

Notice of Meeting

Licensing Sub-Committee

Date: Thursday, 29 October 2015

Time: 09:30

Venue: The Annexe, Crosfield Hall, Broadwater Road, Romsey, Hampshire,
SO51 8GL

For further information or enquiries please contact:

Sally Prior - **01264 368024**

email sprior@testvalley.gov.uk

Legal and Democratic Service

Test Valley Borough Council,
Beech Hurst, Weyhill Road,
Andover, Hampshire,
SP10 3AJ

www.testvalley.gov.uk

The recommendations contained in the Agenda are made by the Officers and these recommendations may or may not be accepted by the Committee.

Membership of Licensing Sub-Committee

MEMBER

Councillor J Budzynski

Councillor A Johnston

Councillor A Tupper

WARD

Winton

Romsey Extra

North Baddesley

Licensing Sub-Committee

Thursday, 29 October 2015

AGENDA

The order of these items may change as a result of members
of the public wishing to speak

- 1 Apologies
- 2 Declarations of Interest
- 3 Appointment of Chairman
- 4 **Licensing Procedure Rules - Licensing Sub-Committee** 4 - 6
Procedure Rules for Licensing Sub-Committee
- 5 **Police Objection to Temporary Event Notices - The Olive Tree, 11 Latimer Street, Romsey SO51 8DF** 7 - 50
To determine Police objections to Temporary Event Notices in respect of The Olive Tree public house, Romsey

ITEM 4

Licensing Procedure Rules - Licensing Sub-Committee

Application

These Procedure Rules shall apply to all hearings of applications and other matters pursuant to the Licensing Act 2003 and subordinate legislation and any amendments thereto and the Gambling Act 2005 and subordinate legislation and any amendments thereto.

Terms of Reference of the Licensing Sub-Committee:

1. Ward Councillors will have no involvement in the decision making process.

Procedure for hearing licensing applications:

1. The Council's scheme of public participation will not apply.
2. At the commencement of the hearing the Chairman will explain the procedure to all those present.
3. The Hearing shall take place in public. The Sub-Committee may exclude the public from all or part of the hearing where it considers that the public interest in so doing outweighs the public interest in the hearing or that part of the hearing, taking place in public.
4. A party to whom notice has been given may attend the hearing and may be assisted or represented by a person whether or not that person is legally qualified.
5. The hearing shall take the form of a discussion led by the Sub-Committee.
6. Cross-examination will not be permitted unless the Sub-Committee considers it is required for it to consider the representations, application or notice as the case may require.
7. The Sub-Committee may impose a maximum period of time for each party to address the Sub-Committee in hearings pursuant to the Licensing Act 2003.
8. To facilitate the discussion the following procedure will be followed in all cases except for reviews when 8(b) shall apply and interim steps hearings for expedited summary reviews when 8(c) shall apply:
 - (a) (i) The Licensing Manager of the Council or his representative will present the facts of the application and action taken, to the Sub-Committee.

- (ii) The Applicant or his representative may address the Sub-Committee.
 - (iii) Other parties may address the Sub-Committee in the following order:
 - Responsible authorities
 - Interested parties
 - (b)
 - (i) The Licensing Manager of the Council or his representative will present the facts of the review and action taken, to the Sub-Committee.
 - (ii) The person requesting the review may address the Sub-Committee.
 - (iii) The licence holder may address the Sub-Committee.
 - (iv) Other parties may address the Sub-Committee in the following order:
 - Responsible authorities
 - Interested parties
 - (c)
 - (i) The Licensing Manager of the Council or his representative will present the facts giving rise to the review, and will outline any action taken, to the Sub-Committee.
 - (ii) The Police officer requesting the review or his representative may address the Sub-Committee.
 - (iii) The licence holder or his representative may address the Sub-Committee.
9. The Sub-Committee may permit the applicant or any party to question any other party subject to Rule 6.
10. The Members of the Sub-Committee may ask any questions of the Licensing Manager or his representative, or of any party or other person appearing at the hearing.
11. Documentary or other evidence may be produced at the hearing with the consent of all the parties.
12. Where a party fails to attend or be represented and the Sub-Committee considers it necessary in the public interest it may adjourn the hearing to a specified date or hold the hearing in a party's absence, unless it is a hearing to determine interim steps under an expedited summary review in which case the meeting may proceed in a party's absence.

13. The Sub-Committee may require any person attending the hearing who in their opinion is behaving in a disruptive manner to leave the hearing and refuse to permit that person to return or permit him to return only on such conditions as the Sub-Committee may specify. Any such person may submit to the Sub-Committee in writing before the end of the hearing any information which he would have been entitled to give orally had he not been required to leave.
14. The Sub-Committee may ask questions of its legal adviser.
15. The Sub-Committee will deliberate in private.
16. The Sub-Committee may request advice in private of its legal adviser regarding the drafting of reasons.
17. In the case of a hearing under the sections and circumstances set out in Regulation 26(1) of the Licensing Act 2003 (Hearings) Regulations 2005 (or any amending legislation) or an interim steps hearing, the Sub-Committee will make its determination at the conclusion of the hearing.

In any other case the Sub-Committee will make its determination either at the conclusion of the hearing or within the period of five working days beginning with the day or the last day on which the hearing was held.

18. A record of the hearing will be taken in a permanent and intelligible form.

ITEM 5 Police objection to Temporary Event Notices – The Olive Tree, 11 Latimer Street, Romsey SO51 8DF

1 The Notices

- 1.1 Four Temporary Event Notices (TENs) from Alison Bird have been submitted on her behalf by John Gaunt & Partners, solicitors. The TENs are to allow for the sale of alcohol, provision of regulated entertainment and provision of late night refreshment at The Olive Tree public house. The first two TENs have automatically been rejected as a result of Police objections and are outside of the scope of this hearing. The two remaining TENs have attracted a Police objection necessitating the TENs to be considered at a hearing. The TENs cover the periods from 3 to 8 November and 10 to 13 November 2015. Copies of the TENs are attached as Annexes 1 and 2 to this report. The Police objections are attached as Annexes 3 and 4 to this report.

2 Background

- 2.1 The premises are an established public house in Romsey town centre. The premises had for many years the benefit of a Premises Licence issued under the Licensing Act 2003. A copy of this licence is attached as Annex 5 to this report. However, on 13 October 2015 the licensing authority was made aware that the Premises Licence holder, Bella & Sparky Trading Limited, had been placed into voluntary liquidation on 10 August 2015. This has the effect of causing the Licence to lapse unless within a period of 28 days an application was made for either an interim authority notice or the transfer of the Licence. No such application was received and so the licence lapsed. The licensing authority served a notice on the premises on Tuesday 13 October advising of this fact and thus that the premises was unable to offer any licensable activity. On Wednesday 14 October four Temporary Event Notices were received covering the majority of the period from 22 October to 13 November to allow the premises to trade whilst an application for a new Premises Licence was pending.

3 Promotion of the Licensing Objectives

- 3.1 The Police have raised objections to the TENs in relation to the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. The reason for the objections is set out in their representations attached as Annexes 3 and 4 to this report.

4 Policy Considerations

- 4.1 It is considered that the following extracts from the guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 (March 2015 edition) are relevant:

2.1-2.5 – Crime and disorder

2.14-2.20 – Public nuisance

7.1-7.36 – Temporary Event Notices

A copy of the Secretary of State’s Guidance will be provided at the meeting for Members of the Sub Committee. Additional copies can be obtained from the GOV.UK website.

- 4.2 It is considered that the following extracts from the Licensing Authority’s own Statement of Licensing Policy are relevant to this application:

Section A Prevention of Crime and Disorder

Section C Prevention of Public Nuisance

The Statement of Licensing Policy has either previously been provided for Members of the Sub Committee or will be provided at the hearing. Copies can also be obtained from the Licensing Section of the Legal and Democratic Service or downloaded from the Council’s website.

5 Observations

- 5.1 The Committee is obliged to determine the TENs with a view to promoting the four licensing objectives of prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm. In making its decision, the Committee is also obliged to have regard to the national Guidance and the Council’s own Statement of Licensing Policy. The Committee must also have regard to all of the representations made and the evidence it hears. The Committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

- a) Allow the TENs to have effect as applied for
- b) Uphold the Police objections and reject the TENs by issuing a counter notice, if it considers it appropriate for the promotion of the licensing objectives. In such a case the Committee must give a reason for its decision.

The Committee is asked to note that it may not reject the TENs merely because it considers it desirable to do so. It must actually be appropriate in order to promote one or more of the four licensing objectives:

- a. Prevention of crime and disorder
- b. Public safety
- c. Prevention of public nuisance
- d. Protection of children from harm

Background Papers (Local Government Act 1972 Section 100D)

Police Objections to Temporary Event Notices in respect of The Olive Tree, 11 Latimer Street, Romsey.

Confidentiality

It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.

No of Annexes:	5		
Author:	Michael White	Ext:	8013
File Ref:			
Report to:	Licensing Sub-Committee	Date:	29 October 2015

ANNEX 1



Test Valley
Application for a Temporary Event Notice
Licensing Act 2003

For help contact
licensing@testvalley.gov.uk
Telephone: 01264 368013

* required information

Section 1 of 9

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

First name

Family name

E-mail address

Main telephone number Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- Applying as a business or organisation, including as a sole trader
- Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

Address

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text" value="Romsey"/>
County or administrative area	<input type="text" value="Hampshire"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>

Agent Details

First name	<input type="text" value="Laura"/>
Family name	<input type="text" value="Mateer"/>
E-mail address	<input type="text" value="lmateer@john-gaunt.co.uk"/>
Main telephone number	<input type="text" value="0114 2668664"/>
Other telephone number	<input type="text"/>

Include country code.

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

Is your business registered in the UK with Companies House? Yes No

Is your business registered outside the UK? Yes No

Business name	<input type="text" value="John Gaunt & Partners"/>
VAT number	<input type="text" value="GB"/> <input type="text" value="651652147"/>
Legal status	<input type="text" value="Partnership"/>
Your position in the business	<input type="text" value="n/a"/>
Home country	<input type="text" value="United Kingdom"/>

If your business is registered, use its registered name.

Put "none" if you are not registered for VAT.

The country where the headquarters of your business is located.

Continued from previous page...

Agent Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name	Omega Court
Street	372 Cemetery Road
District	
City or town	Sheffield
County or administrative area	
Postcode	S11 8FT
Country	United Kingdom

Section 2 of 9

APPLICATION DETAILS (See also guidance on completing the form, general notes and note 1)

Have you had any previous or maiden names?

- Yes No

Your date of birth

dd	mm	yyyy
----	----	------

Applicant must be 18 years of age or older

National Insurance number

TBC

This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth

Winchester

Correspondence Address

Is the address the same as (or similar to) the address given in section one?

- Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name	John Gaunt & Partners
Street	Omega Court
District	372 Cemetery Road
City or town	Sheffield
County or administrative area	
Postcode	S11 8FT
Country	United Kingdom

Continued from previous page...

Additional Contact Details

Are the contact details the same as (or similar to) those given in section one? Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail	<input type="text" value="lmateer@john-gaunt.co.uk"/>
Telephone number	<input type="text" value="0114 2668664"/>
Other telephone number	<input type="text"/>

Section 3 of 9

THE PREMISES

I, the proposed user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry out a temporary activity at the premises described below.

Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). [\(See also guidance on completing the form, note 2\)](#)

Does the premises have an address?

Yes No

Address

Is the address the same as (or similar to) the address given in section one? Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name	<input type="text" value="Olive Tree Bar & Kitchen"/>
Street	<input type="text" value="11 Latimer Street"/>
District	<input type="text"/>
City or town	<input type="text" value="Romsey"/>
County or administrative area	<input type="text" value="Hampshire"/>
Postcode	<input type="text" value="SO51 8DF"/>
Country	<input type="text" value="United Kingdom"/>

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

Neither Premises licence Club premises certificate

Location Details

Provide further details about the location of the event

Whole of the premises known as the Olive Tree, as covered by the lapsed licence and the licence application submitted 14/10/2015

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below [\(see also guidance on completing the form, note 3\)](#)

Whole of the premises known as the Olive Tree, as covered by the lapsed licence and the licence application submitted

Continued from previous page...

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock) (see also guidance on completing the form, note 9)

Tuesday 3rd Nov from 09:00 until 23:00;
Wednesday 4th Nov from 09:00 until 23:00;
Thursday 5th Nov from 09:00 until 23:00;
Friday 6th Nov from 09:00 until 00:00;
Saturday 7th Nov from 09:00 until 00:00;
Sunday 8th Nov from 09:00 until 23:00.

State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers (see also guidance on completing the form, note 10)

499

Note that the maximum number of people cannot exceed 499.

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both (see also guidance on completing the form, note 11):

- On the premises only
- Off the premises only
- Both

Section 5 of 9

RELEVANT ENTERTAINMENT (See also guidance on completing the form, note 12)

State if the licensable activities will include the provision of relevant entertainment. If so, state the times during the event period that you propose to provide relevant entertainment

N/A

Section 6 of 9

PERSONAL LICENCE HOLDERS (See also guidance on completing the form, note 13)

Do you currently hold a valid personal licence? Yes No

Provide the details of your personal licence below.

Issuing licensing authority

Licence number

Continued from previous page...

Date of issue

/ /
dd mm yyyy

Date of expiry

/ /
dd mm yyyy

Any further relevant details

Section 7 of 9

PREVIOUS TEMPORARY EVENT NOTICES (See also guidance on completing the form, note 14)

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?

Yes No

State the number of temporary event notices you have given for events in that same calendar year

Have you already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or Yes No
b) Begins 24 hours or less after the event period proposed in this notice?

Section 8 of 9

ASSOCIATES AND BUSINESS COLLEAGUES (See also guidance on completing the form, note 15)

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

Yes No

Continued from previous page...

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or
b) Begins 24 hours or less after the event period proposed in this notice?
- Yes No

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

Yes No

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or
b) Begins 24 hours or less after the event period proposed in this notice?
- Yes No

Section 9 of 9

CONDITION (See also guidance on completing the form, note 17)

It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.
This formality requires a fixed fee of £21

DECLARATION (See also guidance on completing the form, note 18)

* The information contained in this form is correct to the best of my knowledge and belief

* I understand that it is an offence:

- (i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and
(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both

Ticking this box indicates you have read and understood the above declaration

Continued from previous page...

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

Full name

Capacity

Date / /
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/temporary-event-notice/test-valley/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

OFFICE USE ONLY

Applicant reference number

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

Error message

Is Digitally signed

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ANNEX 2



Test Valley
Application for a Temporary Event Notice
Licensing Act 2003

For help contact
licensing@testvalley.gov.uk
Telephone: 01264 368013

* required information

Section 1 of 9

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Yes No

Applicant Details

First name

Family name

E-mail address

Main telephone number Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- Applying as a business or organisation, including as a sole trader
- Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

First name

Family name

E-mail address

Main telephone number Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

Is your business registered in the UK with Companies House? Yes No

Is your business registered outside the UK? Yes No

Business name

VAT number

Legal status

Your position in the business

Home country

If your business is registered, use its registered name.

Put "none" if you are not registered for VAT.

The country where the headquarters of your business is located.

Continued from previous page...

Additional Contact Details

Are the contact details the same as (or similar to) those given in section one? If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes No

E-mail
Telephone number
Other telephone number

Section 3 of 9

THE PREMISES

I, the proposed user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry out a temporary activity at the premises described below.

Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). [\(See also guidance on completing the form, note 2\)](#)

Does the premises have an address?

Yes No

Address

Is the address the same as (or similar to) the address given in section one? If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes No

Building number or name
Street
District
City or town
County or administrative area
Postcode
Country

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

Neither Premises licence Club premises certificate

Location Details

Provide further details about the location of the event

Whole of the premises known as the Olive Tree, as covered by the lapsed licence and the licence application submitted 14/10/2015

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below [\(see also guidance on completing the form, note 3\)](#)

Whole of the premises known as the Olive Tree, as covered by the lapsed licence and the licence application submitted

Continued from previous page...

14/10/2015

Describe the nature of the premises below (see also guidance on completing the form, note 4)

Bar & Restaurant

Describe the nature of the event below (see also guidance on completing the form, note 5)

This TEN is to cover normal trading during the application period for a new Premises Licence following the lapse of the old licence due to an administration oversight.

Conditions imposed on the lapsed Premises Licence will be adhered to during this event.

Section 4 of 9

LICENSABLE ACTIVITIES

State the licensable activities that you intend to carry on at the premises (see also guidance on completing the form, note 6):

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of regulated entertainment
- The provision of late night refreshment
- The giving of a late temporary event notice

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event.
(See also guidance on completing the form, note 7).

Event Dates

There must be a period of at least 10 working days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

State the dates on which you intend to use these premises for licensable activities

(see also guidance on completing the form, note 8)

Event start date

/ /
dd mm yyyy

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

Event end date

/ /
dd mm yyyy

Continued from previous page...

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock) (see also guidance on completing the form, note 9)

Tuesday 10th Nov from 09:00 until 23:00;
Wednesday 11th Nov from 09:00 until 23:00;
Thursday 12th Nov from 09:00 until 23:00;
Friday 13th Nov from 09:00 until 00:00.

State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers (see also guidance on completing the form, note 10)

499

Note that the maximum number of people cannot exceed 499.

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both (see also guidance on completing the form, note 11):

- On the premises only
- Off the premises only
- Both

Section 5 of 9

RELEVANT ENTERTAINMENT (See also guidance on completing the form, note 12)

State if the licensable activities will include the provision of relevant entertainment. If so, state the times during the event period that you propose to provide relevant entertainment

N/A

Section 6 of 9

PERSONAL LICENCE HOLDERS (See also guidance on completing the form, note 13)

Do you currently hold a valid personal licence? Yes No

Provide the details of your personal licence below.

Issuing licensing authority

Licence number

Date of issue / /
dd mm yyyy

Continued from previous page...

Date of expiry

/ /
dd mm yyyy

Any further relevant details

Section 7 of 9

PREVIOUS TEMPORARY EVENT NOTICES (See also guidance on completing the form, note 14)

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?

Yes No

State the number of temporary event notices you have given for events in that same calendar year

Have you already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or Yes No
b) Begins 24 hours or less after the event period proposed in this notice?

Section 8 of 9

ASSOCIATES AND BUSINESS COLLEAGUES (See also guidance on completing the form, note 15)

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

Yes No

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or Yes No
b) Begins 24 hours or less after the event period proposed in this notice?

Continued from previous page...

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? Yes No

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: Yes No

a) Ends 24 hours or less before; or
b) Begins 24 hours or less after the event period proposed in this notice?

Section 9 of 9

CONDITION (See also guidance on completing the form, note 17)

It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.
This formality requires a fixed fee of £21

DECLARATION (See also guidance on completing the form, note 18)

- * The information contained in this form is correct to the best of my knowledge and belief
 - * I understand that it is an offence:
 - (i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and
 - (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both
- Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

Full name

Capacity

Date / /
dd mm yyyy

Continued from previous page...

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/temporary-event-notice/test-valley/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

OFFICE USE ONLY

Applicant reference number	<input type="text" value="OLI31/2-4"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

< Previous 1 2 3 4 5 6 7 8 9 Next >



**New grant or variation of premises licence
Or club premises certificate
Form for representations from Hampshire Constabulary**

Before completing this form, please refer to FPP 07001 (Licensing (Licensing Act 2003))

Hampshire Constabulary is a responsible authority and wish to make a representation regarding under the Licensing Act 2003, regarding the:

<input type="checkbox"/> 1: Grant for a personal licence	(Object within 14 days)
<input checked="" type="checkbox"/> 2: Grant for a temporary event notice (TEN)	(Object within 3 days)
<input type="checkbox"/> 3: Transfer of a premises licence	(Object within 14 days)
<input type="checkbox"/> 4: Variation of designated premises supervisor	(Object within 14 days)
<input type="checkbox"/> 5: Grant/Variation of a premises licence/club prem' certificate	(Object within 28 days)
<input type="checkbox"/> 6: Minor variations	(Object within 10 working days)

Name of Applicant:	Alison Bird
Name of Proposed DPS:	

Details of relevant conviction (Personal Licence Applications ONLY)

Postal address of premises:	The Olive Tree 11 Latimer Street Romsey Hampshire
Postcode:	SO51 8DF

Details of responsible authority applicant

Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other title /Rank:	PC
Surname: CONWAY	First Names: SHARON
Current postal address :	Southampton Central Police Station Southern Road Southampton
Postcode:	SO15 1AN
Daytime telephone number:	02380 478373
E-mail address: <i>(optional)</i>	force.licensing@hampshire.pnn.police.uk

Hampshire Constabulary is a responsible authority and the applicant has the delegated authority of the Chief Officer of Police in respect of his responsibilities under the Licensing Act 2003



**New grant or variation of premises licence
Or club premises certificate
Form for representations from Hampshire Constabulary**

This application to object relates to the following licensing objective(s)

- | | | |
|---|-------------------------------------|--|
| 1) The prevention of crime and disorder | <input checked="" type="checkbox"/> | <i>Please select
one or more
boxes</i> |
| 2) Public safety | <input type="checkbox"/> | |
| 3) The prevention of public nuisance | <input checked="" type="checkbox"/> | |
| 4) The protection of children from harm | <input type="checkbox"/> | |

Please state the ground(s) for representation:

On behalf of the Chief Officer of Police I am writing to make representations to the Temporary Event Notice for

Tues 3rd November 2015 - Sun 8th November 2015

submitted by Alison Bird with respect to
The Olive Tree
11 Latimer Street
Romsey
SO51 8DF

The representation is based on the following grounds:

- The prevention of crime and disorder
- The prevention of public nuisance.

At present, Hampshire Constabulary have no faith in the current management of The Olive Tree, in particular the applicant Alison Bird (DPS) or Nick Warner (owner).

There is no current premises licence for The Olive Tree, the previous licence having lapsed in August 2015. There are therefore no conditions that can be transferred from the premises licence to the temporary event notice to uphold the licensing objectives. It is of great concern to Hampshire Constabulary that a premises which has had recent issues with crime, disorder and public nuisance will be able to operate under such a temporary event notice.

In any case, Alison Bird had continually disregarded the conditions on the premises licence when she believed the authority to be current.

On 19th September at 2350hrs, Alison Bird reported a large fight in the garden area of the premises. At least two people were assaulted in this incident, with damage being caused to furniture. This was in clear breach of the premises licence, should one have been valid.

A meeting was held with Alison Bird on 30th September 2015, during which the conditions attached to the premises licence were clearly explained.

On 2nd October 2015, at 2320hrs, police visited the premises and found the garden to be in



**New grant or variation of premises licence
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use by customers, as well as other breaches.
These customers returned into the premises, causing issues with the DPS, to the point one was escorted from the premises by police. A second female, on leaving The Olive Tree, urinated in the street and required further attention as she was unable to keep her balance in order to stand.

It is an offence, under section 158 of the Licensing Act 2003 to make a false statement in or in connection with this representation

Police recommendations (including any conditions)
With such recent incidents where crime, disorder and public nuisance has occurred at the premises, Hampshire Constabulary have grave concerns about the premises operating under a temporary event notice, and are requesting that these applications are not granted.
As explained, there is currently no premises licence in place, so there are no enforceable conditions that can be applied to the temporary event notice.

Signature of Officer Completing

Name PC CONWAY Collar Number: 22237
Signature: _____ Date: 19/10/15

Signature of Authorising Officer

Name Pc 21945 RACKHAM Collar Number: 21945
Signature _____ Date: 19/10/15

Occurrence details

Hampshire Constabulary
Printed: 19/10/2015 11:53 by 22237
Occurrence: **44150325925**

Occurrence details:

Report no.: 44150325925
Occurrence Type: Assault
Occurrence time: 19/09/2015 23:45 - 19/09/2015 23:50
Reported time: 19/09/2015 23:50
Occurrence address: 11 LATIMER STREET, ROMSEY, HAMPSHIRE United Kingdom SO51 8DF (THE OLIVE TREE) (District: 11 TEST VALLEY, Sector: TR TEST VALLEY SOUTH, N'hood: 11TR01 ROMSEY TOWN, Beat: 11TR0115 ABBEY)
Clearance status: Under investigation
Concluded: No
Concluded date:

Summary: Group having drinks in beer garden approached by two males who then assaulted two of the group by punching them to the face and headbutting the other aggrieved. Other persons intervened to try and stop the fighting. The offenders have grabbed garden chairs and thrown them at the tables causing damage to the chairs and tables.

Remarks:

Associated occurrences:

- Same address; Same event / 44150325969 / Criminal damage / 20/09/2015 01:17 / 20150920 01:17:38:113
- Same address; Same event / 44150325963 / Assault / 20/09/2015 01:10 / 20150920 01:10:16:943

Involved persons:

- / Witness / DOB: (20) Gender: Male
- / Voluntarily attended; Other / DOB: (24) Gender: Male
- / Other / DOB: (25) Gender: Male
- / Witness / DOB: (21) Gender: Male
- / Witness / DOB: (21) Gender: Male
- / Witness / DOB: (20) Gender: Male
- / Witness / DOB: (20) Gender: Male
- / Witness / DOB: (20) Gender: Female
- / Suspect; Voluntarily attended / DOB: (25) Gender: Male
- / Witness / DOB: (20) Gender: Female
- / Witness / DOB: (21) Gender: Male
- / Aggrieved / DOB: (21) Gender: Male
- / Witness / DOB: (23) Gender:

- DPS / Person reporting; Witness /

Involved addresses:

- 11 LATIMER STREET [R:A3] / Dispatch address; Occurrence address; Reporting person address / ROMSEY, United Kingdom SO51 8DF (THE OLIVE TREE) (District: 11 TEST VALLEY, Sector: TR TEST VALLEY SOUTH, N'hood: 11TR01 ROMSEY TOWN, Beat: 11TR0115 ABBEY)

Involved comm addresses:

Involved vehicles:

Involved officers:

- Arresting officer; Officer in case
- Assisting officer
- Reviewing
- Assisting
- Assisting officer
- Assisting officer
- Assisting officer
- Assisting officer; Attending officer
- Assisting officer; Supervising officer

Involved property:

Modus operandi:

Reports:

Supplementary Occurrence Report

Hampshire Constabulary

Printed: 19/10/2015 12:01 by 22237

Occurrence: 44080246924 Z Prem Licence (Management Occurrence)

Author: #22237 CONWAY, S.
Entered by: #22237 CONWAY, S.Report time: 03/10/2015 01:44
Entered time: 03/10/2015 01:44**Remarks:**

Premises attended 2320hrs - 2355hrs 02/10/15

Report:

Premises attended 2320hrs by PC Conway and PC Rackham. The rest of the town was quite quiet. As we were walking towards the premises, a group of about 6 people were seen to use the front door to enter. There was nothing / no-one restricting the use of the front door, nor directing to the side door.

Walked to the garden area, there were a group of females sat at one of the tables with drinks and empty glasses.

A couple of members of staff asked if they could help, we identified ourselves as police, The staff members advised that the group in the garden were just going back inside.

We then went inside the premises, using the front door. The DPS Alison Bird was seen. The use of the beer garden was pointed out, as well as the use of the front door. The DPS was initially defensive, advising that the group outside were just leaving the garden. With respect to the use of the front door, DPS advised that she understood the agreement from the meeting was that it was okay to use the front door, despite the condition, and that it could be amended.

I reminded DPS that, although I understood the difficulties and practicalities of adhering to this condition, I did not agree that it need not be complied with. I had agreed to work with the premises in order to seek amendments.

Toilet checks and swabs completed - see separate w/s

On leaving the premises, a female was seen to be sat on a chair and looked to be drowsy. We attempted to leave by the front door, the DPS approached us and asked to leave by the side entrance. The DPS advised us that she had just asked a female in a blue top (currently outside) to leave, The female had been part of the group outside, and she refused to hand back her glass. The female had become verbally argumentative, so was told not to return to the premises.

The female came back into the premises, and began arguing with the DPS about being told to leave. The female then ignored the DPS, going to the female who was by now asleep in the chair. The female in the blue top was drunk, unsteady on her feet, slurring her words and refusing to listen.

Myself and PC Rackham identified ourselves as police, confirmed that the DPS wanted the female to leave. The female refused to engage with us, so was then removed from the premises by being walked to the door,

The female refused to listen to reason. She was then joined by her friend (female asleep in the chair). This second female then went along a small road to urinate. Unfortunately she lost her balance, falling forward onto the concrete.

The second female received very minor grazing to her face, requiring no medical attention. Eventually she was able to get up and, with the aid of her friend, was able to walk away.

RESTRICTED

DPS was spoken to about the level of drunkenness. She advised that the group had been in the premises earlier in the evening with others. They had left and had returned later. The females were served a bottle of champagne and 3 shots. The DPS advised that she had not thought the group to be drunk, certainly not exhibiting the drunkenness currently being seen.

CCTV was seen, which shows the females coming in from the rear garden when police were checking the toilets. The exact time they came to the premises was not found (no CCTV in the garden). Female 2 in particular was visibly drunk - staggering as she walked back to the premises.

DPS was reminded about the conditions on her premises licence. SIA staffing was again discussed, as this would support the DPS in complying with conditions and the removal of patrons.

The DPS did not show to be strong and robust in dealing with the females. Although the female remonstrating with the DPS was in her personal space, the DPS did remain calm in explaining why the female has been asked to leave. However, the female was not listening and ignored the DPS, which prompted police to step in.

RESTRICTED

Printed by: 22237 Date: 19/10/2015 12:01 Computer: SC427 Page 2 of 2



**New grant or variation of premises licence
Or club premises certificate
Form for representations from Hampshire Constabulary**

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<input type="checkbox"/> 5: Grant/Variation of a premises licence/club prem' certificate	(Object within 28 days)
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Name of Applicant:	Alison Bird
Name of Proposed DPS:	

Details of relevant conviction (Personal Licence Applications ONLY)

Postal address of premises:	The Olive Tree 11 Latimer Street Romsey Hampshire
Postcode:	SO51 8DF

Details of responsible authority applicant

Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other title /Rank:	PC
Surname:	CONWAY
First Names:	SHARON
Current postal address :	Southampton Central Police Station Southern Road Southampton
Postcode:	SO15 1AN
Daytime telephone number:	02380 478373
E-mail address: (optional)	force.licensing@hampshire.pnn.police.uk

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**New grant or variation of premises licence
Or club premises certificate
Form for representations from Hampshire Constabulary**

This application to object relates to the following licensing objective(s)

- 1) The prevention of crime and disorder
 - 2) Public safety
 - 3) The prevention of public nuisance
 - 4) The protection of children from harm
- Please select one or more boxes*

Please state the ground(s) for representation:

On behalf of the Chief Officer of Police I am writing to make representations to the Temporary Event Notice for

Tues 10th November 2015 - Fri 13th November 2015

submitted by Alison Bird with respect to
The Olive Tree
11 Latimer Street
Romsey
SO51 8DF

The representation is based on the following grounds:
The prevention of crime and disorder
The prevention of public nuisance.

At present, Hampshire Constabulary have no faith in the current management of The Olive Tree, in particular the applicant Alison Bird (DPS) or Nick Warner (owner).

There is no current premises licence for The Olive Tree, the previous licence having lapsed in August 2015. There are therefore no conditions that can be transferred from the premises licence to the temporary event notice to uphold the licensing objectives. It is of great concern to Hampshire Constabulary that a premises which has had recent issues with crime, disorder and public nuisance will be able to operate under such a temporary event notice.

In any case, Alison Bird had continually disregarded the conditions on the premises licence when she believed the authority to be current.

On 19th September at 2350hrs, Alison Bird reported a large fight in the garden area of the premises. At least two people were assaulted in this incident, with damage being caused to furniture. This was in clear breach of the premises licence, should one have been valid.

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These customers returned into the premises, causing issues with the DPS, to the point one was escorted from the premises by police. A second female, on leaving The Olive Tree, urinated in the street and required further attention as she was unable to keep her balance in order to stand.

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Signature of Officer Completing

Name PC CONWAY Collar Number: 22237
Signature: _____ Date: 19/10/15

Signature of Authorising Officer

Name Pc 21945 RACKHAM Collar Number: 21945
Signature: _____ Date: 19/10/15

Occurrence details

Hampshire Constabulary
Printed: 19/10/2015 11:53 by 22237
Occurrence: **44150325925**

Occurrence details:

Report no.: 44150325925
Occurrence Type: Assault
Occurrence time: 19/09/2015 23:45 - 19/09/2015 23:50
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Clearance status: Under investigation
Concluded: No
Concluded date:

Summary: Group having drinks in beer garden approached by two males who then assaulted two of the group by punching them to the face and headbutting the other aggrieved. Other persons intervened to try and stop the fighting. The offenders have grabbed garden chairs and thrown them at the tables causing damage to the chairs and tables.

Remarks:

Associated occurrences:

- Same address; Same event / 44150325969 / Criminal damage / 20/09/2015 01:17 / 20150920 01:17:38:113
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Involved persons:

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- / Voluntarily attended; Other / DOB: (24) Gender: Male
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- / Witness / DOB: (20) Gender: Female
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- / Witness / DOB: (20) Gender: Female
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- / Witness / DOB: (23) Gender:

- DPS / Person reporting; Witness /

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- 11 LATIMER STREET [R:A3] / Dispatch address; Occurrence address; Reporting person address / ROMSEY, United Kingdom SO51 8DF (THE OLIVE TREE) (District: 11 TEST VALLEY, Sector: TR TEST VALLEY SOUTH, N'hood: 11TR01 ROMSEY TOWN, Beat: 11TR0115 ABBEY)

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- Assisting officer
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- Assisting officer
- Assisting officer
- Assisting officer
- Assisting officer; Attending officer
- Assisting officer; Supervising officer

Involved property:

Modus operandi:

Reports:

Supplementary Occurrence Report

Hampshire Constabulary

Printed: 19/10/2015 12:01 by 22237

Occurrence: 44080246924 Z Prem Licence (Management Occurrence)

Author: #22237 CONWAY, S.

Report time: 03/10/2015 01:44

Entered by: #22237 CONWAY, S.

Entered time: 03/10/2015 01:44

Remarks:

Premises attended 2320hrs - 2355hrs 02/10/15

Report:

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Toilet checks and swabs completed - see separate w/s

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RESTRICTED

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CCTV was seen, which shows the females coming in from the rear garden when police were checking the toilets. The exact time they came to the premises was not found (no CCTV in the garden). Female 2 in particular was visibly drunk - staggering as she walked back to the premises.

DPS was reminded about the conditions on her premises licence. SIA staffing was again discussed, as this would support the DPS in complying with conditions and the removal of patrons.

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RESTRICTED

Printed by: 22237 Date: 19/10/2015 12:01 Computer: SC427 Page 2 of 2

ANNEX 5

Schedule 12 Part A Premises Licence

Regulation 33,34

Current Premises Licence number	PREM/05/0192
Previous Premises Licence number (if any)	TVBC PREM-LIC 365

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description,

The Olive Tree 11 Latimer Street Romsey Hampshire SO51 8DF

Telephone number 01794 503444

Where the licence is time limited the dates -

Licensable activities authorised by the licence

Live music

Recorded music

Entertainment similar to music or dance

Supply by retail of alcohol

The times the licence authorises the carrying out of licensable activities

Live music

Standard timings Sunday 10:00 - 23:00

Live music

Standard timings Weekdays and Saturdays 09:00 - 23:00

Recorded music

Standard timings Monday 09:00 - 23:30

Recorded music

Standard timings Tuesday 09:00 - 23:30

Recorded music

Standard timings Wednesday 09:00 - 23:30

Recorded music

Standard timings Thursday 09:00 - 23:30

Recorded music

Standard timings Sunday 10:00 - 23:30

Recorded music

Standard timings New Year's Eve into New Year's Day 09:00 - 09:00

Recorded music

Standard timings Friday and Saturday 09:00 - 00:30

Entertainment similar to music or dance

Standard timings Monday 09:00 - 23:30

Entertainment similar to music or dance

Standard timings Tuesday 09:00 - 23:30

Entertainment similar to music or dance

Standard timings Wednesday 09:00 - 23:30

Entertainment similar to music or dance

Standard timings Thursday 09:00 - 23:30

Entertainment similar to music or dance

Standard timings Sunday 10:00 - 23:30

Entertainment similar to music or dance

Standard timings New Year's Eve into New Year's Day 09:00 - 09:00

Entertainment similar to music or dance

Standard timings Friday and Saturday 09:00 - 00:30

Supply by retail of alcohol

Standard timings Monday 09:00 - 23:00

Supply by retail of alcohol

Standard timings Tuesday 09:00 - 23:00

Supply by retail of alcohol

Standard timings Wednesday 09:00 - 23:00

Supply by retail of alcohol

Standard timings Thursday 09:00 - 23:00

Supply by retail of alcohol

Standard timings Sunday 10:00 - 23:00

Supply by retail of alcohol

Standard timings New Year's Eve into New Year's Day 09:00 - 09:00

Supply by retail of alcohol

Standard timings Friday and Saturday 09:00 - 00:00

The opening hours of the premises

New Year's Eve to New Year's Day	07:00 - 07:00
Monday	07:00 - 23:30
Tuesday	07:00 - 23:30
Wednesday	07:00 - 23:30
Thursday	07:00 - 23:30
Friday	07:00 - 00:30
Saturday	07:00 - 00:30
Sunday	08:00 - 23:30

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

Bella & Sparky Trading Limited
Nicholas Warner
19 Torbay Road
POOLE
BH14 9JQ

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

08118524

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

Removed to comply with data protection legislation

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: Removed to comply with data protection legislation
Licensing Authority: Test Valley Borough Council

This premises licence is issued by Test Valley Borough Council as licensing authority under part 3 of the Licensing Act 2003 and regulations made thereunder

Date licence originally granted 22nd day of March 2006
Date this licence printed 20 October 2015

Test Valley Borough Council
Beech Hurst
Weyhill Road
Andover
Hampshire
SP10 3AJ

Annex 1 – Mandatory Conditions

- 1 Section 19 - Mandatory Conditions: Where licence authorises supply of alcohol
- (1) Where a premises licence authorises the supply of alcohol, the licence must include the following conditions.
- (2) The first condition is that 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.
- (3) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

2 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1 -

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

where -

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

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

4.-(1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

EXPLANATORY NOTE

(This note is not part of the Condition)

Sections 19A and 73A of the Licensing Act 2003 (as inserted by section 32 of and Schedule 4 to the Policing and Crime Act 2009) provide for the Secretary of State to prescribe by order up to nine mandatory conditions applicable to relevant premises licences and club premises certificates.

Relevant premises licences and relevant club premises certificates are those authorising the sale and supply of alcohol to the public in licensed premises or to members or guests of clubs in club premises. The Schedule to the Order sets out a mandatory condition which applies to relevant premises licences and club premises certificates.

Paragraph 1 provides that the condition requires a relevant person to ensure that no alcohol is supplied from the premises to which the licence or certificate relates at a price below the permitted price.

Paragraph 2 contains relevant definitions for the purposes of paragraph 1. The permitted price is defined as the aggregate of the duty chargeable in relation to the alcohol on the date of its sale or supply and the amount of that duty multiplied by a percentage which represents the rate of VAT chargeable in relation to the alcohol on the date of its sale or supply. A relevant person is defined as a

premises licence holder, designated premises supervisor or personal licence holder (in relation to premises in respect of which there is a premises licence) and a member or officer of a club who is present and able to prevent a supply of alcohol (in relation to premises in respect of which there is a club premises certificate).

Paragraph 3 provides that the permitted price is rounded up to the nearest penny.

Paragraph 4 provides that a change to the permitted price which would apply as a result of a change to the rate of duty or VAT charged in relation to alcohol would not apply until the expiry of the period of 14 days beginning on the day on which the change in the rate of duty or VAT takes effect.

3 SCHEDULE - Mandatory Licensing Conditions

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

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

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or .

(ii) drink as much alcohol as possible (whether within a time limit or otherwise); .

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective; .

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective; .

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner; .

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability). .

2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

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

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

(a) a holographic mark, or .

(b) an ultraviolet feature. .

4. The responsible person must ensure that

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures.

(i) beer or cider: ½ pint; .

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and .

(iii) still wine in a glass: 125 ml; .

(b) these measures are displayed in a menu, price list or other printed material which is available to

customers on the premises; and .

(c)where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Annex 2 – Conditions consistent with the operating Schedule

1. Live performances either acoustic or amplified music or amplified voice shall only take place indoors Monday to Sunday between the hours of 0900 and 2300 hours
2. Live performances either acoustic or amplified music or amplified voice shall only take place outdoors between 0900 and 2100 hours Monday to Sunday
3. The events governed by condition 2 above shall be restricted to no more than 3 in any one calendar year, the date of the first year to commence on the date this licence takes effect.
4. A CCTV system meeting standards required by the police and in working order will be maintained. Tapes or recordings will be retained for 28 days and made available to the police on request.
5. The premises will be a member of the local pubwatch group.
6. A zero tolerance policy will be maintained with regard to drugs. The Designated Premises Supervisor will consult with the police with regard to drugs training for staff.
7. Condition removed following minor variation application November 2010.
8. There will be no sales for consumption off the premises, and staff will check that customers do not remove glasses or bottles from the premises.
9. During events involving live or amplified music and speech, (other than low level background music), all windows and doors shall be kept closed. External doors will also be kept closed except where necessary for access and egress.
10. The disposal of empty bottles into outdoor storage receptacles will not take place between 1900 and 0800 hours.
11. At each exit point a prominent and clear notice will be displayed to the effect that customers should be considerate to local residents by leaving the premises and the area quietly.
12. No amplified music or amplified speech shall be audible at the boundary of the nearest residential property between 2300 - 0900 hours.
13. Indoor regulated entertainment shall not take place more frequently than 104 times per calendar year.
14. The kitchen extraction system shall be turned off when not in use.
15. The beer garden and any other outside areas shall not be used by customers between 2300 - 0900 hours.
16. Access and egress through the front door of the premises will be restricted for use of patrons after 2230 hours when the side door will be used instead.
17. Those under 18 years will not be admitted to the premises after 2100 and proof of age will be required of anyone appearing to be under the age of 21. The only acceptable forms of identification will be a photocard driving licence or passport.

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

Annex 4 – Plans

Plan, if attached, not reproduced to scale.

If no plan attached, contact the Licensing Authority