudspeakers.
86. Empty bottles will be stored in suitable receptacles immediately outside of the premises prior to collection. Receptacles will be used in a manner to minimise noise disturbance to adjoining properties. Bottles will not be placed in the external receptacle after 23:00 hours to minimise noise disturbance to adjoining premises.
87. Deliveries, collections of refuse and bottles, and operational servicing will be carried out to minimise noise disturbance to adjoining premises. Instructions will be provided to drivers requiring them to switch off engines during deliveries, collections and servicing, and to minimise other noise caused by their activities. Deliveries will be carried out between 07:00 and 19:00 except where unavoidable.
88. No nuisance will be caused by noise or vibration emanating from the premises from external plant or equipment.
89. The rating level of noise from plant and machinery will be no higher than 5db below the lowest background level at the most affected noise sensitive premises during the operation of the plant. Plant and machinery will be regularly serviced and maintained to continue to meet the rating level.
90. Where the premises is located close to noise sensitive properties adequate ventilation systems will be provided to prevent the need to open windows and doors.
91. If required a noise report will be provided to Environmental Health Services. The premises supervisor will also identify in conjunction with Environmental Health Services any noise sensitive premises in the location.

92. The premises supervisor will liaise with Environmental Health Services and where necessary, install noise limiting devices, electrical cut-outs and door warning devices.
93. The premises supervisor will ensure that lobby doors at the premises are closed at all times except for access and egress to the premises unless required otherwise by WYFRS.
94. The Licensee will adopt a "cooling down" period where music volume is reduced towards the closing time of the premises.
95. The Licensee will ensure all lighting in the premises is of a suitable intensity and positioning. All lighting on or at the premises will be operated in a manner which will not cause a nuisance to nearby properties.
96. The premises will be operated in a manner which will prevent unwanted odours causing a nuisance to persons in the immediate area or nearby properties.
97. The premises will operate a suitable ventilation and extraction system. The system will be cleaned and maintained to the manufacturer's instructions to prevent unwanted odours occurring.
98. The Licensee will operate to a written statement of how potential littering will be prevented. This statement will describe the sources of litter which may arise from the business. E.g. cigarette ends from queuing people, chewing gum, food wrappers, and will include:
 - The steps proposed to prevent the litter occurring;
 - The steps to be taken to remove litter should prevention not succeed;
 - who will be responsible;
 - Methods proposed to evidence that these steps have been undertaken.
99. The licensed premises will store and dispose of business waste correctly and legally. The premises supervisor will ensure that the waste is prevented from seeping or spilling from where it is stored.
100. The Licensee will ensure all materials used to promote or market the premises are displayed lawfully. The Licensee will take measures to encourage agents, servants, employees or any party acting on his/her behalf to display promotional materials lawfully.
101. The Licensee will take reasonable steps to ensure that activities promoting or publicising his/her premises do not cause littering. The Licensee will take measures to remove such litter as and when it occurs.
102. Clear and legible notices will be displayed at exits, car parks and other circulatory areas requesting patrons to leave the premises having regard to the needs of local residents, in particular emphasising the need to refrain from shouting, slamming car doors, sounding horns and loud use of vehicle stereos.
103. The premises supervisor and any door supervisors will monitor the activity of persons leaving the premises and remind them of their public responsibilities where necessary.
104. A facility will be provided for customers to order taxis/private hire vehicles. Telephone numbers for taxi firms/private hire companies will be displayed in a prominent location.
105. There will be liaison with local taxi/private hire firms to ensure a ready supply of transport to reduce disturbance.
106. Customers will be provided with a designated area on the premises where they may wait for their transport.

Protection of children from harm

107. Any person on the premises who can be observed from outside the premises will be properly and decently dressed.
108. The Licensee will adopt a proof of age scheme which is approved by WYP and West Yorkshire Trading Standards.
109. The Licensee's staff will ask for evidence of age from any person appearing to be under the age of 18 who is attempting to purchase alcohol at the premises.
110. Signs will be provided informing customers that sales will not be made to under 18s, and that age identification may be required.

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

None

