

CITY OF  
WOLVERHAMPTON  
COUNCIL

# Statutory Licensing Sub-Committee

Wednesday, 3 June 2020

Dear Councillor,

## STATUTORY LICENSING SUB-COMMITTEE - WEDNESDAY 3 JUNE 2020

I am now able to enclose, for consideration at next Wednesday 3 June 2020 meeting of the Statutory Licensing Sub-Committee, the following documents that were unavailable when the agenda was printed.

<b>Agenda No</b>	<b>Item</b>
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- |   |   |
|---|---|
| 3 | <u><b>Licensing Act 2003 – Application for a Premises Licence in Respect of Bogart's, 22-23 Queen Square, Wolverhampton, WV1 1TQ (Pages 3 - 22)</b></u> |
|---|---|

If you have any queries about this meeting, please contact the Democratic Services team:

**Contact** Kirsty Tuffin  
**Tel** 01902 552873  
**Email** [kirsty.tuffin@wolverhampton.gov.uk](mailto:kirsty.tuffin@wolverhampton.gov.uk)  
**Address** Democratic Services, Civic Centre, First floor, St Peter's Square,  
Wolverhampton WV1 1RL

Encs

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**Mediation with Bogarts**

Agenda Item No: 3

**Agreed in black, not agreed in red**

**CRIME AND DISORDER**

*Doorstaff, when required, will be SIA registered, wear high visibility attire and have badges displayed overtly.*

*Doorstaff will be on site each Friday and Saturday from 22:00 at a minimum ratio of 1:75. They will also be on site during WWFC home matches for two hours before kick off and two hours after the final whistle.*

*One member of doorstaff will be female.*

*The premises will maintain a high definition CCTV system. All public areas of the licensed premises, including all public entry and exit points, areas where door staff conduct searches and the street environment will be covered. The CCTV cameras shall continually record while the premises are conducting licensable activity and when open to the public and recordings shall be kept available and unedited for a minimum of 28 days with the date and time stamping.*

*A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public and must be able to produce/download/burn CCTV images upon request by a police officer or an authorised officer of the licensing authority. Where the recording is on a removable medium (ie. compact disc, flash card etc), a secure storage system to store those recording mediums shall be provided by the venue.*

*A door staff log book will be kept on site which every member of the door team is required to sign at the commencement of their duties, providing date, start time, name, badge number and date of birth.*

*A paginated incident log shall be kept at the premises for at least 12 months, and made available, on request, to any representative of a responsible authority.*

*The 'incident log' will record the following and include pertinent details:*

*All crimes reported to the venue, or by the venue to the police*

- *All ejections of patrons*
- *Any criminal complaints received*
- *Any incidents of disorder*
- *Seizures of drugs, offensive weapons, fraudulent ID or other items*
- *Any faults in the CCTV system, searching equipment or scanning equipment*
- *Any refusal of the sale of alcohol*
- *Any visit by a relevant authority or emergency service*

*All staff involved in the sale of alcohol shall be trained in Challenge 25*

- Recognising signs of drunkenness,
- How to refuse service,
- The premises' duty of care,
- Company policies and reporting procedures,
- Action to be taken in the event of an emergency, including the preservation of a crime scene and reporting an incident to the emergency services,
- The conditions in force under this licence.

Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than 12 monthly intervals. Training records shall be made available for inspection upon request of any RA.

*The premises shall display prominent signage indicating at all points of sale and at the entrance to the premises that the Challenge 25 scheme is in operation.*

*All staff will be trained in 'emergency procedures' to ensure understanding of actions required in the event of an emergency including evacuation procedure and muster points, ensuring entrance and exit points are clear and accessible, and operation of fire alarm systems.*

*Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than 12 monthly intervals. Training records shall be made available for inspection upon request of any responsible authority.*

*The premises licence holder shall ensure that at all times when the public are present there is at least one competent and fully trained person able to administer first aid, that an adequate and appropriate supply of first aid equipment and materials is available on the premises, and that adequate records are maintained in relation to the supply of any first aid treatment.*

The premises will participate in the local link radio scheme, and ensure that they have at least one fully functional link radio at all times when the premises is open for licensable activity.

**West Midlands Police Licensing will receive full details of all events including DJ's and any other performers, with at least 14 days notice so that a full risk assessment can be made.**

The premises will adhere to the door/search policy written by the premises. If/when changes are made to this policy these are to be forwarded to Wolverhampton Police Licensing to update records.

There will be a last entry time 30 minutes prior to the sale of alcohol ceasing.

The request for off sales to be removed from this application

**From:** Stephanie Reynolds  
**Sent:** 23 April 2020 08:36  
**To:** 'Shaun Keasey'  
**Subject:** RE: [External]: RE: New Licence Application

Shaun,

1.16 Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as “must”, “shall” and “will” is encouraged. Licence conditions;

- must be appropriate for the promotion of the licensing objectives;
- must be precise and enforceable;
- must be unambiguous and clear in what they intend to achieve;

The reason it is encouraged is for the above reasons.

Your door policy clearly states that there will be a search policy of all persons, how could this be maintained if there were no female door staff? How would this be upholding the licensing objectives?

Conditions must be enforceable and precise, which is why I have amended some of the wording you had submitted, in order to ensure that they conform with the Sec 182 guidance.

In relation to the CIZ, it is up to you as the applicant to evidence how you will not contribute to the CI, there is no mention of “the spirit” of the licensing act.

Please see below another amended version for your consideration.

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- *The conditions in force under this licence.*

*Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than 12 monthly intervals. Training records shall be made available for inspection upon request of any RA.*

*The premises shall display prominent signage indicating at all points of sale and at the entrance to the premises that the Challenge 25 scheme is in operation.*

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The premises will participate in the local link radio scheme, and ensure that they have at least one fully functional link radio at all times when the premises is open for licensable activity.

West Midlands Police Licensing will receive full details of all events including DJ's and any other performers, with at least 14 days notice so that a full risk assessment can be made.

The premises will adhere to the door/search policy written by the premises. If/when changes are made to this policy these are to be forwarded to Wolverhampton Police Licensing to update records.

Regards,

Steph Reynolds  
PS 6222  
Licensing  
Partnerships Team  
WV NPU  
External Tel 01902 649 085  
Internal Tel 871 3196

**From:** Shaun Keasey [REDACTED]  
**Sent:** 22 April 2020 14:23  
**To:** Stephanie Reynolds  
**Cc:** WV Licensing; [REDACTED]  
**Subject:** Re: [External]: RE: New Licence Application

Steph,

Thanks for your email and hope you're well.

Please find my response to your email of 22/4 at 12.13pm below.

You stated in your email of 20/4 at 10.30am 'hopefully we can mediate.'

I believe the adaptations of our original proposals for license condition (b) Crime and Disorder demonstrated our willingness to accommodate your concerns.

Unfortunately your reply is not, we believe, mediation, rather an insistence that we word our application under your instructions.

This is not in the spirit of licensing applications.

The license, in the spirit of the act, needs to be workable.

S182 guidance 1.16 states "The use of wording such as "must", "shall" and "will" is **encouraged**."

I believe it uses the word 'encouraged' rather than 'essential' because it is understood that not all operational issues are absolute.

For example...

Quite rightly the application states that "Doorstaff **will** be on site," "The premises **will** maintain a high definition CCTV system," "A doorstaff logbook **will** be kept on site" and "All staff involved in the sale of alcohol **will** be trained in Challenge 25."

These conditions are absolute and should be enforceable.

However...

"**Where available** the second member of doorstaff will be female" and "The premises license holder shall ensure that at all times, **where practically possible**...there is at least one competent...person able to administer first aid."  
"

...are examples of good working practise that promote the licensing objectives but can be affected by day to day events such as illness or other immediate situations.

If required even these can be 'enforced' by an examination of rota's and Door Staff Log Books.

As an experienced operator in Wolverhampton I can, with a degree of confidence, state that female doorstaff **are not** always available through SIA companies.

The same applies for First Aid trained staff. We could indeed 'train a number of staff' but that doesn't mean that there will always be one available.

None of the statements are, I believe, ambiguous, but do promote the licensing objectives, are enforceable where necessary, and demonstrate good working practise where appropriate.

I am happy for the disclosed dress code/door & search policy to be included for reference, but not as part of the operating schedule as it will adapt as the business becomes established.

I am aware that the site is within a Cumulative Impact Zone.

Over the past few years Wolverhampton has seen a massive decline in the number of venues available. I do not believe that the addition of a coffee/cocktail bar will have a detrimental effect on the cumulative impact of licensed venues within the city centre.

We are happy that our revised condition is within the spirit of the licensing act.

With best wishes,

Shaun



**From:** Stephanie Reynolds <[s.a.reynolds@west-midlands.pnn.police.uk](mailto:s.a.reynolds@west-midlands.pnn.police.uk)>

**Date:** Wednesday, 22 April 2020 at 12:13

**To:** 'Shaun Keasey' <[REDACTED]>

**Cc:** WV Licensing <[wv\\_licensing@west-midlands.pnn.police.uk](mailto:wv_licensing@west-midlands.pnn.police.uk)>

**Subject:** RE: [External]: RE: New Licence Application

Shaun,

I have reviewed your proposals based on what I suggested.

I am not concerned regarding the dress code, it was something you implied, therefore I wanted to know if this was going to be a condition of entry.

Regarding the pavement area outside for off sales. It is impossible for me to assess this matter as this is not in the plans, and as you have stated has not been approved as yet. Therefore a suggestion would be that off sales and the reference to the outdoor area be removed from this application. Once this has been granted the licence can be varied.

In relation to the wordings on the licence, as I stated, they need to be enforceable, so words such as where possible or practical are not sufficient.

If a female member of door staff is not available, then there are plenty of SIA companies that you could use. This has never been an issue with any other venue that I am aware of. The same would go if they were to go sick, a replacement could be found.

The same process is available for First Aid trained staff, you could train a number of staff, so should one call in sick etc, there is another one.

This is about promoting the licensing objectives, whilst having conditions that are enforceable and not ambiguous.

There should always be a contingency plan, rather than looking at the licence conditions as being too prescriptive.

### **S182 Guidance 1.16 Licence conditions – general principles**

1.16 Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as “must”, “shall” and “will” is encouraged. Licence conditions;

- must be appropriate for the promotion of the licensing objectives;
- must be precise and enforceable;
- must be unambiguous and clear in what they intend to achieve;
- should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
- must be tailored to the individual type, location and characteristics of the premises and events concerned;
- should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
- should not replicate offences set out in the 2003 act or other legislation;
- should be proportionate, justifiable and be capable of being met;
- cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
- should be written in a prescriptive format

My question regarding the necessity of your requested opening hours Sunday – Thursday is a simple question. What are the reasons for requesting those hours on those days please?

You have made no reference to this application being in a CIZ, as you may or may not be aware....

The effect of a Cumulative Impact Policy is the rebuttable presumption that any application for a new or varied licence will be refused where premises are located within the area covered by the policy unless the applicant is able to demonstrate, through evidence, that the granting of a new or varied licence will not add to the cumulative effect currently experienced or undermine promotion of the licensing objectives.

I also think it is pertinent to include on the operating schedule a copy of your disclosed Dress Code/Door & Search Policy for reference.

In light of all the above my proposals for conditions remain...as below.

### **CRIME AND DISORDER**

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One member of doorstaff will be female.

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All crimes reported to the venue, or by the venue to the police

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West Midlands Police Licensing will receive full details of all events including DJ's and any other performers, with at least 14 days notice so that a full risk assessment can be made.

Regards,

Steph Reynolds  
PS 6222  
Licensing

**From:** Shaun Keasey [REDACTED]  
**Sent:** 20 April 2020 13:08  
**To:** Stephanie Reynolds  
**Cc:** [REDACTED]  
**Subject:** RE: [External]: RE: New Licence Application

Hi Steph,

Hope you're well.

Firstly to answer some specific points:

The dress code I stated was 'Dress to Impress' and means exactly what it says. The style of dress is unimportant as it could be interpreted in many ways.

The pavement area will be applied for separately once it is possible to liaise with representatives of WCC and Wolverhampton BID to determine appropriate dimensions.

Your question re: the necessity for the opening hours requested Sunday to Thursday is puzzling. Would you clarify.

The use of 'where possible' and 'should' are very relevant as this license will be a working document that demonstrates and promotes good practise. Not all things are absolute at all times...

- *a female member of doorstaff may not be available at all times, or may have to leave with an illness*
- *a first aid trained member of staff may have to leave with an illness, or call in sick at late notice*

**Were these two examples to happen, an 'absolute' condition would force the business to close.**

Please find my rewording of license condition (b) Crime and Disorder below:

### **CRIME AND DISORDER**

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*Doorstaff will be on site each Friday and Saturday from 22:00 at a minimum ratio of 1:75. They will also be on site during WWFC home matches for two hours before kick off and two hours after the final whistle.*

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*A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times where practically possible when they are open to the public and must be able to produce/download/burn CCTV images upon request by a police officer or an authorised officer of the licensing authority. Where the requested recording is on a removable medium (ie. compact disc, flash card etc), a secure storage system to store those recording mediums shall be provided by the requester.*

*A door staff log book will be kept on site which every member of the door team is required to sign at the commencement of their duties, providing date, start time, name, badge number and date of birth.*

*A paginated incident log shall be kept at the premises for at least 12 months, and made available, on request, to a representative of a responsible authority.*

*The 'incident log' will record the following:*

*All crimes reported by the venue to the police*

- *Any incidents of disorder*
- *Seizures of drugs, offensive weapons, fraudulent ID or other items*
- *Any faults in the CCTV system, searching equipment or scanning equipment*
- *Any refusal of the sale of alcohol*
- *Any visit by a relevant authority or emergency service*

*All staff involved in the sale of alcohol will be trained in 'Challenge 25' to ensure that no person who appears intoxicated or under the age of 18 is served alcohol. This training is to be documented and refreshed every 12 months.*

*All staff will be trained in 'emergency procedures' to ensure understanding of actions required in the event of an emergency including evacuation procedure and muster points, ensuring entrance and exit points are clear and accessible, and operation of fire alarm systems.*

*Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than 12 monthly intervals. Training records shall be made available for inspection upon request of any responsible authority.*

*The premises shall display prominent signage indicating at all points of sale and at the entrance to the premises that the Challenge 25 scheme is in operation.*

*The premises licence holder shall ensure that at all times, where practically possible, when the public are present there is at least one competent and fully trained person able to administer first aid, that an adequate and appropriate supply of first aid equipment and materials is available on the premises, and that adequate records are maintained in relation to the supply of any first aid treatment.*

**Please also find attached a copy of our proposed Door Policy.**

I believe the above is a fair, professional and workable statement and look forward to your representation being withdrawn.

With best wishes,

Shaun

**From:** [Shaun Keasey](#)

**Sent:** 20 April 2020 11:14

**To:** [Stephanie Reynolds](#)

**Subject:** RE: [External]: RE: New Licence Application

Steph,

Thanks for your response.

We are happy to discuss and develop the application, however, your re-wording of Licensing Objectives section (b) The Prevention of Crime and Disorder appears to be draconian and overly prescriptive.

I will read through in more detail and amend to a position I feel is more appropriate and forward to you.

With best wishes,

Shaun

**From:** [Stephanie Reynolds](#)  
**Sent:** 20 April 2020 10:30  
**To:** [Shaun Keasey](#)  
**Subject:** RE: [External]: RE: New Licence Application

Shaun,

Thanks for the below email.

I have made representations to the Licensing Team regarding this application, but hopefully we can mediate to accommodate these concerns.

What is your search policy and can we have a copy of it please?  
You mentioned in the below email about a dress code, is there a condition of entry re dress code please? If so can I have a copy of it please?  
You make reference to off sales for the outdoor pavement area. I cannot see this area on the plans. Is this a seated area at the front/rear of the premises?  
Also what is the necessity for the opening hours requested Sunday to Thursday?

I have some concerns that the operating schedule that you submitted is not appropriate or manageable as it contains words such as "where possible and should". As you are aware these are not enforceable when used in such context.

I have detailed below alteration to the wordings that you have submitted in your application.

Please read through and come back to me if you have any concerns. I am not back in the office until Wednesday, so it will have to be via email.

### **CRIME AND DISORDER**

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The premises will participate in the local link radio scheme, and ensure that they have at least one fully functional link radio at all times when the premises is open for licensable activity.

West Midlands Police Licensing will receive full details of all events including DJ's and any other performers, with at least 14 days notice so that a full risk assessment can be made.

Regards,

Steph Reynolds  
PS 6222  
Licensing

**From:** Shaun Keasey [REDACTED]  
**Sent:** 15 April 2020 14:48  
**To:** Stephanie Reynolds <[s.a.reynolds@west-midlands.pnn.police.uk](mailto:s.a.reynolds@west-midlands.pnn.police.uk)>  
**Subject:** [External]: RE: New Licence Application

**CAUTION:** This email originated from outside of West Midlands Police. Do not click links or open attachments unless you are sure the content is safe.

Steph,

Hope you're well.

Thanks for your email.

The venue is to be called 'Bogart's' (after Humphrey Bogart) and the interior theme will be chic and classy with a single bar and seated areas building towards a small area with a grand piano. Classic Hollywood stars will be displayed through pictures, prints and video displays.

The focus throughout the day will be on coffees, beers, wines and snacks. There will be occasional live music from a pianist or small live group.

From late evening into the night it will operate as a 'funky and chic' cocktail bar with the focus on good company and enjoyment.

The main evening music policy will be 'Disco Funk' such as:

[https://www.youtube.com/watch?v=e\\_kzpx1m6jQ&fbclid=IwAR0PcwcJFISntrVXP3Z99htXdthXBCnIYUV6LXg7\\_rP52jWYo8vlhe\\_5lyQ](https://www.youtube.com/watch?v=e_kzpx1m6jQ&fbclid=IwAR0PcwcJFISntrVXP3Z99htXdthXBCnIYUV6LXg7_rP52jWYo8vlhe_5lyQ)

&

<https://www.youtube.com/watch?v=FCKjoI4CTxk>

Proposed initial opening times will be Sunday-Thursday 10:00-02:30, Friday & Saturday 10:00-03:30. This will no doubt be amended as trade patterns clarify.

We will be operating a classic clientele policy of 'dress to impress...' especially during later hours. 'Challenge 25' will, of course, be implemented.

Should you require any further information please do not hesitate to contact me.

With best wishes,

Shaun

**From:** [Stephanie Reynolds](#)

**Sent:** 15 April 2020 14:17

**To:** '[Shaun Keasey](#)'

**Subject:** New Licence Application

Shaun,

I have received your application. Can I have some information as to what this premises will be please?

Is it a nightclub or bar is it set at a specific genre/entertainment etc, who are your targeted clientele?

Some more information would be helpful please, along with proposed opening days/times.

Many thanks,

Steph Reynolds





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**From:** Shaun Keasey [REDACTED]  
**Sent:** 13 May 2020 15:55  
**To:** Stephanie Reynolds <s.a.reynolds@west-midlands.pnn.police.uk>  
**Cc:** [REDACTED]  
**Subject:** [External]: RE: New Premises Licence Application

**CAUTION:** This email originated from outside of West Midlands Police. Do not click links or open attachments unless you are sure the content is safe.

Steph,

The date for the hearing has been set for Wednesday 3<sup>rd</sup> June at 10am.

As you state below we can, however, discuss.

I am proposing the following to enable you to withdraw your representation:

CIZ – We understand the venue is with the CIZ.  
Sun-Thurs opening hours – The business plan includes opening until 3am, 7 days a week.  
Female door staff – The Prince Albert Premises License states that a female should be used ‘when practically possible.’ This license will mirror.  
Requirement for police to provide medium to download CCTV footage - Happy to amend that (as long as mediums are returned.)  
Link radio – It is not part of our business plan due to cost but can be added if required  
Informing WMP licensing of events – The venue will not be holding ‘events’ as it is not a club.  
Off sales – We will remove the ‘off sales’ part  
Last entry time – Neither of our other venues has a ‘last entry time’ however I am willing to insert 02:30 for new customers if it helps.

I believe we have gone a long way and hope you will reciprocate.

With best wishes,

Shaun

Sent from [Mail](#) for Windows 10

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**From:** Stephanie Reynolds <s.a.reynolds@west-midlands.pnn.police.uk>  
**Sent:** Monday, May 4, 2020 1:52:47 PM  
**To:** Shaun Keasey <[REDACTED]>  
**Subject:** New Premises Licence Application

Shaun,

As we have been unable to successfully mediate to a satisfactory outcome for both parties, then formal representations have been submitted to the Licensing Authority today, which was the last day for them to be submitted.

This does allow a further 28 days to continue with mediation before any scheduled hearing date.

I have detailed the following as issues not detailed/resolved.

CIZ

Sun-Thurs opening hours

Female door staff

Requirement for police to provide medium to download CCTV footage

Link radio

Informing WMP licensing of events

Off sales

Last entry time

Regards

Steph Reynolds

PS 6222

Licensing

**From:** [Stephanie Reynolds](#)

**Sent:** 04 May 2020 13:52

**To:** [Shaun Keasey](#)

**Subject:** New Premises Licence Application

Shaun,

As we have been unable to successfully mediate to a satisfactory outcome for both parties, then formal representations have been submitted to the Licensing Authority today, which was the last day for them to be submitted.

This does allow a further 28 days to continue with mediation before any scheduled hearing date.

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CIZ

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Regards

Steph Reynolds

PS 6222

Licensing

## **Bogart's Bar**

### **Dress Code / Door & Search Policy**

100% search policy (Male & Female) after 22:00 on Friday & Saturdays.

No one must enter the premises after 22:00 on Friday & Saturdays without undergoing a search to include pat down, visual inspection of bags, and use of metal detecting wand

The dress code at Bogart's is 'Dress to Impress!'

There are, however, the following restrictions:

*Chains are to be taken off or tucked inside clothing*

*Baseball caps are to be removed when entering the premises*

*No woolly hats that pull over face*

*No joggers after 22:00 on Friday & Saturdays*

Anything you are unsure about, please clarify with management.

*All security are required to be friendly and approachable at all times by Gorgeous Staff and its Customers*

### **Security Log Book and Incident Reporting**

All door and security staff must sign in using the Security Log Book.

All incidents must be reported in the incident book.

Details must include:

- Time of incident
- A brief description
- What action was taken
- What staff were involved
- Were emergency services required and called

All incidents should be logged as soon as possible.

Capacity checks must be completed regularly after 22:00 on Friday & Saturdays and updated in the Door Security Log.

### **Close down – dispersal policy**

20 minutes prior to closing the music volume will lower and then stop.

When the venue has finished trade, a member of management will give the direction to start asking the customers to leave. No customer is to be approached until this has been directed.

All security should assist with dispersing the crowd in a polite and friendly manner.

All empty glasses and bottles should be cleared.

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