

# ANNEX 5

## Schedule 12 Part A Premises Licence

Regulation 33,34

<b>Current Premises Licence number</b>	PREM/05/0192
<b>Previous Premises Licence number (if any)</b>	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