

## Notice of Meeting

# Licensing Sub-Committee

**Date:** Monday 13 November 2023  
**Time:** 9.30 am  
**Venue:** Conference Room 1, Beech Hurst, Weyhill Road, Andover

**For further information or enquiries please contact:**  
Sally Prior - 01264 368000  
[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**

#### **WARD**

Councillor L Lashbrook

Charlton & the Pentons

Councillor P Lashbrook

Bellinger

Councillor L Matthews

Andover Winton

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**

Monday 13 November 2023

**AGENDA**

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

- 1 Appointment of Chairman**
- 2 Application**
- 3 Apologies**
- 4 Declarations of Interest**
- 5 Licensing Procedure Rules 4 - 6**  
  
Procedure Rules for Licensing Sub-Committee
- 6 Application for the Review of a Premises Licence - 7 - 21**  
**Rockhouse, 41 London Street, Andover SP10 2NU**

To determine an application for the Review of the  
Premises Licence for Rockhouse, London Street, Andover

## **ITEM 5**

### **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 6      Application for the Review of a Premises Licence – Rockhouse, 41 London Street, Andover SP10 2NU**

### **Recommended:**

**That the Committee consider the information referred to in this report and determine what action should be taken.**

#### **1      The application**

- 1.1      The application is by Hampshire and Isle of Wight Constabulary asking for the Review of the existing Premises Licence in respect of the premises known as Rockhouse and located at 41 London Street, Andover SP10 2NU. The application has asked for the Review on the basis that the Police consider the licensing objectives of the prevention of crime and disorder and public safety are being breached; specifically they seek the removal of the current Designated Premises Supervisor (DPS). 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 Premises Licence is issued in respect of a bar and live music venue located in Andover town centre. The premises are near two other late night alcohol licensed venues. The original licence was granted in 2014 but has been subject to several variations since then to extend hours, add use of the rear courtyard and add off sales. An application in 2020 to vary the licence to amend the last permitted entry time and increase the number of occasions of late opening (from 12 to 24 per year) was refused by a Licensing Sub Committee. The Premises Licence permits the provision of live music, recorded music, late night refreshment and the sale of alcohol for consumption both on and off the premises; a copy of the current Licence is attached as Annex 2 to this report.

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

- 3.1      The application for Review sets out details of the specific concerns relating to this Premises Licence and the reasons for submission of the Review application. The Police request that the current DPS be removed.

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

- 4.1      **Home Office Immigration Enforcement** – does not wish to make a representation.

- 4.2 **Test Valley Borough Council Environmental Health Service** – the Environmental Protection Team has made the following representation: I note that the Police have had concerns in relation to the DPS, Mr Noakes, at this premises. Our experience of this DPS has not been in the same vein and in the few dealings we have had with the premises we have found Mr Noakes to be approachable and helpful. Our last direct involvement with Mr Noakes was March 2019 when we were investigating complaints of late-night glass recycling/bottle disposal. Mr Noakes made time to meet with us when his premises is usually closed and to review his CCTV to assist us.

We have no current complaints about this premises, nor any notable history of complaints.

## 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 (July 2023 edition) are relevant.

2.1-2.6	Crime and disorder
2.7-2.14	Public Safety
8.41–8.49	Steps to promote the licensing objectives
9.31-9.44	Hearings
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 A: Prevention of Crime and Disorder

Section B: Public Safety

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 revoke 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.

Background Papers (Local Government Act 1972 Section 100D)

None

Confidentiality

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

No of Annexes:	2		
Author:	Michael White	Ext:	8013
File Ref:	PREM/14/0461		
Report to:	Licensing Sub-Committee	Date:	13 November 2023



Application for the review of / Representation in respect of a Premises licence or Club Premises certificate under the Licensing Act 2003

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

I PC 2903 Brian Swallow, on behalf of the Chief Officer of Hampshire Constabulary, (Insert name of applicant)

- Apply for the review of a premises licence.
Apply for the review of a club premises certificate.
Make a representation about a premises licence/club premises certificate

Premises or Club Premises details

Table with 2 columns: Field (Postal address of premises, Postcode) and Value (Rockhouse, 41 London Street, Andover, SP10 2NU)

Name of premises licence holder or club holding club premises certificate (if known)
The Abel Foundation (Charity)

Number of premises licence or club premises certificate (if known)

Details of responsible authority applicant

Form with fields for title (Mr, Mrs, Miss, Ms, Other), Surname (PC Swallow), First Names (Brian), Current postal address (C/O Bishops Waltham Police Station, Hoe Road, Bishops Waltham, Hampshire, SO32 1DS), Daytime telephone number, and E-mail address (optional).

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



**Application for the review of / Representation in respect of a  
Premises licence or Club Premises certificate  
under the Licensing Act 2003**

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

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

Please state the grounds for review which must be based on one or more of the licensing objectives together with supporting information:

The Chief Officer of Police seeks a review of the premises licence to the Rockhouse for the purpose of seeking the removal of the DPS Tony Noakes.

The premises licence holder is unusually a charity, The Abel Foundation. The chairperson of the charity is Claire Noakes, the wife of Tony Noakes. The charity was set up in the name of their son who sadly suffers from a serious illness.

The premises itself suffers from a disproportionate level of alcohol related anti-social behaviour and crime and disorder compared to other venues in the town and the night time economy.

The police have in place a management system that documents incidents related to licensed premises. When these incidents rise above a tolerance level, police licensing officers attempt mediation to offer support, advice and tactical options to the venue and its operators in an attempt to mitigate the incidents

Tony Noakes does not readily accept this. In fact, more often than not, when the incidents, some of a very serious nature occur, such as an alleged rape on 10th April 2023, with the suspect being a now ex member of staff and the victim being a patron of the club. On email, Noakes belittled the incident and attempted to advise me (incorrectly) of the judicial process and made completely inappropriate comments about police officers. This is not an acceptable attitude for a DPS.

When attempting to address the number and severity of incidents at the venue, Noakes is obstructive and belligerent and has even made spurious and unfounded allegations of police officers mishandling controlled substances seized by the venue.

Serious incidents continue to occur at the Rockhouse with the latest being the 19th September 2023 whereby a male was seriously assaulted in the toilets.

There is a general manager in place at the venue who assists the police with evidence in a very timely manner and is an active and supporting member of the local Pubwatch. Unfortunately, with regards to the Licensing Act 2003, she has no legal standing with regards the licensable activities at the venue, this remains with Tony Noakes.

RESTRICTED



**Application for the review of / Representation in respect of a  
Premises licence or Club Premises certificate  
under the Licensing Act 2003**

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The majority of incidents at the Rockhouse occur past 01:00 mainly on weekends and the majority of those incidents involve unacceptable levels of intoxication of either the perpetrators or victims.

I would normally propose additional conditions on the licence in respect of ID scanning, additional SIA security staff, updated policies especially in relation to welfare and vulnerability and strongly consider a reduction in licensable hours.

However, I am mindful that this venue supports a very worthwhile charity and that it should not be punished because of the attitude and failings of one individual. As such, as a measured stepped approach, I am of the opinion that the removal of the DPS will have a positive impact on the venue.

Have you made an application for review relating to these premises before:  Yes |  No

If yes please state the date of that application:

/       /  
*Day      Month      Year*

If you have made representations before relating to this premises please state what they were

N/A

***Please tick***

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 have sent a copy of this representation to the principal licensing officer of Test Valley Borough Council

**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**

Signature of Officer Completing

Name            Brian Swallow

Collar Number:    2903

Signature:      B. Swallow

Date:             27/9/2023

Signature of Authorising Officer (Inspector or above)

Name            Stu Jackson

Collar Number:    3354

Signature:      S. Jackson

Date:             27/9/2023

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**Application for the review of / Representation in respect of a  
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under the Licensing Act 2003**



Legal & Democratic Services  
 Beech Hurst  
 Weyhill Road  
 Andover, Hampshire SP10 3AJ  
 Telephone 01264 368000  
 DX 123080 Andover 6  
 Fax 01264 368005  
 Minicom 01264 368052  
 Web site [www.testvalley.gov.uk](http://www.testvalley.gov.uk)

**Schedule 12**  
**Part A** Regulation 33,34  
**Premises Licence**

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

**Part 1 – Premises details**

<b>Postal address of premises, or if none, ordnance survey map reference or description,</b>
The Rock House 41 - 41A London Street Andover Hampshire SP10 2NU
<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>Live music                  Recorded music                  Late night refreshment                  Supply by retail of alcohol</p> <p><b>The times the licence authorises the carrying out of licensable activities</b></p> <p><b><u>Live music</u></b>  <u>Standard timings</u> Everyday 09:00 - 01:00</p> <p><b><u>Recorded music</u></b>  <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</p>
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Licensing Authority.

**Late night refreshment**

Standard timings Everyday 23:00 - 03:00

Non-standard timings 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.

**Supply by retail of alcohol**

Standard timings Everyday 08:00 - 03:00

Non-standard timings 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 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 full licence 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**



**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 October 2023

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 2100hrs 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