LICENSING SUB – COMMITTEE

26 June 2007

Report of the Head of Legal Services

Contact Officer: John Myall. Tel No: 01962 848443

Application:

Application to vary the premises licence to specify an individual as the designated premises supervisor under the Licensing Act 2003

Premises:

Fulflood Arms 28 Cheriton Road Winchester

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Part A.

1. Application

Applicant: Greene King Brewing and Retailing Limited

Premises: Fulflood Arms

- 1.1 This application is to vary the premises licence for the Fulflood arms by changing the Designated Premises Supervisor from Ken Joyce to Ian Daniels.
- 1.2 Mr Daniels holds a personal licence issued by Bournemouth Borough Council.
- 1.3 The Chief Constable of Hampshire Constabulary has objected to the variation on the grounds that it would undermine the crime prevention objective.
- 1.4 At 0016 and 0021 hours on Wednesday 25 April 2007, the Police received reports of a fight at the premises. On their arrival, they found the glass in the front door smashed and blood on the floor. Ian Daniels identified himself to Police as the "landlord." He was in drink and had sustained injuries as a result of an alleged fight with another male. Licensable activities at the premises cease at 2300 hours on a Wednesday.
- 1.5 No formal action was taken against any person in relation to the incident.
- 1.6 The Police contend that owing to this incident, Mr Daniels is not a fit and proper person to be in day to day control of the premises.

Designated Premises Supervisor

Ken Joyce

Notice of Hearing

Notices of the hearing were sent to all Parties on 1 June 2007.

Relevant Representations

2. Responsible Authorities

Hampshire Constabulary has been served with a copy of the application and has made representations regarding crime and disorder associated with the premises. They are concerned that the proposed designated premises supervisor is not a suitable person owing to an incident which occurred at the premises on 25 April 2007.

4. Observations

The Sub-Committee is obliged to determine this application with a view to promoting only one Licensing Objective:

• The prevention of crime and disorder

In making its decision, the Sub-Committee is also obliged to have regard to the National Guidance and the Council's Licensing Policy.

The Sub-Committee must have regard to the representations made by the Police and the applicant.

The Sub-Committee must take such of the following steps it considers necessary to promote the Crime and Disorder Licensing Objective:

- 1. Grant the applications, or
- Reject the application.

The decision made under 2 above must actually be necessary to promote the Licensing Objective. The Sub-Committee must give reasons for either decision.

Human Rights

It is considered that Articles 6 (right to a fair trial) 8 (right to respect for private and family life) and Article 1 of the First Protocol (right to peaceable enjoyment of possessions) may be relevant. As there is a right of appeal to the Magistrates' Court, it is considered that there would be no infringement of Article 6. Article 8 is relevant, insofar as the nearby residents could claim that this right would be infringed by disturbance from customers. This should be balanced against the applicants' right to use of their premises under Article 1 of the First Protocol. Interference with these rights is permitted, where this interference is lawful, necessary in a democratic society, and proportionate. Likewise, the residents may argue that their rights under Article 1 of the First Protocol would be infringed. If conditions are imposed, there should be no interference with any convention rights. To the extent that any interference may occur, it would be justifiable in a democratic society, and proportionate.

5. Conditions

If the application to transfer is granted, there may be no amendments to the conditions attached to the licence, and no further conditions may be added.

6. Other Considerations

Corporate Strategy (Relevance To:)

This report covers issues which affect the principles of "safer and more inclusive communities" and "safeguarding our high quality environment for the future."

Resource Implications

There are no resource implications in relation to this application.

Appendices

- 1. Application by Greene King Brewing and Retailing Limited
- 2. Representations by Responsible Authorities

Application to vary a premises licence to specify an individual as designated premises supervisor 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.

records.
ses licence to specify supervisor under
map reference or
Post code (if known) SO22 5EF

Part 2

Full name of proposed designated premises supervisor lan Daniels	
Personal licence number of proposed designated premises supervisor and issuing authority of that licence (if any) BH17837 Bournemouth B.C	i
Full name of existing designated premises supervisor (if any) Ken Joyce	
Please tic	k yes
I would like this application to have immediate effect under section 38 of the Licensing Act 2003	3
I have enclosed the premises licence or relevant part of it	\leq
(If you have not enclosed the premises licence, or relevant part of it, please give reasons why not)	•
Reasons why I have failed to enclose the premises licence or relevant part	of it
Please tic	k yes
 I have made or enclosed payment of the fee i will give a copy of this application to the chief officer of police I have enclosed the consent form completed by the proposed premises supervisor 	$\boxtimes \boxtimes$
 I have enclosed the premises licence, or relevant part of it or explanation I will give a copy of this form to the existing premises supervisor, if any I understand that if I do not comply with the above requirements my 	

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

application will be rejected

Part 3 – Signatures (please read guidance note 2)

Signature of applicant or applicant's so (See guidance note 3). If signing on behacapacity.	
Signature	
Date 24 May 200	
Capacity Commercial Manager	
For joint applicants signature of 2 nd app authorised agent (please read guidance r applicant please state in what capacity.	
Signature	
Date	
Capacity	
Contact name (where not previously give correspondence associated with this applied Joe Pattison (Commercial Manager Greene King Pub Partners Licensing Department Abbot House Westgate Brewery	plication(please read guidance note 5)
Post town Bury St. Edmunds	Post Code IP33 1QT
Telephone number (if any) 01284 76322	2
If you would prefer us to correspond wit (optional) licensingpp@GreeneKing.co.uk	h you by e-mail your e-mail address

Guidance notes

- 1. Describe the premises. For example the type of premises it is.
- 2. The application form must be signed.
- 3. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
- 4. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
- 5. This is the address which we shall use to correspond with you about this application.

Consent of individual to being specified as Premises Supervisor

1, Ian Daniels of 2% (MER) REMO WINGER TO
hereby confirm that I give my consent to be specified as the Designated Premises Supervisor in relation to the application for the grant by Greene King Brewing &
Retailing Limited relating to a Premises License for the Fulflood Arms, 28 Cheriton Road, Winchester, Hampshire, SO22 5EF and any Premises License to be granted
or varied in respect of this application made by Greene King Brewing & Retailing Limited concerning the supply of alcohol at the Fulflood Arms, 28 Cheriton Road,
Winchester, Hampshire, SO22 5EF
to the state of th
I also confirm that I am applying for, intend to apply for or currently hold a Personal Licence, details of which I set out below.
Personal Licence Number (insert Personal Licence Number, if any)
BH17837
Personal Licence issuing Authority (Insert name, address and telephone no. of Personal Licence issuing Authority)
Bournemouth Borough Council
1 Name (Please Print)
3 - 0 - bl Date of Birth
21-5-07 Dated



Premises Licence

Dramicas	1:	Mirrorban
Premises	IICANCA	MILLANDER

PREM217

05/01152/LAPRMV

Part 1 - Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

Fulflood Arms 28 Cheriton Road Winchester Hampshire SO22 5EF

Telephone number

Where the licence is time limited the dates

Licensable activities authorised by the licence

- e) Live Music
- f) Recorded Music
- m) Supply of Alcohol

Times the licence authorises the carrying out of licensable activities

- e) Live Music
- f) Recorded Music

(i) Friday to Sunday

1900 to 2300

(ii) Bank Holidays

1100 to 0100

- m) Supply of Alcohol
 - (i) Monday to Thursday

1100 to 2300

(ii) Friday and Saturday 1100 to 0000

(iii) Sunday 1200 to 2300

(iv) Christmas Eve, 1100 to 0100 Christmas Day, Easter Saturday, Easter Sunday and Bank Holidays

In respect to (i) and (ii) above, the hours may be extended by one hour before and after in respect of major TV sporting events, provided the applicant gives seven working days notice to the Licensing Authority and Police and no objection is raised.

The opening hours of the premises

(i) Monday to Thursday 1100 to 2320

(ii) Friday and Saturday 1100 to 0030

(iii) Sunday 1200 to 2320

(v) Christmas Eve, 1100 to 0120 Christmas Day, Easter Saturday, Easter Sunday and Bank Holidays

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol is supplied for consumption both on and off the Premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Greene King Brewing And Retailing Abbot House Bury St Edmunds Suffolk IP33 1QT

Registered number of holder, for example company number, charity number (where applicable)

Registered Company Number

3298903

Registered Charity Number

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Ken Joyce 15 Quarry Road Colehill Wimborne Dorset BH21 2NP

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Personal Licence Number

PA0380

Licensing Authority

East Dorset District Council

City Secretary and Solicitor

Annex 1 - Mandatory conditions

- 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.
- 2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Annex 2 – Conditions consistent with the Operating Schedule

See Annex 3

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

Crime and Disorder

- 1. All staff shall be trained to monitor all trading areas and report any suspicious incidents, criminal activity or disorder.
- 2. The premises shall be a member of a local Pubwatch scheme if available

Public Safety

1. There shall be no consumption of drinks from bottles in the outside drinking areas.

Public Nuisance

- 1. Whilst music is being played as part of regulated entertainment, the licensee or appointed member of staff shall check periodically that noise levels are acceptable. Such monitoring shall be carried out at the boundary of the premises to ensure that local residents are not likely to be disturbed.
- 2. Prominent, clear notices shall be displayed at all exits requesting customers to respect the needs of local residents, to leave the premises and the area quietly.
- Staff shall be given appropriate instructions and training to encourage customers to leave the premises quietly and not to loiter in the vicinity of the premises so as to minimize disturbance to local residents.
- 4. Regulated entertainment shall be restricted to the inside of the premises.
- 5. All doors and windows that are capable of being opened directly to the outside of the premises shall not be kept open whilst the premises are in use for the purposes of regulated entertainment.

- 6. The outside seating areas shall be vacated no later than 2300.
- 7. The licence holder shall commission a noise impact assessment of the licensable activities. No live music events (other than between 2000 and 2230 on two Sundays a month) shall take place until this is carried out to the satisfaction of the Licensing Authority.

Protection of Children

1. The premises shall adopt and implement the Hampshire Constabulary's Challenge 21 Scheme.

Conditions from existing licences:-

Public Entertainment Licence

There shall be no entertainment on Christmas Day or Good Friday.

The premises shall not be used for the purposes of this Licence on more than 2 occasions in any one calendar month without the written permission of the Council.

The maximum number of persons permitted to be admitted to the premises whilst in use for the purposes of this licence shall be 70.

INSCRIPTION

There shall be affixed and kept up on some conspicuous place on the outer side of the principal door or over and outside the principal entrance of the place licensed an inscription in capital letters not less than one inch in height in the words following: -

"Licensed in pursuance of Act of Parliament for the public ... " followed by a word or words indicating the purpose for which the place is licensed.

HOURS OF OPENING

The place licensed shall not be opened for the purpose of public entertainment between 2.00am and 8.30am on any day.

RESPONSIBLE PERSON

The licensee or a responsible person nominated by the licensee in writing, not being a person being under 21 years of age shall be in charge of, and present in the place licensed at all times members of the public are present.

MAXIMUM NUMBERS

The maximum numbers of persons to be admitted at any one time to the licensed premises shall not exceed the number specified in the licence.

ATTENDANTS AND SECURITY PERSONNEL

During the time the premises are in use for public entertainment, there shall be in attendance the following numbers of staff or other attendants acquainted with the established routine to be followed in the case of fire or other emergency. The aim of the attendants should be the avoidance of panic and the orderly evacuation of the premises:-

Up to 25 persons

2 attendants

Over 25 persons

4 attendants for the first 250 persons

1 attendant for each of the additional 250 persons

Where at any licensed function the majority of persons attending are under the age of 16 years

Double the above number of attendants plus one attendant for each exit

OR SUCH LOWER NUMBER OF ATTENDANTS AS MAY BE AGREED IN WRITING BY THE LOCAL AUTHORITY

Where an attendant is responsible for security, protection, screening the suitability of people entering premises or conflict management they must be licensed by the Security Industry Authority.

SAFETY OF PERSONS

The licensee shall take all precautions necessary for the safety of persons frequenting the licensed premises.

FORM OF ENTERTAINMENT

No public entertainment shall be permitted or suffered to take place in the place licensed which is licentious, indecent or likely to produce riot, tumult or breach of the peace.

BEHAVIOUR

The Licensee shall to the best of his ability maintain and keep good order and decent behaviour on the licensed premises whilst open for public entertainment.

NUISANCE

No public entertainment shall be permitted or suffered to take place in the place licensed which is a nuisance, annoyance or inconvenience to the occupiers of any other property.

INTOXICATION

No person shall be permitted or suffered to enter or remain within the place licensed while in a state of intoxication

<u>OFFENDERS</u>

If any disorderly conduct shall take place, the Licensee shall himself and his employees assist to the utmost in the apprehension or expulsion of the offenders.

HYPNOSIS

No exhibition, performance or demonstration of hypnotism shall be permitted at the place licensed except with the express written consent of the Council.

Permitted exhibitions, performances or demonstrations of hypnotism shall be in accordance with the conditions set out in the Home Office Circular 42/89.

SEATING

Seating, tables and chairs and other furniture and fittings shall be so arranged as to allow free and ready access to exits.

FLOOR COVERINGS

All floor coverings shall be secured and maintained in such a way as to prevent unevenness in the floor level.

CURTAINS AND DRAPES

Curtains shall be adequately supported and where hung across doorways or across corridors they shall be arranged as to draw easily from the centre and slide freely, and be so hung that they are clear of the floor and shall be treated with fire retardant.

TOILETS

Adequate and separate sanitary conveniences suitably marked shall be provided for persons of both sexes and shall be maintained in good working order and kept in a clean condition.

EXITS

The number, size and position of all doors or openings provided for the purpose of the egress of the public from the premises shall be to the satisfaction of the Licensing Authority.

<u>Doors and Fastenings</u> – Unless otherwise permitted in writing by the Council, exit doors and gates shall open in the direction of exit, and shall in all cases be free from fastenings other than panic bolts or other such fastenings as shall be approved by the Council. Any panic bolts or other approved fastenings must be signed "PUSH BAR TO OPEN" or as is appropriate to the fastening to ensure that the mode of operation is readily apparent to any person.

<u>Exit Routes</u> – All exit routes including passages, courts, ramps, and stairways, which lead from the place licensed to the outside, shall at all times be kept free from obstruction.

LIGHTING AND HEATING

<u>Provisions</u> – All parts of the place licensed shall be suitably and adequately illuminated. Except where otherwise permitted in writing by the council, all those parts to which the public have access and all exit routes shall be illuminated by at least two independent sources each of a standard approved by the Council.

<u>Standard of Illumination</u> – The illumination from each source shall be sufficient to enable the public, performers and staff to see their way out of the place licensed in safety at any time, and shall not be derived form pre-payment meters.

<u>Segregation of the Two Systems of Lighting</u> – The two or more lighting systems provided shall each be so installed so that a fault or accident arising in one system shall not jeopardise any other system.

<u>Exit Notices</u> – Each exit route from the parts of the place licensed to which the public has access shall be signed "Exit" in the manner approved by the Council. Each sign so provided must be illuminated, internally or otherwise, by at least two independent sources.

<u>Special Effects</u> – No laser beam or other hazardous effect may be used in the place licensed without prior written approval of the Council. The Licensee must give at least 21 days notice to the Council to allow adequate consideration.

The form of heating of the licensed premises shall be to the satisfaction of the Council.

<u>Safety in Heating Appliances</u> – No heating appliances shall be used in proximity to any woodwork, curtains, drapes or other materials likely to be ignited by use of the appliance.

All heating appliances must be sufficiently guarded or protected so as to avoid injury to any person.

ELECTRICAL INSPECTIONS

All electrical installations shall be inspected every three years by a competent qualified electrician to the requirements of the Institute of Electrical Engineers Wiring Regulations and a Certificate as to the condition of the electrical installations shall be furnished to the Council.

In the intervening years the electrical installations shall be inspected annually by a competent electrician.

Any alterations, modifications or extensions to the electrical installations with which the premises are provided shall be carried out by a competent electrician and shall be strictly in accordance with the Institute of Electrical Engineers Regulations. Any portable electrical appliances or equipment used in the premises shall be in efficient working order and correctly wired and connected.

FIRE PRECAUTIONS

Except with the written consent of the Council and subject to any conditions which may be attached to such consent, explosives or highly inflammable material shall not be brought in or used on the premises.

The use of naked flame shall not occur except when strictly necessary to any performance and when expressly permitted in writing by the Council.

Combustible or flammable materials or liquids shall not be stored within the place licensed except with the written consent of the Council and subject to any conditions which may be attached to such a consent.

If it appears to the council that the use of material, fabric or finish might assist the spread of fire, then it may require the material fabric or finish to be removed or treated forthwith in such a manner as to reduce the risk.

SWITCHES

All gas taps and electric switches used in connection with the lighting or heating of the place licensed shall be rendered inoperable other than by the licensee, the responsible person in charge of the place licensed and any staff or attendant employed by the Licensee.

FIRE FIGHTING EQUIPMENT

There shall be provided in the place licensed fire fighting equipment of a standard approved by the Fire Officer and acceptable to the Council. Such equipment shall be examined at least once annually by a competent person. All portable fire extinguishers shall be inspected and tested by a competent person. The date on the test to be clearly marked on a label firmly fixed to the extinguisher.

CEILINGS

Where considered necessary, provision shall be made to the Council's satisfaction, for the examination from the above of any suspended ceiling over parts of the premises to which the public have access and such other parts of the premises as the Council may deem necessary.

CONSTRUCTION

Wall and Ceiling Linings, Insulation, Treatment, etc – Any material used as a wall or ceiling lining, or as a suspended ceiling, or for acoustic or thermal insulation purposes shall be to the Council's satisfaction and shall be fixed and supported in such a manner as may be approved by the Council.

Note: For the purpose of this condition the council will normally require such material to be non-combustible or be rated class 1 of the classification for the surface spread of flame when tested in accordance with the appropriate British Standards and be throughout its thickness of no greater flammability than its surface. Certain other materials may, however, be accepted subject to compliance with such conditions as the Council may consider appropriate in the circumstances of the case.

ALTERATIONS

No structural or other alteration of the place licensed or of the means of exit there from shall be made during the continuance of this licence without the written approval of the council except such alterations as shall from time to time be approved by the licensing justices under the Licensing Acts.

NB: The council has no power to retrospectively approve unauthorised alterations made during the period of the licence.

Annex 4 - Plans

See attached

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HAMPSHIRE CONSTABULARY

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RESTRICTED

GRANT OF PERSONAL LICENCE OR TEMPORARY EVENT NOTICE, TRANSFER OF PREMISES LICENCE HOLDER OR DESIGNATED PREMISES SUPERVISOR.

FORM FOR REPRESENTATIONS FROM HAMPSHIRE CONSTABULARY

Before completing this form please read the guidance notes on the last page. Once completed please send your representation form to your local Licensing Authority. You must keep a copy of the completed form for police records.

_	•	Constabulary wish to make an obj	ection and rep	present	ation, under the Licensing
1. (Grant f	or a Personal Licence			Object within 14 days
		f a Temporary Event Notice (TEN)	\Box	Object within 48 hours
		r of Premises Licence	,		Object within 14 days
		r of Designated Premises Supervis	or	\boxtimes	Object within 14 days
Name Ian Da	e of app	licant:			
Tall D	ameis				
Detai	ls of Re	levant Conviction (Personal Licenc	Applications	onlv)	
10001	15 01 111	ACTUAL COMPLETION (2 OF OUT OF EACH	. Tippiicuito ii.	,,,,	
Addr	ess of P	remises or Club Premises (Not rele	vant for Persoi	nal Licer	nce Applications)
	od Arm				
28 Ch	eriton F	Road			
Post t	town:	Winchester	Postcode:	SO22	5EF
Time hours		te the Police received the Applicat	ion - For TEI	N's Poli	ce must object within 48
Hours		25 th May 2007 (date)			
		20 2020 (11112)			
Police	e Detail	o.			
ronce	Detan	2			
Hamp	shire C	onstabulary is a responsible authorit	y.		
Name	and A	ddress:			
		olice station			
North Wincl	Walls				

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RESTRICTED

GRANT OF PERSONAL LICENCE OR TEMPORARY EVENT NOTICE, TRANSFER OF PREMISES LICENCE HOLDER OR DESIGNATED PREMISES SUPERVISOR.

FORM FOR REPRESENTATIONS FROM HAMPSHIRE CONSTABULARY

Please state the ground(s) for representation – <u>The objection must relate to the Crime and Disorder Objective.</u>

At 0016 & 0021 hrs on Wednesday 25th April 2007 Police received two calls to the Fulflood Arms following a report of a fight at that location.

Upon their arrival the front door was smashed and there was blood on the floor. It was clear that there had been some sort of a disturbance with injuries. A person at this premises identified himself as the 'landlord' and gave his details as Ian Daniels (the applicant)

It was clear that Ian Daniels has suffered injuries during this incident, allegedly fighting with another male and was considered to be well in drink by the attending officers. There were also several other persons present on the premises and no one including Ian Daniels fully co-operated with Police enquiries at the scene.

No one involved was willing to support a complaint or make any allegations against anyone frustrating any possible investigation.

Our Representations are based on the following

This incident was reported 56 Minutes after Licensable activity should have finished.

At the time of the incident Ian Daniels was not even in possession of a Personal Licence.

Athough clearly indicating he was in charge of the premises by stating he was the landlord he was also well in drink. This falls below the high standards that we believe the position of DPS should command.

We believe that the varying of the DPS to Ian Daniels clearly undermines the crime prevention licensing objectives.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS REPRESENTATION

Recommendation of Police Officer

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RESTRICTED

GRANT OF PERSONAL LICENCE OR TEMPORARY EVENT NOTICE, TRANSFER OF PREMISES LICENCE HOLDER OR DESIGNATED PREMISES SUPERVISOR. FORM FOR REPRESENTATIONS FROM HAMPSHIRE CONSTABULARY

Signature of	Police Officer Completing
Signature:	PC 1526 Gary Miller, Winchester District Licensing officer
Date:	01/06/2007
_	
Recommend	ation of Police Sergeant
Signature of	Police Sergeant
0:	
Signature:	
Date:	
Decision of P	Police Licensing Inspector
A/Insp Fuller	
Signature of	Police Licensing Inspector
Signature:	
Date:	01/06/2007

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RESTRICTED

GRANT OF PERSONAL LICENCE OR TEMPORARY EVENT NOTICE, TRANSFER OF PREMISES LICENCE HOLDER OR DESIGNATED PREMISES SUPERVISOR. FORM FOR REPRESENTATIONS FROM HAMPSHIRE CONSTABULARY

NOTES FOR GUIDANCE

- 1. The grounds for representation must be based on the crime and disorder objective.
- 2. Please list any additional information or details, for example dates of problems which are included in the grounds for representation if available.
- 3. The representation form must be signed.
- 4. For Temporary Event Notices a copy of this form must be given to the Local Authority and applicant within 48 hours of the original service on the Police. For other applications the objection must be within 14 days.