Appendix 1

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Kenneth Curtis & Co.

Solicitors

Established 1947

Partners: Anthony Curtis I.L.B. • David Wellington I.I.B. Philip Curtis BA • Adrian Curtis B.Sc

88 Aldridge Road, Perry Barr, Birmingham B42 2TP

Licensing Office Dudley MBC Law & Property, 5 Ednam Road, Dudley, West Midlands DY1 1HL

Our Ref:

AAC/NMR/P1322

Your Ref:
Date: 8.7** October 2010

Dear Sirs,

PROPOSED NIGHTCLUB – 41A/42 HIGH STREET, STOURBRIDGE, DY8 1DA

We enclose the following:-

- 1. application for the grant of a Premises Licence.
- 2. licensing plan drawn to the standard scale.
- DPS consent form signed by the proposed DPS.
- 4 cheque made payable for Dudley MBC for £190 being the band B fee payable.

We confirm we have sent the application the Responsible Authorities as required. We are aware that the premises are within the cumulative impact area. We have had meetings with the Police and have provided them with suggested conditions. The applicants believe that they will not add to the cumulative impact within this area due to the conditions proposed in the operating schedule to regulate the Premises Licence.

We have provided the applicant with the blue notice for display outside the premises. We will coordinate the advertisement in the local newspaper.

Yours faithfully

KENNETH CURTIS & CO



Application for a premises licence to be granted 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.

necessary.
You may wish to keep a copy of the completed form for your records.

I/We Christopher Jeremy Watson & Stephen Peters

(Insert name(s) of applicant)
apply for a premises licence under section 17 of the Licensing Act 2003 for the premises
described in Part 1 below (the premises) and I/we are making this application to you as
the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 - Premises Details

Postal address of premises or, if none, Chippers, First Floor, 41A / 42 High Street			ription
Post town		Post code	
Telephone number at premises (if any) Non-domestic rateable value of premises	£11500	14,250	

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as
Please tick yes

a)	an	individual or individuals *	\boxtimes	please complete section (A)
b)	ар	erson other than an individual *		
	i.	as a limited company		please complete section (B)
	ii.	as a partnership		please complete section (B)
	iii.	as an unincorporated association or		please complete section (B)
	iv.	other (for example a statutory corporation)		please complete section (B)
c)	a re	ecognised club		please complete section (B)
d)	ас	harity		please complete section (B)

e)	the proprietor of an educational establishme	ent [please comp	lete section (B)
f)	a health service body	[please comp	lete section (B)
g)	a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of independent hospital	the (please comp	lete section (B)
h)	the chief officer of police of a police force in England and Wales	n [please comp	lete section (B)
* If y	ou are applying as a person described in (a)	or (b) ple	ease (confirm:	
					Please tick yes
•	I am carrying on or proposing to carry on the premises for licensable activities; or		ss wh	ich involves t	he use of
•	 I am making the application pursuant to a o statutory function or 	1			П
	o a function discharged by virtue of	Her Maje	sty's	prerogative	
(A) I	NDIVIDUAL APPLICANTS (fill in as applica	ible)			
Mr	⊠ Mrs □ Miss □ N	1s 🗌		er Title (for nple, Rev)	
	name	First na			
Wat		Christop	ner J		age tiek yee
l am	18 years old or over	7		⊠ Plea	ase tick yes
add fron	rent postal ress if different n premises ress				
Pos	t Town			Postcode	
 					
	time contact telephone number				
1	tional)		-		
SEC	COND INDIVIDUAL APPLICANT (if applicat	ole)			
Mr	⊠ Mrs □ Miss □ N	∕ls □		er Title (for mple, Rev)	
Sur	name ers	First na Stepher			

Current postal address if differer from premises address	nt			
Post Town		F	Postcode	
Daytime contact t	telephone number			
E-mail address (optional)				
(B) OTHER APPLI	ICANTS			
please give any re	egistered number. Ir	ddress of applicant in In the case of a partner give the name and add	ship or other	joint venture
Name	M-11/-			
Address				
Registered numbe	r (where applicable)			
Description of app	licant (for example, pa	artnership, company, uni	incorporated a	association etc.)
Telephone numbe	r (if any)			
E-mail address (or	otional)			
Part 3 Operating	Schedule			-
When do you wan	t the premises licence	to start?	Day AS	Month Year
If you wish the lice you want it to end		or a limited period, when	do Day	Month Year

Plea Bar/	se give a general description of the premises (please read guida Nightclub premises on the first floor with one main entrance and	ance note1) I exit from the high street
If 5,0	000 or more people are expected to attend the premises at any time, please state the number expected to attend.	
Wha	at licensable activities do you intend to carry on from the premise	es?
	ase see sections 1 and 14 of the Licensing Act 2003 and Sched nsing Act 2003)	ules 1 and 2 to the
<u>Pro</u>	vision of regulated entertainment	Please tick yes
a)	plays (if ticking yes, fill in box A)	
b)	films (if ticking yes, fill in box B)	
c)	indoor sporting events (if ticking yes, fill in box C)	
d)	boxing or wrestling entertainment (if ticking yes, fill in box D)	
e)	live music (if ticking yes, fill in box E)	
f)	recorded music (if ticking yes, fill in box F)	
g)	performances of dance (if ticking yes, fill in box G)	
h)	anything of a similar description to that falling within (e), (f) or ((if ticking yes, fill in box H)	(g)
Pro	vision of entertainment facilities:	
i)	making music (if ticking yes, fill in box I)	
j)	dancing (if ticking yes, fill in box J)	
k)	entertainment of a similar description to that falling within (i) or (if ticking yes, fill in box K)	· (i)
Pro	vision of late night refreshment (if ticking yes, fill in box L)	
Suj	oply of alcohol (if ticking yes, fill in box M)	
ln a	all cases complete boxes N, O and P	

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	rd days a		Will the performance of a play take place indoors or outdoors or both – please tick	Indoors	
timings (please read guidance note 6)			(please read guidance note 2)	Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read gu	idance note 3)	
Tue					
Wed			State any seasonal variations for performing p guidance note 4)	ılays (please r	ead
Thur					
Fri			Non standard timings. Where you intend to us for the performance of plays at different times the column on the left, please list (please read	to those liste	<u>ed in</u>
Sat					
Sun					

В

Films Standard days and timings (please read			Will the exhibition of films take place indoors or outdoors or both – please tick (please read	Indoors	\boxtimes
	timings (please read guidance note 6)		guidance note 2)	Outdoors	
Day	Start	Finish		Both	
Mon	1200	0200	Please give further details here (please read gumusic videos maybe shown	idance note 3)	
Tue	1200	0200			
Wed	1200	0200	State any seasonal variations for the exhibition read guidance note 4)	n of films (ple	ase
Thur	1200	0200	-		
Fri	1200	0200	Non standard timings. Where you intend to use for the exhibition of films at different times to column on the left, please list (please read guide)	<u>those listed ir</u>	es n the
Sat	1200	0200			
Sun	1200	0200			

С			
Standa timings	r sporting ard days a s (please nce note 6	and read	Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 4)
Wed			
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
Fri			
Sat			
Sun			

D

			AMBIE		
Boxing or wrestling entertainments		tling	Will the boxing or wrestling entertainment take place indoors or outdoors or both –	Indoors	
Standard days and timings (please read guidance note 6)		ead	please tick (please read guidance note 2)	Outdoors	
		Finish	/	Both	
Day	Start	FILISH		idenes poto 2)	
Mon		ļ	Please give further details here (please read gu	lidance note 3)	
		<u></u>	1		
Tue					
		·	1		
	1		L did to for having or we	roetling	
Wed			State any seasonal variations for boxing or wi	esting	
Ì			entertainment (please read guidance note 4)		
		ļ			
Thur					
			1		
			Non standard timings. Where you intend to u	se the premis	es
Fri			for boxing or wrestling entertainment at differ	ent times to t	hose
	*		listed in the column on the left, please list (ple	ease read guid	ance
			note 5)	_	
Sat			J note of		
	-		-		
Sun			/		
			1 ·/		
i		1			

E

Live music Standard days and timings (please read			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	\boxtimes
	timings (please read guidance note 6)		(piedse read guidante note 2)	Outdoors	
Day	Start	Finish		Both	
Mon	1200	0200	Please give further details here (please read guamplified music and voice	iidance note 3)	
Tue	1200	0200			
Wed	1200	0200	State any seasonal variations for the performation (please read guidance note 4)	ance of live m	<u>usic</u>
Thur	1200	0200			
Fri	1200	0200	Non standard timings. Where you intend to use for the performance of live music at different to listed in the column on the left, please list (please list)	imes to those	2
Sat	1200	0200	note 5)		
Sun	1200	0200			

-

Standa	Recorded music Standard days and timings (please read		Will the playing of recorded music take place indoors or outdoors or both – please tick	Indoors	
timings (please read guidance note 6)			(please read guidance note 2)	Outdoors	
Day	Start	Finish		Both	
Mon	1200	0200	Please give further details here (please read gu	iidance note 3))
			amplified music & voice with DJ's		
Tue	1200	0200			
Wed	1200	0200	State any seasonal variations for the playing of please read guidance note 4)	of recorded m	<u>usic</u>
			(please read guidantee neter)		
Thur	1200	0200			
				4.2	
Fri	1200	0200	Non standard timings. Where you intend to u for the playing of recorded music at different	<u>se the premis</u> times to those	<u>es</u> <u>e</u>
			listed in the column on the left, please list (ple	ease read guid	ance
Sat	1200	0200	note 5)		
Sun	1200	0200	-		

G

dance	1 s s s s s s s s s s s s s s s s s s s		indoors or outdoors or both - please tick		Indoors	\boxtimes
timings			Outdoors			
Day	Start	Finish		Both		
Mon			Please give further details here (please read gu	uidance note 3)	
Tue	1200	0200				
Wed	1200	0200	State any seasonal variations for the performance of dance (please read guidance note 4)			
Thur	1200	0200				
Fri	1200	0200	Non standard timings. Where you intend to u for the performance of dance at different time the column on the left, please list (please read	<u>s to those list</u>	<u>ed in</u>	
Sat	1200	0200	the column on the lotal process (present	J	,	
Sun	1200	0200				

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)		hat), (f) or nd read	Please give a description of the type of entertable providing	ninment you w	<u>ill</u>
Day	Start	Finish	Will this entertainment take place indoors or	Indoors	
Mon			outdoors or both - please tick (please read guidance note 2)	Outdoors	
				Both	
Tue			Please give further details here (please read gu	iidance note 3)	
Wed					
Thur			State any seasonal variations for entertainment of a sim description to that falling within (e), (f) or (g) (please rea guidance note 4)		
Fri					
Sat			Non standard timings. Where you intend to use for the entertainment of a similar description to within (e), (f) or (g) at different times to those column on the left, please list (please read guid	o that falling listed in the	es
Sun		/			

l

Provision of facilities for making music Standard days and timings (please read guidance note 6)			Please give a description of the facilities for mwill be providing Karaoke machine is possible, Amplifer, speakers. instruments, but very rarely if at all,		<u>/ou</u>
			Will the facilities for making music be indoors or outdoors or both – please tick	Indoors	
			(please read guidance note 2)	Outdoors	Ш
Day	ay Start Finish			Both	
Mon	1200	0200	Please give further details here (please read guvery rarely if at all, maybe karaoke	idance note 3)	
Tue	1200	0200			•
Wed	1200	0200	State any seasonal variations for the provision making music (please read guidance note 4)	n of facilities f	<u>or</u>
Thur	1200	0200			
Fri	1200	0200	Non standard timings. Where you intend to u for provision of facilities for making music at those listed in the column on the left, please I	<u>different time:</u>	s to
Sat	1200	0200	guidance note 5)		
Sun	1200	0200			

J

for dar	ion of fac noing ard days a		Will the facilities for dancing be indoors or outdoors or both – please tick (see guidance note 2)	Indoors Outdoors	
timings	(please i ce note 6	read		Both	
galaan		,	Please give a description of the facilities for d	ancing γου w	ill <u>be</u>
		The state of the s	providing dance floor, lighting & all usual Complementary fa		
Day	Start	Finish			
Mon	1200	0200	Please give further details here (please read guidance note 3)
Tue	1200	0200			
Wed	1200	0200	State any seasonal variations for providing da (please read guidance note 4)	ancing facilitie	<u>es</u>
			-		
Thur	1200	0200			
Fri	1200	0200	Non standard timings. Where you intend to u	<u>rtainment at</u>	
			different times to those listed in the column of	n the left, plea	<u>ase</u>
Sat	1200	0200	list (please read guidance note 5)		
Sun	1200	0200			

Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)		nt of a tion to in i or j nd read	Please give a description of the type of enterta you will be providing	inment facilit	Y
Day	Start	tart Finish Will the entertainment facility be indoors or outdoors or both – please tick (please read	Indoors		
Mon			guidance note 2)	Outdoors	
				Both	
Tue			Please give further details here (please read gu	idance note 3)	
Wed					
Thur			State any seasonal variations for the provision of fac-		
			entertainment of a similar description to that facilities (please read gyldance note 4)	<u>ailing within i</u>	or I
			["		
Fri					
		:			
Sat			Non standard timings. Where you intend to us for the provision of facilities for entertainment		<u>es</u>
			description to that falling within i or j at different		
		/	listed in the column on the left, please list (please 5)	ase read guida	ınce
Sun					
	/				

L

Standa	ight refre	ind	Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)		\boxtimes
	s (please i ce note 6		please tick (please road galdanes note =)	Outdoors	
Day	Start	Finish		Both	
Mon	2300	0200	Please give further details here (please read guidance no hot drinks and hot snacks maybe served		•
Tue	2300	0200			
Wed	2300	0200	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	2300	0200			
Fri	2300	0200	Non standard timings. Where you intend to use for the provision of late night refreshment at a those listed in the column on the left, please	<u>different times</u>	<u>s, to</u>
Sat	2300	0200	guidance note 5)		
Sun	2300	0200			

Standa	of alcoh	ınd	Will the supply of alcohol be for consumption (Please tick box) (please read premise residence note 7)		\boxtimes
	(please r ce note 6		guidance note 7)	Off the premises	
Day	Start	Finish		Both	
Mon	1200	0200	State any seasonal variations for the supply of alcohol (ple read guidance note 4)		ase
Tue	1200	0200			
Wed	1200	0200			
Thur	1200	0200	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		es the
Fri	1200	0200			
Sat	1200	0200			
Sun	1200	0200			

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

lame Christopher Jeremy Watson				
Address 3 Dennis Hall Rd Amblecote Stourbridge Vest Mids DY8 4EL				
Postcode				
Personal Licence number (if known) BA APPLICATION PENDING				
Issuing licensing authority (if known)				

Ν

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8) none

0

Hours premises are open to the public Standard days and timings (please read guidance note 6)		b lic and read	State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	1200	0230	
Tue	1200	0230	
Wed	1200	0230	Non standard timings. Where you intend the premises to be
Thur	1200	0230	open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)
Fri	1200	0230	
Sat	1200	0230	_
Sun	1200	0230	

P Describe the steps you intend to take to promote the four licensing objectives:

- a) General all four licensing objectives (b,c,d,e) (please read guidance note 9)
- 1. The DPS or other qualified person will train all bar staff at the premises on the basic laws of selling alcohol with particular regard to:- prevention of underage sales of alcohol; identification of intoxicated persons; the licensing objectives and compliance with the Premises Licence conditions. Regular refresher training will be provided.
- 2. A training record will be kept and maintained by the DPS at the premises which will include the date of training, the topics included and the name of the trainer and staff member being trained.
- 3. No entry into the premises is authorised after Midnight on any day, unless it is by prearrangement with the names of those authorised being logged in a book which is open for inspection by any Responsible Authority or Authorised Officer of the City Council. This is designed to ensure the premises does not add to the cumulative impact.
- 4. The DPS will actively participate in any local Pub Watch scheme and the premises will participate in any radio link scheme in operation.
- 5. At the end of the night dispersal of customers will be managed to minimise over crowing outside the premises and for the promotion of the Licensing Objectives and to ensure the premises do not contribute to a cumulative impact.

b) The prevention of crime and disorder

- 1. A CCTV system will be installed at the premises to the reasonable satisfaction of West Midlands Police and must be operational when the premises are open to trade. All recordings will be given to West Midlands police or any other Responsible Authority upon demand. Recordings must be retained for 28 days.
- 2. The premises licence holder is to prepare a risk assessment for door security requirements to the reasonable satisfaction of West Midlands Police and the requirements identified are binding upon this premises licence.
- 3. The DPS or nominated person shall keep, and maintain a register of door supervisors, in which shall be recorded at the start of each period of duty the date, name, Door Supervisors SIA registration number, commencement and finishing time. The finishing time shall be completed at the end of the period of duty.
- 4. The DPS shall produce the register and the verification of Door Supervisors identities, upon request, at all reasonable times to any Police Officer or to any Authorised Officer of the City Council.
- 5. All on duty security/ door supervisors must wear high visibility jackets whilst attending the door and must wear high visibility arm bands within the premises itself.
- 6. An incident book will be maintained recording all incidents of crime and disorder irrespective of whether the emergency services have been called or not. The book will be made available to West Midlands Police on request.
- 7. The premises will have an absolute 'zero tolerance' in relation to Misuse of Drugs. This fact will be emphasised by signage at the premises and within any promotional literature.

- 8. Where individuals are suspected of being involved in drug use or drug dealing, best efforts will be made to identify the individual/s and intelligence will be passed to police.
- 9. Any person within the premise suspected of being in possession of unlawful drugs will be asked to submit to a drugs search. If they decline, they will be removed from the premises.
- 10. Any recovered drugs will be logged and stored in compliance with local police policy.
- 11. Regular toilet checks will be managed to promote the zero drug policy of the premises.
- 12. No customers carrying open or sealed drinking vessels shall be allowed to enter or leave the premises at any time that the premises are open to the public.
- 13. Clear and prominent notices shall be displayed on the premises warning customers of the need to guard their property and to be aware of the operation of pickpockets, bag snatchers, etc. The notices shall advise customers to report concerns to the designated premises supervisor or the person in charge of the licensed premises.

c) Public safety

- 1. Adequate and appropriate supply of first aid equipment and materials must be available on the premises at all times.
- 2. Regular glass and bottle collections will be managed

d) The prevention of public nuisance

- 1. Noise or vibration must not emanate from the premises so as to cause a nuisance to nearby properties.
- 2. No external Regulated Entertainment is authorised and no external speakers shall be used.
- 3. Prominent, clear and legible notices must be displayed at the exit requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
- 4. Doors and windows to the premises will be kept closed, so far as practicable, at all times when noise generating Regulated Entertainment is taking place i.e. live and recorded music.
- 5. Bottling out from the premises is prohibited between 2100 hours and 0900 hours.
- 6. Refuse such as bottles must be placed into receptacles outside the premises at times that will minimise the disturbance to nearby properties.
- 7. A dedicated taxi ordering service will be offered to exiting customers to promote the dispersal of customers from the area.

e) The protection of children from harm

1. Premises	s will operate a Challenge 25 policy.	
2. Challeng	e 25 signage will be displayed at the venue so that it is clear to all custome	ers.
	will be logged in a refusal register, which must be available for inspection onsible Authorities.	by
4. Acceptable of age card.	ole ID will be a passport, photo driving licence or a Government approved	oroof
5. No under licensable activit	18's are allowed into the premise at any time that the premises are open y.	for
	Please tic	k ves
I have mad	le or enclosed payment of the fee	\boxtimes
	osed the plan of the premises	\boxtimes
	copies of this application and the plan to responsible authorities and	
	re applicable	\boxtimes
	osed the consent form completed by the individual I wish to be premises if applicable	
	nd that I must now advertise my application	
	nd that if I do not comply with the above requirements my application will	_ 🖂
STANDARD SO FALSE STATEM Part 4 – Signature Signature of ap guidance note 1 Signature Date Capacity For joint applic	ALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE MENT IN OR IN CONNECTION WITH THIS APPLICATION USE (please read guidance note 10 Road, Birmingham of the application of the ap	Quit 2TO SS
	nt. (please read guidance note 12). If signing on behalf of the applicar	ıt
Signature		
Date		
Capacity		

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

KENNETH CURTIS & CO REF AAC/
88 ALDRIDGE ROAD, PERRY BARR,

Post town BIRMINGHAM

Telephone number (if any) 0121 356 1161

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

Notes for Guidance

 Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.

2. Where taking place in a building or other structure please tick as appropriate. Indoors

may include a tent.

3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

4. For example (but not exclusively), where the activity will occur on additional days during

the summer months.

5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the

week when you intend the premises to be used for the activity.

7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.

- 8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
- 9. Please list here steps you will take to promote all four licensing objectives together.

10. The application form must be signed.

- 11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
- 12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
- 13. This is the address which we shall use to correspond with you about this application.

Consent of individual to being specified as premises supervisor

	full name of prospective premises supervisor]
of	
[home	ddress of prospective premises supervisor]
	confirm that I give my consent to be specified as the designated premises isor in relation to the application for
Prer	ises Licence
[type o	application]
by Mr S	ephen Peters & Christopher Jeremy Watson
İname	f applicant]
relatir	to a premises licence
for	
Stot	2 High Street bridge Midlands
	nd address of premises to which the application relates]

by
MR STRUL PRTERS - R MR CHRIS WATSON [name of applicant]
concerning the supply of alcohol at
41/42A HIGH ST
STOURBRID GR
WEST MIDS
[name and address of premises to which application relates]
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]
Personal licence issuing authority
[insert name and address and telephone number of personal licence issuing authority, if any]
Signed
Name (please print) CHRISTOPHER WATSON
Date 18/10/10

and any premises licence to be granted or varied in respect of this application made