

Brazilia Nightclub Ltd.  
50. Newmarket Road  
Bury St. Edmunds  
Suffolk  
IP33 3SN  
4<sup>th</sup> May 2015

Licensing Team  
St. Edmundsbury Borough Council  
West Suffolk House  
Bury St. Edmunds  
Suffolk  
IP33 3YU

Dear Sir/ Madam,

APPLICATION NUMBER 011841 FOR THE GRANT OF A NEW PREMISES LICENCE  
UNDER SECTION 17 OF THE LICENSING ACT 2003

In response to the concerns of the community safety and licencing inspector in the letter dated 20<sup>th</sup> April 2015 relating to the 'The Prevention of Crime and Disorder' and 'The Protection of Children from Harm'. We have added to our application all of the objectives discussed and agreed at various meetings with the police authority and these are attached in the form that the authority laid out. All of these points have been read and agreed by Brazilia Nightclub Ltd. Directors and management and will be familiar to all staff as part of their training.

Some of the objectives relate to events which will not take place at the premises but have been added none the less. Having spoken to Amanda Garnham last week, we have entered all the objectives mentioned, but confirm in writing that;

1. We do not intend to allow any sporting events to take place at the premises.
2. We do not intend to use the premises for any type of sexual or adult entertainment.
3. The entertainment purposes of the venue will be solely for recorded and live musical entertainment with dance.
4. There will **NOT** be any events for under18s held at these premises at any time.

We agree to surrender the licence on Vision bar to allow Club Brazilia to open. This would change the licenced premises use available on the hill from a full time license with Vision, to a two night's only licence with Brazilia.

Please accept the following agreed application conditions as an addition to our application, I hope that this along with the objectives we have set out above covers the additions required of our application.

Yours faithfully,  
SR Smith  
Brazilia Nightclub Limited

**APPLICATION NUMBER 011841 FOR THE GRANT OF A NEW PREMISES LICENCE  
UNDER SECTION 17 OF THE LICENSING ACT 2003**

**ADDITIONS TO APPLICATION**

**General promotion of the licensing objectives**

1.1 The Premises Licence Holder shall notify the Police and Licensing Authority in writing of any relevant adult only entertainment activities at the licensed premises a minimum of 28 days prior to the entertainment taking place. For these purposes 'relevant entertainment' means any live performance or any live display of nudity which is of such a nature that it, ignoring financial gain, must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means). For the avoidance of any doubt, the premises licence holder shall seek an appropriate separate sexual entertainment venue authorisation under the provisions of the Local Government (Miscellaneous Provisions) Act 1982 if intending to operate outside of the exemption afforded by the Policing and Crime Act 2009 for infrequent events.

1.2 The Premises licence holder or the Designated Premises Supervisor shall ensure that all bar staff engaged in the sale of alcohol shall be trained in Licensing Law including offences and responsible alcohol retailing to a minimum standard of BIIAB level 1 or equivalent within 3 months of commencing employment at the premises. Training records shall be kept on the premises and produced to the Police or authorised officer of the licensing authority upon request. Staff should have training reviewed every 6 months to ensure they are up to date with current legislation. Equivalent training can be done in-house using on-line packages.

1.3 The Premises Licence Holder or their nominated representative shall ensure that a suitable and sufficient risk assessment is conducted for any proposed boxing or wrestling entertainment taking place at the venue, and this shall be completed prior to the commencement of the relevant entertainment. Where appropriate the relevant sport's governing body regulations or recommendations shall be considered within the risk assessment and implemented, where appropriate, for the event or activity.

1.4 An appropriate level of competent, and appropriately qualified, first aid and/or medical practitioners shall be present throughout a sports entertainment involving boxing, wrestling, judo, karate, mixed-martial arts or similar activity- whether it is the main entertainment or ancillary.

1.5 Any ring for the purposes of boxing or wrestling entertainment shall be constructed by a competent person and/or inspected by a competent authority.

1.6 At any boxing or wrestling or other entertainments of a similar nature members of the public shall not occupy any seat within 2.5 metres of the ring. Audience members shall not be permitted to stand on any stairwell or balcony area which directly overlooks the ring or exhibition area whilst an event is in progress.

1.7 Plastic or polycarbonate drinking vessels shall be used at all times during all boxing and wrestling or similar entertainment events at the licensed premises, without exception. Drinks which are only available in bottles/glassware must be decanted to plastic or polycarbonate vessels. No bottles/glassware shall be left accessible in the vicinity of the boxing or similar entertainment activity.

1.8 Entry to any boxing, wrestling or similar entertainment activity shall be by prior ticket arrangement only.

1.9 Last entry into the venue will be 0200 hours. All persons re-entering the venue prior this time will be searched on re-entry unless under direct supervision of SIA doorstaff.

## **Prevention of Crime and Disorder**

2.0 Vulnerable customers will be aided by staff by ensuring that they are offered an area away from the public view and medical/Police assistance as necessary.

2.1 The Premises Licence Holder shall ensure that the licensed premises shall not be exclusively or primarily used for the supply of alcohol. The sale and supply of alcohol at the premises shall be ancillary to the use of the licensed premises for music, dance and similar activities. This condition shall apply to any hirings of the premises for licensable activities.

2.2 A minimum of 5 (five) SIA registered door supervisors shall be employed at the premises on Fridays, Saturdays and non-standard timing days. 1 (one) SIA registered door supervisor shall be deployed to monitor the toilets, dance floors and bars on a roving deployment. The exceptions to this shall be where the capacity of the premises is expected to be, and in excess of 400 persons with both tiers open, in which case a minimum of 2 (two) additional (making a total of 7 (seven) SIA registered door supervisors shall be used. Where the premises are used for private functions these shall be appropriately risk assessed to determine whether door supervisors are required. Door supervisors shall be employed from 22:00hrs up until closure of the licensed premises site. All door supervisors shall be easily identifiable by means of high visibility clothing/uniform/fluorescent band and badge. All door supervisors upon commencing duty shall sign an attendance book with their SIA number and signature. The attendance book shall be made available to the police or an authorised officer of the licensing authority immediately upon request.

2.3 The Premises Licence Holder shall suitably and sufficiently risk-assess events and other licensable activities and, in consultation with his door security provider, deploy commensurable levels, timings and locations of door supervision. Where the Premises Licence Holder's risk-assessment in consultation with the door security provider identifies that it is appropriate for searches to be conducted on females then a minimum of one female SIA door staff shall be on duty.

2.4 The Premises Licence Holder shall ensure that door supervisors, where so employed, shall ensure that if there is a queue outside of the licensed premises, that an orderly queue is maintained. Door supervisors shall monitor the full length of the queue for signs of drunkenness and 'pre-loading', anti-social behaviour or use/possession of illegal substances or weapons.

2.5 The Premises Licence Holder shall ensure that all persons requesting re-entry to the licensed premises, without exception, shall be searched by an SIA registered door supervisor with records of such searches to be legibly recorded in a log book for that purpose. The log book shall be provided to an authorised officer of the Police or Licensing Authority upon request. Customers shall not be permitted entry or exit whilst carrying glass or alcohol. For the avoidance of any doubt, customers seeking re-admittance to the venue who are unable to be appropriately searched shall be refused re-admittance. For further avoidance of doubt, patrons that are observing the smoke-free legislation in the designated smoking-areas for the licensed premises, and whilst they have been under the direct control and supervision of the door supervisors, may be re-admitted to the licensed premises.

2.6 On any day from 22:00 hours, where SIA registered door supervisors are used, the search policy shall be implemented. A minimum ratio of one in ten customers shall be randomly searched upon entry to the licensed premises. Random searches shall not apply to customers requesting re-entry whom shall be searched in accordance with condition 1.9. All

persons suspected of possessing prohibited articles shall be searched upon entry. Clear signage shall be prominently displayed advising customers that they may be searched as a condition of entry. A table shall be made available in the foyer area to conduct searches of larger items such as bags. Any prohibited articles shall be securely stored in an area the public do not have access to. Police shall be notified within 36 hours of any prohibited articles for collection. If the premises host a special event then the nature of the event shall be individually risk assessed to determine whether the search policy shall be implemented for those patrons of the special event. The risk assessment shall be in a written format and made available to an authorised officer of the police or officer of the licensing authority on demand. Such special events shall be specified in the premises 'special event policy'.

2.7 The Premises Licence Holder or designated premises supervisor shall ensure that any individual known to be banned under any active local PubWatch scheme, or court banning order, shall be refused entry to the licensed premises. The police shall be notified promptly, and in any event within 36 hours, of any attempt by a banned individual to gain access to the licensed premises.

2.8 The Premises licence holder or designated premises supervisor shall ensure that any individual found in possession of any illegal substance or weapon shall be excluded or ejected from the licensed premises. The Police shall be notified immediately.

2.9 The Premises Licence Holder or designated premises supervisor shall ensure that all instances of drunkenness, disorder, drug use or violence shall be challenged, resulting in the refusal of admission, ejection or retention of the individual(s) concerned. Under serious circumstances, consideration shall be given to their permanent exclusion from the premises in the future.

2.10 The Premises Licence Holder shall create and implement a dispersal policy. The dispersal policy shall be created in consultation with the Police including any changes made thereafter. The dispersal policy shall include the use of door supervisors where they are employed, to assist with the management of dispersal of the licensed premises site. There shall be an appropriate wind-down, drinking up and dispersal period at the licensed premises between the last supply of alcohol and closure of the premises site.

2.11 Policies and logs will be written for the premises relating to the following categories:

- Emergency procedures
- Fire safety/evacuation plan
- Refusals/banning policy
- Prohibited items policy
- Dispersal policy
- Door policy
- ID checks policy
- Search policy
- Hiring vetting policy
- Smoking area policy
- Disorder and ejection policy
- Alcohol & social responsibility policy
- CCTV policy and procedure
- Special events policy
- Customer complaints policy
- Incident report form
- Capacity log

- Refusals log
- Banned log
- CCTV log
- Ladies toilet check log
- Gents toilet check log

2.12 These policies and logs (above at 2.11) shall be maintained so as to be up-to-date, accurate, relevant and subject to annual review. A copy of each policy shall be submitted to and approved by the Police and Licensing Authority prior to its implementation. Each policy shall be fully operated and in operation within 3 (three) months of the date of the premises licence being granted. All policies and logs shall be made available for inspection upon request to an authorised officer of the Police or Licensing Authority.

2.13 The Premises Licence Holder shall ensure that consumption of alcohol is restricted to the areas identified on the plan of the premises attached to the premises licence.

2.14 The Premises Licence Holder shall ensure that signage shall be prominently displayed and maintained on the licensed premises advising customers and staff of any relevant crime and disorder issues, age restrictions and conditions of entry to the licensed premises.

2.15 The Premises Licence Holder shall ensure that a secure deposit box is kept on the premises for the retention of confiscated items and ensure that the police are advised of any items which require safe disposal.

2.16 Toilet areas shall be checked at least once every half hour (30 minutes) whilst the premises are open for licensable activities. A 'toilet-check' log book shall be legibly and accurately endorsed to this effect and made available to police or an authorised officer of the licensing authority immediately upon request. Staff shall be diligent to monitor toilet areas for signs of, and to prevent, drug taking, as well as public safety issues. This may include treating surfaces to reduce their potential for drug use.

2.17 The Premises Licence Holder shall ensure that all drinks shall be made available, or decanted at the bar into, plastic or polycarbonate drinking vessels. Customers shall not be permitted to drink from glasses. This condition shall not apply to 1oz shot glasses which may be semi-toughened (moulded glass).

2.18 The Premises Licence Holder shall ensure that CCTV shall be installed and maintained at the licensed premises provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions (particularly facial recognition). Cameras shall encompass all internal areas, all entrance and exit points to the premises, fire exits, outside areas (including designated smoking areas and car park area) and all recordings shall also be made a minimum of 30 minutes before and 30 minutes after the times when the public are on the premises. CCTV equipment shall be maintained in good working order and be correctly time and date stamped. Recordings shall be kept in date order, numbered sequentially and kept for a minimum period of 28 days and made available to an authorised officer of the Police or the Licensing Authority upon reasonable request and in any event within 24 hours.

2.19 The Premises Licence Holder shall ensure that at all times an appointed member of staff is capable of and competent at downloading CCTV footage in a viewable format onto disc or storage device, which shall be made available to the Police or Local Authority within 36 hours of a request. The recording equipment and media shall be kept in a secure environment under the control of a responsible named individual. In the event of any system failings, actions taken are to be recorded. In the event of technical failure of the CCTV equipment the Premises Licence Holder/Designated Premises Supervisor shall report the failure to the

Police and Licensing Authority immediately. It should be noted that any retention, use (including siting of cameras) or disclosure of personal information captured on CCTV must be carried out in line with data protection principles which shall override any conflicting element of this condition or condition 2.18.

2.20 The Premises Licence Holder shall operate a 'driver's shelf' selection of non-alcoholic beverages, and display signage to remind patrons to not drink and drive.

2.21 An incident book(s)/refusals book shall be kept and maintained on the premises at all times. The book(s) shall detail all incidents of injury/ejection/refusals/drug misuse/seizure/age challenge. Such matters shall be timed, dated and signed by the author and produced to Police or an authorised officer of the Licensing Authority on demand. In the case of refusals register, there shall be one at each bar area, or any other area utilised for the supply of alcohol.

2.22 The Premises Licence Holder shall ensure that the incident book shall be kept at the premises for a minimum period of six months from the final entry date, after which the register shall be kept in accordance with data retention principles, and shall record the following matters:

- All crimes reported to the venue, or by the venue to the police;
- All ejections of patrons;
- Any complaints received;
- Any incidents of disorder;
- Seizures of drugs, offensive weapons, fraudulent ID or other items;
- Any faults in the CCTV system or searching equipment or scanning equipment;
- Any refusal of the sale of alcohol; and
- Any visit by a relevant authority or emergency service.

### **Public Safety**

2.23 The Premises Licence Holder shall ensure that any special effects or any mechanical installation are stored and operated so as to minimise any risk to the safety of the audience, staff or performers. Staff on duty shall monitor patrons and be vigilant to persons attempting to climb poles, balconies, speakers and other fixtures and fittings.

2.24 The Premises Licence Holder shall ensure that guidance is sought from the relevant responsible authority prior to the use of any explosives, pyrotechnics, fireworks, smoke, foam or devices of a similar nature so as to promote the public safety objective.

2.25 The Premises Licence Holder shall ensure that at all times whilst the public are present there is at least one competent person able to administer first aid, and that an adequate and appropriate supply of first aid equipment and materials is available on the premises.

Adequate records shall be maintained in relation to the supply of any first aid treatment.

2.26 The Premises Licence Holder shall ensure that the maximum capacity of persons using smoking areas shall be determined in a written risk-assessment which is approved by the Designated Premises Supervisor (DPS). Staff shall be tasked to monitor and enforce this capacity. The risk-assessment shall be made available immediately upon request to an officer of the Local Authority or the Police.

### **Prevention of Public Nuisance**

2.27 The Premises Licence Holder shall ensure that waste receptacles used at the licensed premises shall be lidded and maintained in a clean condition and that litter and waste, including smoking related litter, shall be regularly cleared from the immediate vicinity of the licensed premises.

2.28 Notices shall be prominently displayed and maintained at exit points from the licensed premises alerting patrons of the need to leave the premises and the area quietly and to avoid disturbance to neighbouring properties.

2.29 The Premises Licence Holder shall ensure that adequate lighting is provided to external areas of the licensed premises during the hours of darkness at times when any licensable activity takes place on the premises. The premises licence holder shall ensure that flashing or particularly bright lights on or outside the licensed premises do not cause a nuisance to nearby properties.

2.30 The Premises Licence Holder shall ensure that, with the exception of the main front entrance doors, all doors and windows at the licensed premises, including internal lobby doors, shall be kept closed save for ingress or egress whilst the premises are open to the public for licensable activities - in order to minimise any noise escape. All such doors shall be fitted with self-closing devices.

2.31 Any cooler, condenser or ventilation/extraction systems used at the premises shall be positioned, sound attenuated and operated so as to minimise any risk of public nuisance being caused to neighbouring properties.

2.32 The Premises Licence Holder shall ensure that a reasonable competent individual shall, hourly, survey noise breakout from the licensed premises whilst regulated entertainment is being provided. Where the noise or vibration level is such that it is likely to cause disturbance to residential properties, he/she shall decrease the volume level accordingly. Where excessive noise is detected, details of the checks, including date, times and actions taken, are to be logged in a logbook and kept on the licensed premises for a minimum of 2 (two) years. The logbook shall be made available to an authorised officer of the Licensing Authority or Responsible Authority immediately upon request.

2.33 The volume control of any amplification equipment being used on the licensed premises shall be kept under the direct control of the Designated Premises Supervisor (DPS)/manager, or another responsible individual nominated by the DPS, on all occasions. At the direct request of an authorised officer of the local authority or Police, the volume level shall be decreased immediately.

### **Protection of Children from Harm**

2.34 The Premises Licence Holder shall ensure that no person under the age of 18 shall be permitted on the licensed premises at any time whilst alcohol is on sale or display.

2.35 At no time whilst the licensed premises are open shall persons under the age of 18 be permitted to be in attendance whilst 'adult entertainment' is taking place. For this purpose 'adult entertainment' means relevant entertainment as defined by the Local Government (Miscellaneous Provisions) Act 1982 (as amended).

- For sixth-form or similar pre-booked school functions for 16-18 year olds, alcohol shall only be sold or supplied to persons aged 18 or over in an area of the premises which is suitably and sufficiently separated and supervised to ensure that persons under the age of 18 are not able to purchase or consume alcohol.

- All pre-booked functions intending to involve 16 to 18 year olds shall be subject to a risk assessment, which shall be done in consultation with the Police giving at least 14 days' notice.

- All pre-booked school or sixth-form functions shall apply to the whole of the premises and not just part thereof, so that other functions or licensed activities are not taking place in the venue at the same time.

2.36 The premises licence holder shall operate a 'Challenge 25' proof of age scheme at the



licensed premises. Bar staff and, where used, door staff shall request production of a proof of age photographic identity document where the individual seeking admission to the venue, or requesting sale of alcohol by retail appears to be under the age of 25 years. For these purposes acceptable forms of identity shall be a passport, driving licence or pass/similar accredited photo-identity card.