

## Notice of Meeting

# Licensing Sub-Committee

**Date:** Friday, 22 September 2017

**Time:** 09:30

**Venue:** Conference Room 1, (Beech Hurst), Beech Hurst, Weyhill Road,  
Andover, Hampshire, SP10 3AJ

**For further information or enquiries please contact:**

Sally Prior - **01264 368024**

email [sprior@testvalley.gov.uk](mailto:sprior@testvalley.gov.uk)

**Legal and Democratic Service**

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

[www.testvalley.gov.uk](http://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 C Collier

Councillor A Johnston

### WARD

Andover (Winton)

Romsey (Abbey)

Romsey Extra

# Licensing Sub-Committee

Friday, 22 September 2017

## AGENDA

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

- 1 Appointment of Chairman
- 2 Apologies
- 3 Declarations of Interest
- 4 Licensing Procedure Rules 4 - 6  
Procedure Rules for Licensing Sub-Committee
- 5 Application for the Review of a Premises Licence - The Lardicake, 19 Adelaide Road, Andover SP10 1HF 7 - 20  
To determine an application for the Review of the Premises Licence

## **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 Members 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 start 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.
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 their representative will present the facts of the application and action taken, to the Sub-Committee.
  - (ii) The Applicant or their representative may address the Sub-Committee.

- (iii) Other parties may address the Sub-Committee in the following order:
      - Responsible authorities
      - Other parties
  - (b)
    - (i) The Licensing Manager of the Council or their 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
      - Other 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 their representative may address the Sub-Committee.
9. The Sub-Committee may permit the applicant or any party to question any other party.
10. The members of the Sub-Committee may ask any questions of the Licensing Manager or their 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.
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 them 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 they would have been entitled to give orally had they 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), 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      Application for the Review of a Premises Licence – The Lardicake, 19 Adelaide Road, Andover SP10 1HF**

### **1      The application**

- 1.1      The application is by the Environmental Health Manager of Test Valley Borough Council asking for the Review of the existing Premises Licence in respect of The Lardicake, 19 Adelaide Road, Andover SP10 1HF. The application has asked for the Review on the basis that the local authority consider the licensing objective of the prevention of public nuisance is currently being harmed by activity on the premises. A copy of the Review application is attached as Annex 1 to this report. The application for a Review requires the matter to be determined at a hearing. Unlike other Licensing Act applications there is no provision to cancel a hearing for a Review application, it must take place.

### **2      Background**

- 2.1      The Lardicake is a small traditional public house located in Adelaide Road just off of Andover town centre in an area of predominantly residential properties. The premises are licensed for recorded music and sale of alcohol for consumption on and off the premises. A copy of the current Premises Licence is attached as Annex 2 to this report. It should be noted that under the terms of the Live Music Act 2012 and the Deregulation Act 2015 the premises can provide live music (both amplified and unamplified) and recorded music between 0800 and 2300 hours without the need for a Premises Licence or other permission. However these licensable activities can be conditioned or otherwise restricted at a Review hearing.

### **3      Grounds for the Review and the Licensing Objectives**

The application for Review sets out details of the specific incidents of concern to the Environmental Health Manager. The Environmental Health Manager comments that in the interests of preventing public nuisance they believe that the current level of regulated entertainment at the premises should not be allowed to continue and that additional conditions ought to be applied. Those are:

1. Live music, amplified music and/or amplified sound shall not be permitted to take place outdoors between 2300 and 1100 hrs.
2. Live music, amplified music and/or amplified sound shall not be permitted to take place outdoors more than once per calendar month.
3. The duration of outdoor events involving either live music, amplified music and/or amplified sound shall be no longer than 3 hours from start to finish.
4. Live music, amplified music and/or amplified sound shall not be permitted to take place inside the pub between 2300 - 1100 hrs unless all windows and doors are kept closed (except for access and egress purposes).
5. There shall be no Temporary Events Notices for the premises.

Solicitors representing Ei Group Plc, the Premises Licence holders, have indicated that they agree to the imposition of conditions 1 to 4 but not condition 5 regarding Temporary Event Notices as there is an established legal principle that any such condition is illegal. The Environmental Health Manager has accepted this view and will not be seeking the imposition of this condition.

#### **4 Relevant Representations – Responsible Authorities**

4.1 **Hampshire Fire and Rescue Service** – Having examined the application the Fire Service does not wish to make any representation.

4.2 **TVBC Planning and Building Service** – The Planning Service has no comment to make on the application.

#### **5 Relevant Representations – Other Persons**

5.1 There are no representations from other parties.

#### **6 Policy Considerations**

6.1 It is considered that the following extracts from the guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 (April 2017 edition) are relevant.

2.15–2.21 – Public nuisance

8.38–8.46 – Steps to promote the licensing objectives

9.31-9.44 – Hearings

10.1-10.10 – Conditions

11.1-11.11 & 11.16-11.28 Reviews

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.

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

##### 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.

#### **7 Observations**

7.1 The Committee is obliged to determine this application 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) Modify the conditions of the Premises Licence, by altering or omitting or adding [to] them
- b) Exclude a licensable activity from the scope of the Licence
- c) Remove the Designated Premises Supervisor
- d) Suspend the Licence for a period not exceeding three months
- e) Revoke the Licence
- f) Reject the application and do nothing.

The Committee is asked to note that it may not modify the conditions or reject the whole or part of the application 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

The Committee may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives. In addition, there is nothing to prevent the Committee issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that the licensing authority will regard such a warning as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the holder of the licence. However, where responsible authorities have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to concerns, the Committee should not merely repeat that approach.

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
Premises Licence Review application for The Lardicake, Adelaide Road, Andover			
<u>Confidentiality</u>			
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:	2		
Author:	Michael White	Ext:	8013
File Ref:	PREM/05/0155		
Report to:	Licensing Sub-Committee	Date:	22 September 2017

# ANNEX 1

Test Valley Borough Council

## Application for the review of a premises licence or club premises certificate 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. You may wish to keep a copy of the completed form for your records.

I **Carol Ruddle**

*(Insert name of applicant)*

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below

#### Part 1 – Premises or club premises details

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Lardicake 19 Adelaide Road Andover Hampshire SP10 1HF	
<b>Post town</b> Andover	<b>Post code (if known)</b> SP10 1HF

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Mr Andrew Rogers
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<b>Number of premises licence or club premises certificate (if known)</b> PREM/05/0155
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#### Part 2 - Applicant details

I am

Please tick ✓ yes

Carol Ruddle  
Environmental Health Manager  
Housing, Health & Communities Service  
Test Valley Borough Council  
Beech Hurst  
Weyhill Road, Andover  
Hampshire SP10 3AJ

2) a responsible authority (please complete (C) below)

✓

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

Please tick ✓ yes

Mr  Mrs  Miss  Ms  Other title  
(for example, Rev)

**Surname**

**First names**

**I am 18 years old or over**

Please tick ✓ yes

**Current postal  
address if  
different from  
premises  
address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address  
(optional)**

**(B) DETAILS OF OTHER APPLICANT**

**Name and address**

**Telephone number (if any)**

**E-mail address (optional)**

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address Carol Ruddle Environmental Health Manager Housing, Health & Communities Service Test Valley Borough Council Beech Hurst Weyhill Road, Andover Hampshire SP10 3AJ
Telephone number (if any) <b>01264 368461</b>
E-mail address (optional) cruddle@testvalley.gov.uk

**This application to review relates to the following licensing objective(s)**

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

**Please state the ground(s) for review (please read guidance note 2)**

We request this review in the interests of preventing public nuisance.

What I am seeking

In the interests of preventing public nuisance I believe that the current level of regulated entertainment at the premises should not be allowed to continue and that additional conditions ought to be applied.

Therefore, I am seeking the imposition of conditions to the following effect:

- 1. Live music, amplified music and/or amplified sound shall not be permitted to take place outdoors between 23.00hrs and 11.00hrs
- 2. Live music, amplified music and/or amplified sound shall not be permitted to take place outdoors more than once per calendar month.
- 3. The duration of outdoor events involving either live music, amplified music and/or amplified sound shall be no longer than 3 hours from start to finish.
- 4. Live music, amplified music and/or amplified sound shall not be permitted to take place inside the pub between 2300 – 1100 hrs unless all windows and doors are kept closed (except for access and egress purposes).
- 5. There shall be no Temporary Events Notices for the premises.

Please provide as much information as possible to support the application (please read guidance note 3)

The Lardicake is located in a residential area close to the edge of Andover town centre. The pub is closely surrounded by several homes, creating a potential conflict with residents in the case of regular and/or poorly managed events involving live and/or amplified music.

In June 2016, the Council's Environmental Health Unit received a complaint about loud music from a weekend event. In response to a further event on the weekend of 16/17 July 2016, an officer visited to investigate and considered the level of music to be excessive and unreasonable. This was followed by the service of a noise abatement notice (dated 20 July 2016) on the Designated Premises Supervisor (DPS).

Following an event on Sunday 28 August 2016 that was considered to be excessive a written warning was subsequently issued to the DPS on 9 September 2016.

The Council then received further complaints about outdoor music events on Sunday 9 April 2017 and Sunday 7 May 2017, though neither event was witnessed by any officer from the Council's Environmental Health Unit.

On 8 May 2017, we wrote to Ei Group Limited, the pub-owning company, to notify that company of our general concerns with the pub's management and to seek their co-operation to speak to the DPS and give him any advice and assistance he might require to avoid causing further nuisance to local residents.

Complaints were received about noise from loud music on the 18<sup>th</sup> and 25<sup>th</sup> of June 2017. Then another complaint was received about loud music from an outdoor music event during the late afternoon and early evening of Sunday 2 July 2017. An officer attended and considered that the music was indeed disturbing and, whilst such an event might reasonably be tolerated occasionally at such volume and times, was too disturbing to be held on a frequent basis.

A further complaint was received about an outdoor event held during the evening of Saturday 8 July 2017. A visit was not made by any officer of the Environmental Health Unit at the time, but was alleged to have continued from 20.00hrs to 01.00hrs the following morning, when it was followed by noise from people leaving the area.

On Sunday 16 July 2017 an officer from the Council's Environmental Health Unit visited in response to an outdoor event reportedly held during that afternoon and reported to be still going at 00.20hrs. This event was witnessed by the officer between 22.24hrs and 23.24hrs and was considered to be excessive, especially given the timings of the event for such a built-up area closely surrounded by houses.

tick ✓ yes

Have you made an application for review relating to the premises before

Please

If yes please state the date of that application

Day Month Year

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**If you have made representations before relating to the premises please state what they were and when you made them**

tick ✓ yes

Please

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ✓
- I understand that if I do not comply with the above requirements my application will be rejected ✓

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

**Part 3 – Signatures** (please read guidance note 4)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date **26<sup>th</sup> July 2017**

.....

Capacity **Environmental Health Manager**

.....

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 6)	
Carol Ruddle Environmental Health Manager Housing, Health & Communities Service Test Valley Borough Council Beech Hurst Weyhill Road, Andover, Hampshire SP10 3AJ	
<b>Post town</b> Andover	<b>Post Code</b> SP10 3AJ
<b>Telephone number (if any)</b> 01264 368461	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b> <a href="mailto:cruddle@testvalley.gov.uk">cruddle@testvalley.gov.uk</a>	

**Notes for Guidance**

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

## Schedule 12

## Part A

Regulation 33,34

## Premises Licence

<b>Current Premises Licence number</b>	PREM/05/0155
<b>Previous Premises Licence number (if any)</b>	TVBC PREM-LIC 048

## Part 1 – Premises details

<b>Postal address of premises, or if none, ordnance survey map reference or description,</b>
The Lardi Cake 19 Adelaide Road Andover Hampshire SP10 1HF
<b>Telephone number</b>

<b>Where the licence is time limited the dates -</b>
--

<p><b>Licensable activities authorised by the licence</b></p> <p>Recorded music</p> <p>Supply by retail of alcohol</p> <p><b>The times the licence authorises the carrying out of licensable activities</b></p> <p><b><u>Recorded music</u></b>  <u>Standard timings</u> Same hours as supply of alcohol -</p> <p><b><u>Supply by retail of alcohol</u></b>  <u>Standard timings</u> Monday 10:00 - 23:30</p> <p><b><u>Supply by retail of alcohol</u></b>  <u>Standard timings</u> Tuesday 10:00 - 23:30</p> <p><b><u>Supply by retail of alcohol</u></b>  <u>Standard timings</u> Wednesday 10:00 - 23:30</p> <p><b><u>Supply by retail of alcohol</u></b>  <u>Standard timings</u> Thursday 10:00 - 23:30</p> <p><b><u>Supply by retail of alcohol</u></b>  <u>Standard timings</u> Sunday 10:00 - 23:30</p> <p><b><u>Supply by retail of alcohol</u></b>  <u>Standard timings</u> New Year's Eve into New Year's Day 10:00 - 10:00</p> <p><b><u>Supply by retail of alcohol</u></b>  <u>Standard timings</u> Friday and Saturday 10:00 - 02:00</p>
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**The opening hours of the premises** New Year's Eve to New Year's Day 10:00 - 10:00

Monday 10:00 - 00:00

Tuesday 10:00 - 00:00

Wednesday 10:00 - 00:00

Thursday 10:00 - 00:00

Friday 10:00 - 02:30

Saturday 10:00 - 02:30

Sunday 10:00 - 00:00

**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**

Ei Group Plc  
3 Monkspath Hall Road  
Solihull  
B90 4SJ

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

2562808

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

**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: PERS/  
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 27th day of September 2005

Date this licence printed 24 August 2017

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**

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

1 The television set will be turned off by 2300 hours each evening.  
The garden at the premises will not be used after 2300 hours each evening.

**Annex 4 – Plans**

Plan, if attached, not reproduced to scale.

If no plan attached, contact the Licensing Authority