

Notice of Meeting

Licensing Sub-Committee

Date: Thursday 22 October 2020

Time: 9.30 am

Venue: Conference Room 1, Beech Hurst, Weyhill Road, Andover, SP10 3AJ

For further information or enquiries please contact:

Sally Prior - 01264 368024
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

WARD

Councillor G Bailey

Blackwater

Councillor T Burley

Andover Harroway

Councillor A Johnston

Mid Test

In the event of a member selected becoming unavailable, the Head of Legal and Democratic Services is authorised to select a replacement from the membership of the Licensing Committee.

Licensing Sub-Committee

Thursday 22 October 2020

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 Variation of a Premises Licence -
Rockhouse, 41 London Street, Andover SP10 2NU** **7 - 32**

To determine an application for a variation of an existing
Premises Licence for the Rockhouse, London Street,
Andover.

- (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 Variation of a Premises Licence – Rockhouse, 41 London Street, Andover SP10 2NU

1 The application

- 1.1 The application is by Mr Tony Noakes for the variation of the existing Premises Licence in respect of premises known as the Rockhouse, 41 London Street, Andover SP10 2NU. The application seeks: to amend the last time for entry to the premises to 0230 hours (currently 0100 hours); amend the start time for SIA security staff to 2200 hours (currently 2000 hours); and increase from 12 to 24 times a year the number of occasions upon which recorded music, supply of alcohol and late night refreshment can be provided until 0400 hours rather than the usual 0300 hours. The application has attracted two representations objecting to the application which necessitates it being determined at a hearing. A copy of the application is attached as Annex 1 to this report.

2 Background

- 2.1 The premises are an existing bar and live music venue located at the edge of the immediate Andover town centre. The premises have been licensed since 2014. A copy of the existing licence is attached as Annex 2 to this report.

3 Promotion of the Licensing Objectives

- 3.1 The applicant makes the following comments in relation to the steps taken to promote the four licensing objectives. These comments are taken directly as entered in the application:
- a) General – current operations show all objectives are followed and will continue.
 - b) The prevention of crime and disorder – continuation of current policies.
 - c) Public safety – continuation of current.
 - d) The prevention of public nuisance – continuation of current levels.
 - e) The protection of children from harm – no children allowed.

The measures to promote the licensing objectives are of relevance when considering the representations received.

4 Relevant Representations – Responsible Authorities

- 4.1 **TVBC Housing and Environmental Health Service** – The Environmental Protection Team has raised an objection which is attached as Annex 3 to this report.
- 4.2 **Hampshire Fire and Rescue Service** – Having examined the application the Fire Service does not wish to make any representation.

4.3 **Hampshire Constabulary** – the Hampshire Constabulary Licensing and Alcohol Harm Reduction Team have raised an objection which is attached as Annex 4 to this report.

4.4 **TVBC Planning and Building Service** – comment that there are no conditions restricting hours of use and the applicant would not need to apply for consent to alter their hours of trading.

5 **Relevant Representations – Other Persons**

5.1 There were no representations received from other persons regarding this application.

6 **Policy Considerations**

6.1 Whilst the representations raise concerns relating to aspects of three of the four licensing objectives the primary concern is in respect of the objective of prevention of public nuisance. It is therefore considered that the following extracts from the guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 (April 2018 edition) are relevant.

2.1-2.6 – Crime and disorder

2.7-2.9 – Public safety

2.15-2.21 – Public nuisance

8.41-8.49 – Steps to promote the licensing objectives

8.50, 8.74-8.77 – Variations

9.1, 9.3, 9.11-9.12, 9.31-9.44 – Determining applications

10.1-10.10, 10.13-10.15, 10.61-10.66 – Conditions

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 A: Prevention of Crime and Disorder

Section B: Public Safety

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) Grant the application as requested
- b) Modify the conditions of the licence, by altering or omitting or adding to them. (The Committee may where appropriate attach different conditions to different parts of the premises concerned and/or to different licensable activities).
- c) Reject the whole or part of the application (for example by allowing only some of the licensable activities or permitting them to take place at times other than those requested).

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

<u>Background Papers (Local Government Act 1972 Section 100D)</u> Premises Licence application for the Rockhouse, 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:	4		
Author:	Michael White	Ext:	8013
File Ref:	PREM/14/0461		
Report to:	Licensing Sub-Committee	Date:	22 October 2020



Test Valley
Application to vary a premises licence
Licensing Act 2003

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

* required information

Section 1 of 18

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	Not Currently In Use	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	tony
* Family name	noakes
* E-mail	
Main telephone number	
Other telephone number	

Include country code.

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

Are you:

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 you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

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

Note: completing the Applicant Business section is optional in this form.

Registration number	10509497
Business name	the rockhouse foundation
VAT number	- <input style="width: 100px;" type="text"/>
Legal status	Charity or Association

If your business is registered, use its registered name.
 Put "none" if you are not registered for VAT.

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 18

APPLICATION DETAILS

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable value of premises (£)

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VARIATION

Do you want the proposed variation to have effect as soon as possible? Yes No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Describe Briefly The Nature Of The Proposed Variation

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

annex 6 last entrance to the premises changed until 02.30
annex 7 door supervisors reduced start time to 22-00 until close on Thursday, Friday, Saturday
section non standard timings change from 12 to 24 occasions of opening later

Section 4 of 18

PROVISION OF PLAYS

See guidance on regulated entertainment

Will the schedule to provide plays be subject to change if this application to vary is successful?

Yes No

Section 5 of 18

PROVISION OF FILMS

See guidance on regulated entertainment

Will the schedule to provide films be subject to change if this application to vary is successful?

Yes No

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PROVISION OF INDOOR SPORTING EVENTS

<i>Continued from previous page...</i>	See guidance on regulated entertainment
<p>Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>	
Section 7 of 18	
PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS	
<p>See guidance on regulated entertainment</p> <p>Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>	
Section 8 of 18	
PROVISION OF LIVE MUSIC	
<p>See guidance on regulated entertainment</p> <p>Will the schedule to provide live music be subject to change if this application to vary is successful?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>	
Section 9 of 18	
PROVISION OF RECORDED MUSIC	
<p>See guidance on regulated entertainment</p> <p>Will the schedule to provide recorded music be subject to change if this application to vary is successful?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>	
Section 10 of 18	
PROVISION OF PERFORMANCES OF DANCE	
<p>See guidance on regulated entertainment</p> <p>Will the schedule to provide performances of dance be subject to change if this application to vary is successful?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>	
Section 11 of 18	
PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE	
<p>See guidance on regulated entertainment</p> <p>Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>	
Section 12 of 18	
PROVISION OF LATE NIGHT REFRESHMENT	

Continued from previous page...

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

Yes No

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SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

Yes No

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ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

na

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

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

same as current

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

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

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

Section 16 of 18

LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

Continued from previous page...

current operations show all objectives are followed and will continue

b) The prevention of crime and disorder

continuation of current policies

c) Public safety

continuation of current

d) The prevention of public nuisance

continuation of current levels

e) The protection of children from harm

no children allowed

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NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

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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. Variation Fees are determined by the non-domestic rateable value of the premises. To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm. You can make payments to Test Valley Borough Council online using a debit card only. You will need your debit card details to complete an online payment.

- Band A - No RV to £4300 £100.00
- Band B - £4301 to £33000 £190.00
- Band C - £33001 to £87000 £315.00
- Band D - £87001 to £125000 £450.00*
- Band E - £125001 and over £635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then your are required to pay a higher fee

- Band D - £87001 to £125000 £900.00
- Band E - £125001 and over £1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

- Capacity 5000-9999 £1,000.00
- Capacity 10000 -14999 £2,000.00
- Capacity 15000-19999 £4,000.00
- Capacity 20000-29999 £8,000.00
- Capacity 30000-39999 £16,000.00
- Capacity 40000-49999 £24,000.00
- Capacity 50000-59999 £32,000.00
- Capacity 60000-69999 £40,000.00
- Capacity 70000-79999 £48,000.00
- Capacity 80000-89999 £56,000.00
- Capacity 90000 and over £64,000.00

* Fee amount (£)

DECLARATION

I/we understand it is an offence, under section 158 of the Licensing Act 2003, to make a false statement in or in connection with this application. Those who make a false statement may be liable on summary conviction to a fine of any amount.

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/premises-licence/test-valley/change-1> to upload this file and continue with your application.

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

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

OFFICE USE ONLY

Applicant reference number	<input type="text"/>
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"/>

ANNEX 2

Schedule 12
Part A Regulation 33,34
Premises Licence

Current Premises Licence number	PREM/14/0461
Previous Premises Licence number (if any)	

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description,
41 - 41A London Street Andover Hampshire SP10 2NU

Telephone number

Where the licence is time limited the dates -

<p>Licensable activities authorised by the licence</p> <p>Live music</p> <p>Recorded music</p> <p>Late night refreshment</p> <p>Supply by retail of alcohol</p> <p>The times the licence authorises the carrying out of licensable activities</p> <p><u>Live music</u> <u>Standard timings</u> Everyday 09:00 - 01:00</p> <p><u>Recorded music</u> <u>Standard timings</u> Everyday 08:00 - 03:00 <u>Non-standard timings</u> When the Sunday precedes a Bank Holiday hours shall be 08.00-04.00 for Regulated Entertainment and the Supply of Alcohol. On no more than 12 occasions per calendar year hours for Regulated Entertainment and the Supply of Alcohol may be increased to 04.00, subject to a minimum of 14 days written notice to the Licensing Authority and no more than two occasions (including the Sundays preceding Bank Holidays) occurring per calendar month. Records are to be kept by the premises noting the use of this condition and available on request by the Licensing Authority.</p> <p><u>Late night refreshment</u> <u>Standard timings</u> Everyday 23:00 - 03:00 <u>Non-standard timings</u> When the Sunday precedes a Bank Holiday hours shall be 08.00-04.00 for Regulated Entertainment and the Supply of Alcohol. On no more than 12 occasions per calendar year hours for Regulated Entertainment and the Supply of Alcohol may be increased to 04.00, subject to a minimum of 14 days written notice to the Licensing Authority and no more than two occasions (including the Sundays preceding Bank Holidays) occurring per calendar month. Records are to be kept by the premises noting the use of this condition and available on request by the Licensing Authority.</p> <p><u>Supply by retail of alcohol</u> <u>Standard timings</u> Everyday 08:00 - 03:00 <u>Non-standard timings</u> When the Sunday precedes a Bank Holiday hours shall be 09.00-04.00 for Regulated Entertainment and the Supply of Alcohol. On no more than 12 occasions per calendar year hours for Regulated Entertainment and the Supply of Alcohol may be increased to 04.00, subject to a minimum of 14 days written notice to the Licensing Authority and no</p>

more than two occasions (including the Sundays preceding Bank Holidays) occurring per calendar month. Records are to be kept by the premises noting the use of this condition and available on request by the Licensing Authority.

The opening hours of the premises

Sunday before any Bank Holiday Monday 08:00 - 04:30
Special occasions - see above 08:00 - 04:30
Monday 08:00 - 03:30
Tuesday 08:00 - 03:30
Wednesday 08:00 - 03:30
Thursday 08:00 - 03:30
Friday 08:00 - 03:30
Saturday 08:00 - 03:30
Sunday 08:00 - 03:30

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

The Abel Foundation Charity
Rockhouse
41 London Street
Andover
Hampshire
SP10 2NU

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

1165605

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

Redacted

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/06/0569
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 19th day of February 2014
Date this licence printed 16 September 2020

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

Annex 1 – Mandatory Conditions

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.

2 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.

3 Section 21 - Mandatory Condition: Door Supervision

- (1) Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must be licensed by the Security Industry Authority.
- (2) But nothing in subsection (1) requires such a condition to be imposed:
- (a) In respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with licences authorising plays or films), or
- (b) In respect of premises in relation to:
- (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
- (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
- (3) For the purposes of this section:
- (a) "security activity" means an activity to which paragraph 2 (1)(a) of that Schedule applies, and
- (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule

4 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

The rear courtyard area and direct access to it must be put out of use during events involving live music or Karaoke.

1. A CCTV system with recording equipment shall be installed, operated and maintained at the premises. All recordings made by the system shall
be of evidential quality
indicate the correct time and date
be retained for a minimum period of 28 days
be made available for inspection and downloading upon request to an authorised officer of a responsible authority or the licensing authority and sufficient members of staff will be trained in operation of the system to ensure compliance with any such request.

2. Staff will be trained regarding appropriate precautions to prevent the sale of alcohol to persons under the age of 18, the signs and symptoms of drunk persons and the refusal of sale due to intoxication. Records will be kept of such training which must be signed and dated by the member of staff who has received that training.

All staff will receive refresher training every six months as a minimum and records are to be kept of this refresher training which should be signed and dated by the member of staff who received that training.

All training records will be made immediately available for inspection by Hampshire Constabulary and any responsible authority upon request. Training records will be kept for a minimum period of two years. Training records will be kept on the licensed premises to which they relate.

3. There will be a Challenge 25 policy operating at the premises. Challenge 25 means that every individual, who visually appears to be under 25 years of age and is seeking to purchase or be supplied with alcohol at the premises or from the premises, shall produce identification proving that individual to be 18 years of age or older.

Acceptable identification for the purposes of age verification will include a driving licence, passport or photographic identification bearing the PASS logo and the persons date of birth.

If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to or for that person.

'Challenge 25' notices shall be displayed in prominent positions at the premises.

4. A written log shall be kept of all refusals relating to the licensable activities including refusals to sell alcohol and refusal of entry. The designated premises supervisor shall ensure that the refusals log is checked, signed and dated on a weekly basis.

The refusals log will be kept and maintained at the premises and will be available for inspection immediately upon request by Hampshire Constabulary and any responsible authority. The record of refusals will be retained for 12 months.

5. A written log shall be kept of all incidents in connection with the premises which should include a description of the incident, the date & time and who was involved. The designated premises supervisor shall ensure that the refusals log is checked, signed and dated on a weekly basis. The incident log will be kept and maintained at the premises and will be available for inspection immediately upon request by Hampshire Constabulary and any responsible authority. The record of incidents will be retained for 12 months.

6. No entry will be permitted to the premises after 0100hrs

7. A minimum of 2 SIA door staff shall be employed at the premises from 2000hrs until close on a Thursday, Friday and Saturday evenings and on any other occasion as deemed necessary by the designated premises supervisor and/or premises management when regulated entertainment is performed.

When amplified music is being provided, regular checks will be made at a fixed point to the front and the rear of the premises and adjustments made as necessary to avoid causing a disturbance. A log will be kept of these monitoring checks.

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

ANNEX 3

Thank you for consulting the Environmental Protection Team of the Housing and Environmental Health Service regarding the request from The Abel Foundation (in respect of Rockhouse) to vary their licence conditions. They have asked to

- 1) Amend condition 6 regarding last entry to the premises to 0230 hours (currently 0100 hours)
- 2) Amend condition 7 regarding start time for door supervisors to 2200 hours (currently 2000 hours)
- 3) Increase the number of times that licensable activities may be provided until 0400 hours to 24 times a calendar year (currently 12 times a year).

I object to the proposed variation as I am concerned that points 1 and 3, amending last entry and increasing late finish times, would be likely to increase Public Nuisance in this area. We are already aware that as the centre of the towns night time economy this area has elevated levels of people noise, particularly late at night. To increase the last entry time will only encourage people to move into this area later at night who have already been out drinking elsewhere and will therefore be less aware of the noise they may be making.

To increase the number of times when a later finish may be provided is problematic because whilst it would save the applicant from the need to apply for Temporary Event Notices (TENS) for such late events, we could not preclude them from then also using the TENS system to apply to increase the number of late finishes on a further 12 occasions. There is also another premises in this area currently using TENS to achieve a number of late finishes through the year and it is entirely foreseeable that an increase in this location would see other premises look for the same. The net impact being to push the finish time more regularly to 4am (and effectively later once people have dispersed) which can only increase the likelihood of disturbance to residential neighbours.

I cannot comment directly on the hours for door supervisors, this is more a matter for the police, but we are aware that at this time there is an enhanced need for efficient management of those queuing to enter premises to ensure social distancing. This is likely to remain a factor over coming months and consideration should be given to how entry will be managed earlier in the evening if door staff are not in place. I appreciate that this would also provide a cost saving for the premises in this difficult time.

Lorna Taylor

Principal Environmental Health Officer
Housing and Environmental Health Service

**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 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 checked="" 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:	Tony Noakes
Name of Proposed DPS:	N/A

Details of relevant conviction (Personal Licence Applications ONLY)
N/A

Postal address of premises:	The Rockhouse, 41/41A London Street, Andover
Postcode:	SP10 2NU

Details of responsible authority applicant

Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other title / Rank:	16866
Surname:	Pollard
First Names:	Colin
Current postal address :	Licensing & Alcohol Harm Reduction Team Bishops Waltham Police Station Bishops Waltham Hampshire
Postcode:	SO32 1DS
Daytime telephone number:	
E-mail address: (optional)	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"/> | |
| 2) | Public safety | <input checked="" type="checkbox"/> | <i>Please select
one or more
boxes</i> |
| 3) | The prevention of public nuisance | <input type="checkbox"/> | |
| 4) | The protection of children from harm | <input type="checkbox"/> | |

Please state the ground(s) for representation:

This application seeks the following variations:

- 1) Amend condition 6 regarding last entry to the premises to 0230 hours (currently 0100 hours).
- 2) Amend condition 7 regarding start time for door supervisors to 2200 hours (currently 2000 hours).
- 3) Increase the number of times that licensable activities may be provided until 0400 hours to 24 times a calendar year (currently 12 times a year).

The Rockhouse is an existing business operated by Tony Noakes on behalf of his charity the Abel Foundation. The business is popular with a young clientele and the bulk of the trade is late night, drink led business until 03:00. It is positioned with two other night club style premises. Their combined capacities, notified to us by the venues is 1640 people, pre Covid-19 restrictions. This area is a bottle neck and the customers frequently clash resulting in violent incidents of crime and disorder with injuries, sometimes serious in nature, to members of the public.

For at least the first 6 weeks following 04/07 the Rockhouse was the only Night Time Economy Licenced Premises, in the Town Centre, operating past 00:00 and using their full permitted hours until 03:00/03:30 Wednesday through to Saturday

Since the 04/07 there have been 7 incidents of crime and disorder reported to police which relate to the rockhouse. 5 of these are assaults on members of the public which include GBH and ABH level injuries as well as intoxication as a factor.

In 2019 until lockdown in March 2020 there were 21 incidents of crime and disorder reported to police which relate to the Rockhouse or it's customers. Many of these include assaults on members of the public and intoxication.

Police Licensing Officers have made frequent visits to Andover since reopening. This includes visits to the Rockhouse to check compliance and follow up in response to incidents. The queue which forms outside the Rockhouse has been a matter for concern to our local policing colleagues, the Local Authority and members of the public. I have enclosed some

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

pictures from the town CCTV to highlight the reason for these concerns. Despite a number of visits whereby the lack of social distancing of the queue and threat to public safety has been highlighted, there remains concerns that it is a potential flash point for ASB and does not meet the governments guidance for the Covid Safe operation of Pubs and Bars.

The last entry time changing from 0100 to 0230 will result in more people attending the Rockhouse in the early hours after already consuming an evening's worth of alcohol elsewhere. More drunk people will result in more confrontation and violent crime in this bottle neck area of Andover Town Centre. Should this aspect of the variation be permitted a larger queue will form and will remain for an hour and a half later than it does currently, increasing the risk of alcohol fuelled violent disorder. The capacity limit, self-imposed by the Rockhouse through their Covid-Safe risk assessment is not increasing. With this limited capacity already resulting in a non-socially distanced queue until 01:00 it is clear that extending the last entry time will only serve to extend this queue and increase the risk it presents.

Any increase to the opening hours at the Rockhouse will result in a longer period of consumption of alcohol which we know will cause more intoxication. Any increase will encourage more people, from premises which currently close at 01:00 or 02:00, who have often been drinking all evening, to gravitate to the premises and the bottle neck area outside. With incidents already on-going, which involve intoxication in this area and from the Rockhouse, it is very likely that we will see an increase in alcohol fuelled violent incidents if the additional 12 occasions permitting the premises to open until 04:00 are granted.

To date the Rockhouse does not use its full quota of 12 occasions per year opening until 04:00. I am only aware of one occasion when a notification has been received to enact this part of the licence. If an additional 12 are granted, totalling 24, it is likely that we will see one weekend per month, throughout every calendar year where the Rockhouse trades to 04:00. Further to this the applicant will still retain his allocation of Temporary Event Notices which could licence a further 10 weekends throughout the year. That's almost 2 weekends per month trading until 04:00 at a premises which is already producing intoxicated customers and incidents of violent crime.

With regards to the variation for the SIA security start time police have concerns with how this could impact the current volume of crime and disorder based upon the current incidents reported. Whilst a majority of incidents occur later in the evening and into the early hours the job of the SIA security staff to vet the customers upon entry, to refuse entry, identify those banned from the premises and to check for intoxication or valid forms of ID does influence who is on the premises later in the evening. Without these checks this could increase intoxication levels and incidents of violent crime. Police accept that the premises is not regularly busy at 20:00 and can see the financial burden the requirement for SIA, during this quiet time can be. If the applicant was willing to apply appropriate conditions, to have effect from 20:00, such as the conditioned use of an ID scanning system which would allow a staff member time to engage effectively to spot intoxication and make an appropriate judgement, to check the ID on the system against any previously banned individuals and temporarily, lawfully retain the customers information to act as a deterrent to them committing any crime

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

on the premises then police would be content for the SIA start time to be varied to 21:00.

**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)

The Chief Officer of Police respectfully requests the Licensing Sub Committee to refuse all aspects of this variation to ensure there is no increase to the existing volume of crime and disorder related to this licenced premises. Should the Licensing Sub Committee see fit to grant the variation to the SIA Security start time please give due consideration to the impact this could have and apply appropriate conditions to ensure this additional risk is effectively managed.

In coming to your decision please give due consideration to section 9.12 of the Revised Guidance issued under section 182 of the Licensing Act 2003.

Signature of Officer Completing

Name	<u>Colin Pollard</u>	Collar Number:	<u>16866</u>
Signature:	<u>Colin Pollard</u> -----	Date:	<u>11/09/2020</u> -----

Signature of Authorising Officer

Name	<u>Julian Ainsworth</u>	Collar Number:	<u>1878</u>
Signature:	<u>Julian Ainsworth</u> -----	Date:	<u>11/09/2020</u> -----

Area view



Tile pattern



22-08-2020 20:29:00



