



# Licensing of Alcohol and Gambling Sub- Committee

**THURSDAY 1 NOVEMBER 2018 AT 2.00 PM**

## **Conference Room 2 - The Forum**

The Councillors listed below are requested to attend the above meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

### Membership

Councillor Mrs Bassadone  
Councillor Conway

Councillor P Hearn (Chair)

For further information, please contact Corporate and Democratic Support or 01442 228209

## **AGENDA**

### **1. MINUTES**

To confirm the minutes of the previous meeting.

### **2. APOLOGIES FOR ABSENCE**

To receive any apologies for absence.

### **3. DECLARATIONS OF INTEREST**

### **4. CONSIDERATION OF OBJECTION(S) TO TEMPORARY EVENT NOTICES UNDER THE LICENSING ACT 2003 (Pages 2 - 18)**

### **5. PROCEDURE FOR THE HEARING (Pages 19 - 20)**

# Agenda Item 4



Report for:	Licensing of Alcohol and Gambling Sub-Committee
Date of meeting:	1 <sup>st</sup> November 2018
PART:	I
If Part II, reason:	-

Title of report:	<i>Application reference no: M047031</i> <b>Consideration of objection(s) to temporary event notices under the Licensing Act 2003: Jack and Alice, 50 High Street, Tring</b>
Contact:	Nathan March, Licensing Team Leader, Licensing, Corporate and Contracted Services
Purpose of report:	This report sets out details of a temporary event notice which has been given to the Licensing Authority, in respect of which a responsible authority has given an objection notice. The objection must be considered by the Sub-Committee, in accordance with the adopted scheme of delegation.
Recommendations	That the notice(s) set out in this report be considered, and that the Sub-Committee determine whether to take one of the actions available to them, as set out at para 5.1.
Corporate objectives:	<p>Safe and Clean Environment</p> <ul style="list-style-type: none"> <li>Applications are required to be considered with regard to the promotion of four licensing objectives, comprising the prevention of crime and disorder, public safety, prevention of public nuisance, and protection of children from harm.</li> </ul> <p>Dacorum Delivers</p> <ul style="list-style-type: none"> <li>Consideration of temporary event notices is a statutory function, with a risk of judicial proceedings and reputational damage should the authority fail to properly exercise its functions.</li> </ul>
Implications:	Applications are to be determined under existing policies. No new policy implications arise.
Consultees:	The police and environmental health authority are statutory consultees to temporary event notices. Environmental Health has given an objection notice to the event detailed below.

Background papers:	Licensing Act 2003, and associated regulations <a href="#">DBC Statement of Licensing Policy 2016-2021</a> <a href="#">Guidance to Licensing Authorities under section 182 of the Licensing Act 2003</a> (Home Office, April 2018)
Glossary of acronyms and any other abbreviations used in this report:	TEN: Temporary event notice

## 1. Background

- 1.1. The supply of alcohol, provision of regulated entertainment, and sale of late night refreshment are licensable activities under the Licensing Act 2003. Authorisation from the Council, in its role as the licensing authority, is required in order to carry on any of these activities at premises within the borough.
- 1.2. The Act provides several forms of authorisation for different scenarios. For infrequent, one-off events with no more than 499 persons in attendance, premises users may give a temporary event notice. This is a light-touch form of authorisation, and providing the proposed event meets statutory criteria and the premises user has satisfied prescribed notification requirements, the event will automatically be deemed to be authorised. This authorisation may, however, be overridden if a counter-notice is issued by the licensing authority in respect of the event, either by virtue of a breach of the statutory limits, or as a result of objections raised by a statutory consultee.
- 1.3. TEN's may be given in respect of standalone events, or used in conjunction with a premises licence or club premises certificate to extend the scope of the permanent authorisation.
- 1.4. Standard TEN's may be given no later than 10 working days prior to a proposed event. When giving a TEN, the premises user must also serve copies on the relevant police and environmental health authorities (unless making an online application, in which case the licensing authority must fulfil this requirement), and those bodies may give notice of any objections to the proposed event within 3 working days of receipt. Where a valid objection to a standard TEN is received by a licensing authority, a hearing must be convened to consider the objection. The Act also provides for a smaller number of late TEN's to be given per year, no later than 5 working days prior to an event. An objection against a late TEN has the effect of an immediate veto to the proposed event.
- 1.5. Under the scheme of delegation adopted by the Council, the Licensing of Alcohol & Gambling Sub-Committee ("the Sub-Committee") is responsible for the exercise of many of the functions of the licensing authority, including determination of applications where representations have been received.

## 2. General principles to be followed

- 2.1. In common with other decision-making powers under the Licensing Act 2003, the licensing authority is required to carry out its functions with a view to promoting the licensing objectives, which are:
- the prevention of crime and disorder;
  - public safety;
  - the prevention of public nuisance; and
  - the protection of children from harm.
- 2.2. The authority must also have regard to its Statement of Licensing Policy, and to the statutory guidance issued by the Home Office under section 182 of the Act. Chapter 7 of the guidance contains specific provisions in respect of the consideration of temporary event notices. There is no corresponding section with the council's licensing policy, although the general principles set out therein should be followed unless there is good reason to depart. Paragraphs 11.11 onwards refer to specific powers to bring forward current licence conditions and apply them to temporary event notices given in respect of licensed premises.
- 2.3. The licensing authority's powers in respect of temporary event notices are not of grant or refusal, but rather of intervention and veto. The licensing authority may only intervene if objections around the effect of the event on the licensing objectives are raised and upheld by the authority, or if a proposed event would fall outside of the permitted statutory limits on temporary events, which are as follows:
- A premises may benefit from up to 15 TEN's per calendar year, having effect on no more than 21 days;
  - A TEN may have effect for up to 168 consecutive hours (7 days);
  - There must be at least 24 hours between TENs at a premises.
  - An individual may give up to 5 TEN's per year (50 if they hold a personal licence). This limit also applies across associated persons (e.g. family members, husband and wife, business partners);
  - An individual may give no more than 2 late TEN's per year (10 with a personal licence). Any late TEN's also count towards the above limits.
- 2.4. The authority **must** issue a counter-notice, which vetoes a proposed event, if the event would cause the above limits to be breached. A counter-notice **must** also be issued in respect of a late TEN where an objection has been given. The exercise of these powers has been delegated to officers.
- 2.5. The authority **may** issue a counter-notice, which vetoes a proposed event, if objections were raised by the police or environment health authorities to the event, and, having regard to that objection, the authority considers it appropriate for the promotion of a licensing objective to issue such a notice.
- 2.6. If the authority decides not to issue a counter-notice following objections, and the TEN relates to premises which are subject to a premises licence or club premises certificate, it **may** decide to impose one or more conditions from the licence or certificate upon the TEN, if this is considered appropriate for the promotion of the objectives.
- 2.7. The Sub-Committee must ensure that all licensing decisions have a direct relationship to the promotion of one or more of the licensing objectives. Every

matter should be considered on its merits, and there must not be a 'blanket policy' to the extent that it is applied so rigidly that an exercise of discretion in each individual case is precluded. Items must be considered with regard to the principles of fair process and the Human Rights Act.

- 2.8. It is considered inappropriate for licensing officers involved with the administration of TEN's to make recommendations. However responsible authority officers may raise objections in respect of temporary events where concerns arise.

### 3. Details of temporary event notice

- 3.1. A temporary event notice was served on the licensing authority on **19 October 2018**, by **Gavin Walker** in respect of premises known as **Jack and Alice**, situated at **50, High Street, Tring, HP23 5AG** within the **Tring Central** ward.

- 3.2. The temporary event notice relates to the following proposed event:

<b>Event date(s):</b>	1 <sup>st</sup> -2 <sup>nd</sup> December 2018
<b>Event time(s):</b>	08:00 to 02:00 am
<b>Activities proposed:</b>	Supply of alcohol (on/off sales) Regulated entertainment Late night refreshment
<b>Expected attendance:</b>	90

- 3.3. A copy of the temporary event notice is appended as Annex A to this report.
- 3.4. An objection notice in respect of the temporary event notice was received from Dacorum Environmental and Community Protection (as the local environmental health body) on the **24<sup>th</sup> October 2018**, citing concerns in respect of that the licensing objective for public nuisance will not be promoted due to noise as the venue is proposing regulated entertainment as part of the application and there have previously been complaints against the venue for noise which relate to noise from general operation, but also that music played at the venue has been loud.. A copy of the objection notice is appended as Annex B to this report.
- 3.5. No other TEN's have been given by the premises user or in respect of this premises within this calendar year. The proposed event therefore falls within the prescribed limits.
- 3.6. A map of the area in which the premises are situated is appended at Annex C, respectively.
- 3.7. The premises user and the objecting responsible authority have been given notice of the hearing in accordance with statutory requirements.

### 4. Details of premises licence

- 4.1. The premises in respect of which the TEN has been given is subject to a premises licence, number DAC017303, which is held by Splendid Restaurants Jack & Alice (Tring) Ltd, and authorises the following licensable activities:

Sale by retail of alcohol

For consumption on and off the premises

Mondays	08:00 hours until 23:30 hours
Tuesdays	08:00 hours until 23:30 hours
Wednesdays	08:00 hours until 23:30 hours
Thursdays	08:00 hours until 23:30 hours
Fridays	08:00 hours until 00:30 hours
Saturdays	08:00 hours until 00:30 hours
Sundays	08:00 hours until 23:30 hours
New Year's Eve	until 00:30 hours

The provision of late night refreshment

Indoors and outdoors

Mondays	23:00 hours until 23:30 hours
Tuesdays	23:00 hours until 23:30 hours
Wednesdays	23:00 hours until 23:30 hours
Thursdays	23:00 hours until 23:30 hours
Fridays	23:00 hours until 00:30 hours
Saturdays	23:00 hours until 00:30 hours
Sundays	23:00 hours until 23:30 hours
New Year's Eve	until 00:30 hours

Performance of live music

Indoors

Mondays	12:00 hours until 23:30 hours
Tuesdays	12:00 hours until 23:30 hours
Wednesdays	12:00 hours until 23:30 hours
Thursdays	12:00 hours until 23:30 hours
Fridays	12:00 hours until 23:30 hours
Saturdays	12:00 hours until 23:30 hours
Sundays	12:00 hours until 23:30 hours
Christmas Day	11:30 hours until 22:30 hours
New Year's Eve	until 00:30 hours

A maximum of four unamplified musicians in the cellar

A maximum of two unamplified musicians on the ground floor

- 4.2. A schedule of the conditions imposed upon this licence is appended at Annex D.
- 4.3. The licence has had effect since 17<sup>th</sup> October 2008. Splendid Restaurants Jack & Alice (Tring) Ltd has held the licence since 3<sup>rd</sup> February 2016.

## 5. Options available to the Sub-Committee

- 5.1. Having considered the temporary event notice, the objection notice(s) received from responsible authorities and any further representations made by parties to the hearing:
  - a) The Sub-Committee must decide whether to give the premises user a 'counter-notice' under section 105(2) of the 2003 Act, if it is considered appropriate for the promotion of a licensing objective to do so, setting out the full reasons for this decision;

- b) If a counter-notice is not given, the Sub-Committee may decide to impose one or more conditions from the premises licence for the site on the temporary event notice, by way of the issue of a notice and a 'statement of conditions' under section 106(3) of the 2003 Act, if it is considered appropriate for the promotion of the licensing objectives to do so. Conditions may only be imposed if they would not be inconsistent with the proposed event;
- c) If neither a counter-notice nor a conditions notice are issued, then the Sub-Committee must resolve to take no action, and the deemed authorisation will permit the event to take place as proposed.

5.2. Full reasons must be given in support of any decision made by the Sub-Committee.

5.3. The premises user will have a right of appeal to a magistrates court against a decision to issue a counter-notice. The objecting responsible authority will have a right of appeal to a magistrates court against a decision not to issue a counter-notice. Any appeal must be brought within 21 days of notification of the decision, but no later than 5 working days prior to the first day of the proposed event.

**Annexes attached to this report:**

Annex A – Temporary event notice

Annex B – Environmental and Community Protection objection notice

Annex C – Map of area in which premises is situated

Annex D – Conditions imposed on premises licence

# Annex A – Temporary event notice

Revised October 2014



## Temporary Event Notice

Before completing this notice please read the guidance notes at the end of the notice. If you are completing this notice by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink or typed. Use additional sheets if necessary.

You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

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

1. The personal details of premises user (Please read note 1)			
1. Your name			
Title	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state) _____		
Surname	Walker		
Forenames	Gavin		
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)			
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state) _____		
Surname			
Forenames			
* 3. Your date of birth	Day	Month	Year
	03	10	1983
* 4. Your place of birth	Aylesbury		
* 5. National Insurance Number	JT 37 14 98 C		
* 6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)	35 Brunwood Ride Tring		
Post town	Tring	Post code	HP23 5DF.
* 7. Other contact details	Daytime Evening (optional) Mobile (optional)		
Telephone numbers:	07875524437.		
Fax number (optional)			
E-Mail Address (optional)			



8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)

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Post town		Post code	
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9. Alternative contact details (if applicable)

Telephone numbers:	Daytime	
	Evening (optional)	
	Mobile (optional)	

Fax number (optional)	
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E-Mail Address (optional)	
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**2. The premises**

Please give the address of the premises where you intend to carry on the licensable activities or, if it has no address give a detailed description (including the Ordnance Survey references) (Please read note 2)

JACK & ALICE 50 HIGH STREET TRING HP23 5AG
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Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.

Premises licence number	DAC 017303
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Club premises certificate number	
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If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)

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Please describe the nature of the premises below. (Please read note 4)

Restaurant / Wine Bar
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Please describe the nature of the event below. (Please read note 5)

Exclusive hire of venue for a wedding reception
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**3. The licensable activities**

Please state the licensable activities that you intend to carry on at the premises:  
(please tick all the licensable activities you intend to carry on) (Please read note 6)

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

Are you giving a **late temporary event notice**? (Please read note 7)

Please state the dates on which you intend to use these premises for licensable activities.  
(Please read note 8)

SAT 1st DEC → SUN 2nd DEC

Please state the times during the event period that you propose to carry on licensable activities  
(please give times in 24 hour clock). (Please read note 9)

SAT 1st DEC 08.00am  
↳ 02.00am SUN 2nd DEC

Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 10)

If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both. (Please tick as appropriate) (Please read note 11)

On the premises only   
Off the premises only   
Both

Please state if the licensable activities will include the provision of **relevant entertainment**. If so, please state the times during the event period that you propose to provide relevant entertainment.  
(Please read note 12)

*N.B. Relevant entertainment is defined as live displays of nudity or performances of a sexually stimulating nature, including but not limited to lap-dancing or pole-dancing. Only answer this question if you are providing entertainment of this type.*

\*

4. Personal licence holders <i>(Please read note 13)</i>				
Do you currently hold a valid personal licence? <i>(Please tick)</i>			Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If "Yes" please provide the details of your personal licence below:				
Issuing licensing authority	DACORUM			
Licence number	DAC 021639			
Date of issue		Date of expiry	7/3/20	
Any further relevant details				

5. Previous temporary event notices you have given <i>(Please read note 14 and tick the boxes that apply to you)</i>		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the number of temporary event notices (including the number of late temporary event notices) you have given for events in that same calendar year:		
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

6. Associates and business colleagues <i>(Please read note 15 and tick the boxes that apply to you)</i>		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year:		
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year:		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

**7. Checklist** (Please read note 16)

I have: (Please tick the appropriate boxes)

• Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input checked="" type="checkbox"/>
• Sent a copy of this notice to the chief officer of police for the area in which the premises are situated	<input checked="" type="checkbox"/>
• Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input checked="" type="checkbox"/>
○ If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority	<input type="checkbox"/> n/a
○ If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	<input type="checkbox"/> n/a
○ If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions	<input type="checkbox"/> n/a
• Made or enclosed payment of the fee for the application	<input checked="" type="checkbox"/>
• Signed the declaration in Section 9 below	<input checked="" type="checkbox"/>

**8. Condition** (Please read note 17)

It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

\*

**9. Declarations** (Please read note 18)

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

I understand that it is an offence:

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

Signature	C. Walker
Date	08/10/2018
Name of Person signing	GAVIN WALKER

## **Annex B – Environmental and Community Protection Objection**

**From:** Neil Polden  
**Sent:** 24 October 2018 11:47  
**To:** Sally Mcdonald  
**Cc:** Becky Prescott  
**Subject:** Jack & Alice, 50 High Street, Tring - TEN

Hi Sally

As discussed I am going to lodge an objection to the TEN proposed for 1<sup>st</sup> Dec – 2<sup>nd</sup> Dec at Jack and Alice.

This is due to concerns that the licensing objective for public nuisance will not be promoted due to noise as the venue is proposing regulated entertainment as part of the application.

We do currently have complaints against the venue for noise which relate to noise from general operation, but also that music played at the venue has been loud.

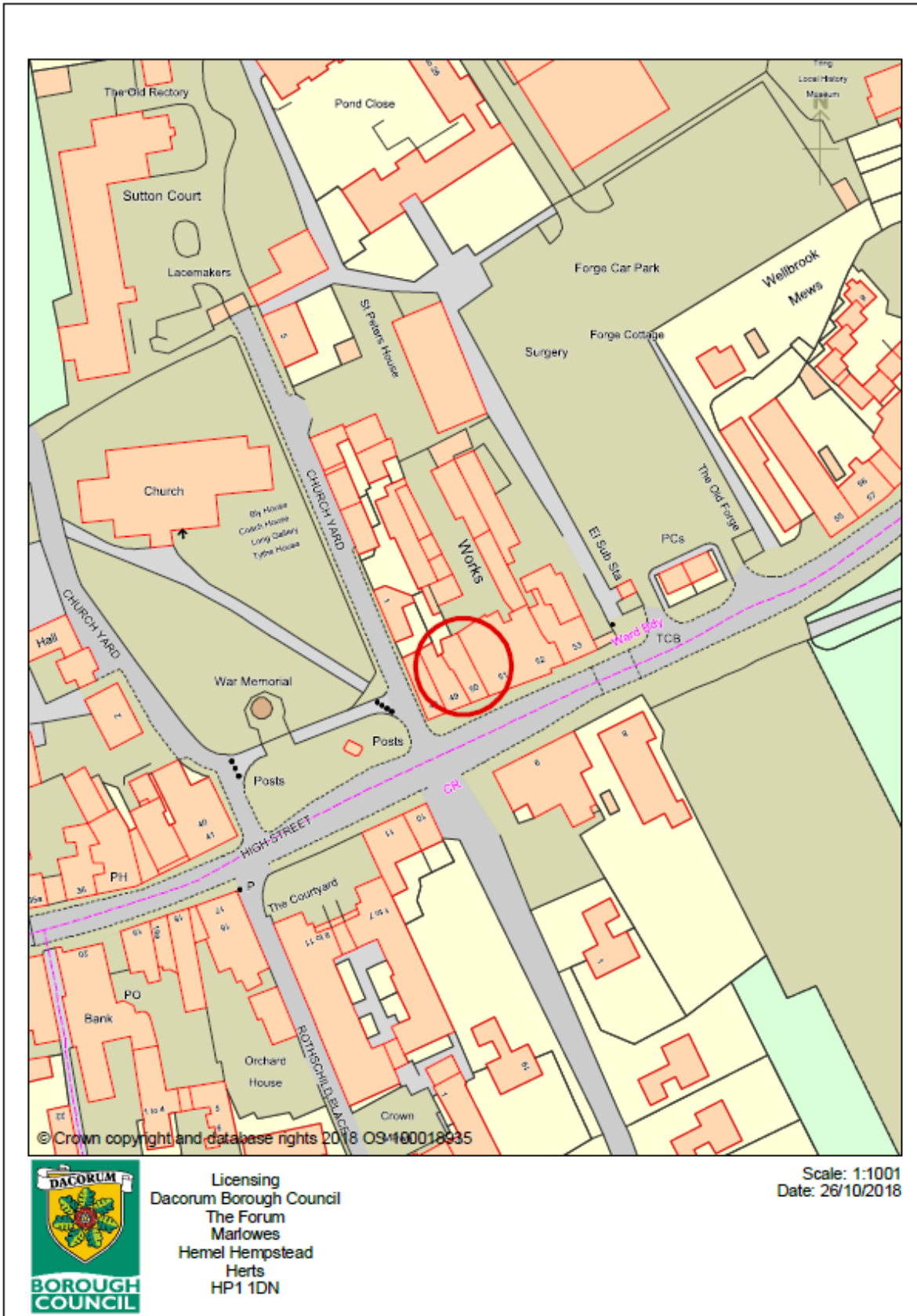
Regards

Neil

**Neil Polden**  
**Lead Environmental Health Officer**  
**Environmental and Community Protection**

01442 228331 (ext. 2331) or ECP Admin 01442 228455  
[Neil.Polden@dacorum.gov.uk](mailto:Neil.Polden@dacorum.gov.uk)  
The Forum | Marlowes | Hemel Hempstead | HP1 1DN

# Annex C – Map of area in which premises is situated



## Annex D – Conditions imposed on premises licence

### Mandatory Conditions

#### Condition A1.

No supply of alcohol may be made under this 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.

#### Condition A2.

Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.

#### Condition A3.

(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).

#### Condition A4.

(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.

Condition A5.

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

Condition A6.

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: 1/2 pint;

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

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

(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.

Condition A7.

(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) In this condition:-

(a) "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;

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

(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 would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny.

(4) Where the permitted price 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, 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.

Annex 2: Conditions consistent with the Operating Schedule

#### GENERAL STATEMENT OF LICENSING OBJECTIVES

The Licence holder shall undertake full staff training.

#### THE PREVENTION OF CRIME AND DISORDER

The Licence holder shall ensure that glassware and open containers do not leave the premises.

There shall always be a minimum of 2 staff present.

The Licence holder shall promote a vast selection of soft drinks.

#### PUBLIC SAFETY

The restaurant shall be equipped with emergency lighting, smoke alarms and fire alarms.

The Licence holder shall provide disabled access and a disabled toilet on the ground floor of the premises.

#### THE PREVENTION OF PUBLIC NUISANCE

There shall be a sign placed at the exit stating 'please respect our neighbours and leave quietly'.

#### THE PROTECTION OF CHILDREN FROM HARM

The Licence holder shall train staff in respect of the law concerning children in licensed premises and to seek, where necessary, appropriate evidence of age.

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

Licensing of Alcohol and Gambling Sub-Committee 25th September 2008

## THE PREVENTION OF PUBLIC NUISANCE

All doors and windows will be kept closed when regulated entertainment is taking place.

## LICENSING OF ALCOHOL AND GAMBLING SUB-COMMITTEE PROCEDURE

The procedure of the Sub-Committee will be as follows:

1. The Chairman will open the meeting by:
  - (a) Introducing the Members of the Sub-Committee (at the same time indicating any change in membership), and the Officers present, to the parties and any other person in attendance, including any representative of the press;
  - (b) stating the nature of the matter to be considered, (including a reference to the name of the premises or place concerned) and
  - (c) explaining the procedure to be followed.
2. The Chairman will ask those present to introduce themselves and:
  - (a) if any party, without prior notice, fails to attend or to be represented, the Sub-Committee will consider whether or not it is necessary in the public interest to adjourn the hearing to a specified date;
  - (b) if any party is unaccompanied, the Chairman will clarify whether that party understood it was permissible to have a representative;
  - (c) the Chairman will establish whether it is proposed anyone speak as a spokesperson;
  - (d) the Sub-Committee will consider:
    - (i) any properly made request by a party for permission for any other person, (not being a representative), to appear and
    - (ii) any request to provide late documentary or other information and will only take the same into account if the other parties consent.
3. The Chairman will ask whether any Member has an interest to declare and whether any Member has visited the premises or place the subject of the application.
4. The Chairman will establish whether all Members of the Sub-Committee have read the papers before them.
5. The Chairman will ask the Officers present to confirm whether there has been compliance with all relevant requirements and to summarise any relevant information, as necessary.
6. Members may ask any relevant question of any Officer.
7. The Chairman will ask each person who is to speak at the meeting for an indication of how much time he or she reasonably estimates is required to make relevant points concisely, and without undue repetition, and will consider a maximum period of time to be applied equally in the case of all the parties.
8. The Sub-Committee will hear from the Applicant (and any proposed Premises Supervisor, if applicable), any Responsible Authority or other person who has made relevant representations (in that order, except in the case of a Review where the order will be: the person or Responsible Authority bringing the Review, the Licence-Holder, and any other Responsible Authority or other person having made relevant representations). Subject to 2 (d)(ii) above, those persons speaking may only raise points which have been made in

writing prior to the meeting and/or give further information, by way of clarification of a point, if this has been sought by the Authority in the notice given by it prior to the hearing.

9. In every case at a suitable point, Members of the Sub-Committee may ask relevant questions of each party.
10. The Sub-Committee will consider any party's request to question/cross-examine another party and will not permit cross-examination unless it is of the view that it is required in order for Members to consider the representations, application or notice as the case may be.
11. The Chairman will invite any person or Responsible Authority, who have made relevant representations, and the Applicant (in that order, except in the case of a Review where the order will be: any person or Responsible Authority which has not made the application for Review, the Licence-Holder, and the person or Responsible Authority bringing the Review), or those representing them, to summarise their points if they wish. At this stage, the Applicant will be afforded the opportunity to consider whether or not to propose amendments to the operating schedule with a view to addressing relevant issues and any such amendment would then fall to be discussed.
12. The Chairman will seek confirmation from all parties that they are satisfied they have made all the pertinent points which they wished to make.
13. Members of the Sub-Committee will discuss what has been said and written on the matter before them and make their decision.
14. The Chairman will confirm the decision, the reasons for the decision, and any condition placed upon the licence (if granted) and the licensing objective to which each condition relates.

Please Note:

- All properly made applications, notices and representations received from absent parties will be considered.
- An Applicant has a right to appeal, details of which can be obtained via the Licensing Officer.
- The Authority has the right to require any person who, in its opinion, is behaving in a disruptive manner, to leave the hearing and may preclude, or impose conditions in relation to, that person's return.

## **EXCLUSION OF THE PUBLIC**

To consider passing a resolution in the following terms:

That, under s.100A (4) of the Local Government Act 1972 Schedule 12A Part 1 as amended by the Local Government (Access to Information) (Variation) Order 2006 the public be excluded during the item in Part II of the Agenda for this meeting, because it is likely, in view of the nature of the business to be transacted, that if members of the public were present during that item there would be disclosure to them of exempt information relating to ... .