

Committee	-	General Licensing Panel
Date	-	29 May 2018
Report of the	-	Executive Director
Subject	-	Application for the review of a Premises Licence – The Cherry Tree Inn, Dale Hill, Ticehurst, TN5 7DG 05/02033/LAPRE

Recommendation: It be **RESOLVED:** That the Review application made under Section 51 of the Licensing Act 2003, be determined.

Head of Service: Richard Parker-Harding

1. Introduction

An application has been made by the Council's Environmental Health Team (Pollution Control) for a Review of the Premises Licence.

The application relates to the failure to uphold the 'prevention of public nuisance' licensing objective.

The application has been subject to formal representation and it is appropriate for issues relating to the 'prevention of public nuisance' licensing objective to be properly considered.

1.1 Applicant Details:

Name: Environmental Health (Pollution Control), Rother District Council

Address: Town Hall, Bexhill on Sea, East Sussex TN39 3JX

1.2 The Premises:

Details of the premises are as follows:-
(Please see location plan and photograph in Appendices A and B).

The Cherry Tree Inn, Dale Hill, Ticehurst, East Sussex TN5 7DG

Location:

The premises is situated to the North East end of Ticehurst on the B2087. The area around the premises is mostly open fields to the West, with residential properties to the South, East, and North East.

Description:

The Cherry Tree Inn is described on its website as "*a welcoming, family friendly pub, offering great food and drinks in comfortable, relaxed surroundings. Amongst the features on offer are three superbly appointed letting rooms, a lovely terraced garden (complete with wood fired pizza oven,*

BBQ and separate children's play area) and, most importantly, a traditional pub with sofas and log fire, dining area and private dining room."

Existing Licences:

05/02033/LAPRE

The Premises Licence is reproduced in Appendix E (please note that despite the wording in Annex 2 of the Licence, there are no conditions in Annex 2).

The premises has the benefit of a Premises Licence which authorises the sale / supply of on and off sales of alcohol; and regulated entertainment.

The Premises Licence Holder is The Cherry Tree Inn Limited; at the time of the application, Julie Tindall is listed as the sole director. Julie Tindall has previously stated that she has a leasehold interest in the premises.

Julie Tindall is also the Designated Premises Supervisor responsible for alcohol sales.

2. The application for Review

On the 3 April 2018 the Council's Environmental Health Team (Pollution Control) made an application (under Section 51 Licensing Act 2003) for a Review of the Premises Licence on the grounds that the 'prevention of public nuisance' licensing objective is not being met because of noise issues affecting neighbouring residences.

The full details and relevant supporting information can be found at Appendix C; however, in summary, the grounds for Review are:

- a) Historic complaints of noise from music and patrons shouting and swearing whilst using outdoor spaces.
- b) Despite a meeting with licensing officers and relevant advice to Julie Tindall before she took over and opened the premises in June 2017, within a month there was a noise complaint. A noise action plan was drawn up and put in place.
- c) Subsequent failure to control noise, particularly from outdoor areas leading to further complaints from a neighbouring residence and public noise nuisance witnessed by officers.

The applicant therefore, invites the General Licensing Panel to consider amending the Premises Licence to control the noise from music and restrict the use of outdoor spaces by patrons in order to reduce their impact on neighbouring residences.

The application has been subject to the usual consultation and public advertisement.

3. Relevant representations of interested parties

	Relevant licensing 'objective'
Four	Public Nuisance

There were four relevant representations from persons in the vicinity. Three are in support of the review application and one in support of the premises.

Details of the relevant representations are reproduced in Appendix D.

4. Representations of responsible authorities

Rother DC Planning	None received
Rother DC Env Health Noise Team	N/A Review applicant
Rother DC Env Health Food and Safety Team	None received
East Sussex Fire and Rescue Service	None received
Sussex Police	None received
ESCC Child Protection	None received
ESCC Public Health	None received
ESCC Trading Standards	None received
Home Office Immigration Enforcement	None received

There were no representations received from the other responsible authorities.

5. Summary

The Review application relates to failures to uphold the 'prevention of public nuisance' licensing objective and the applicant invites the Panel to consider amending the Premises Licence to control noise nuisance.

6. Legislation

The Licensing Act 2003 requires that the Council, as the local Licensing Authority, carry out its functions with a view to promoting the four Licensing Objectives:

- a) The Prevention of Crime and Disorder
- b) Public Safety
- c) The Prevention of Public Nuisance
- d) The Protection of Children from Harm

In exercising those functions, the Licensing Authority must also have regard to Guidance issued by the Secretary of State and its own Statement of Licensing Policy.

Under Section 181 and Schedule 5 (Part 3) of the Licensing Act 2003, rights of appeal exist, to the Magistrates' Court, against the decision of the Licensing Authority. Such appeal may be made on behalf of:

- a) the applicant;
- b) the holder of the Premises Licence; or

- c) any other person who made relevant representations in relation to the application.

7. Consideration

When considering this Review application, under Section 52 Licensing Act 2003, the following options are available to the Panel:

- a) to modify the conditions of the Licence;
- b) to exclude a licensable activity from the scope of the Licence;
- c) remove the designated premises supervisor;
- d) to suspend the Licence for a period not exceeding three months; or
- e) to revoke the Licence,

and for this purpose the conditions of the licence are modified if any of them are altered or omitted, or any new condition is added.

8. Conclusion

Having considered the Review application, representations, written and oral submissions made at the hearing, the Panel shall determine the application.

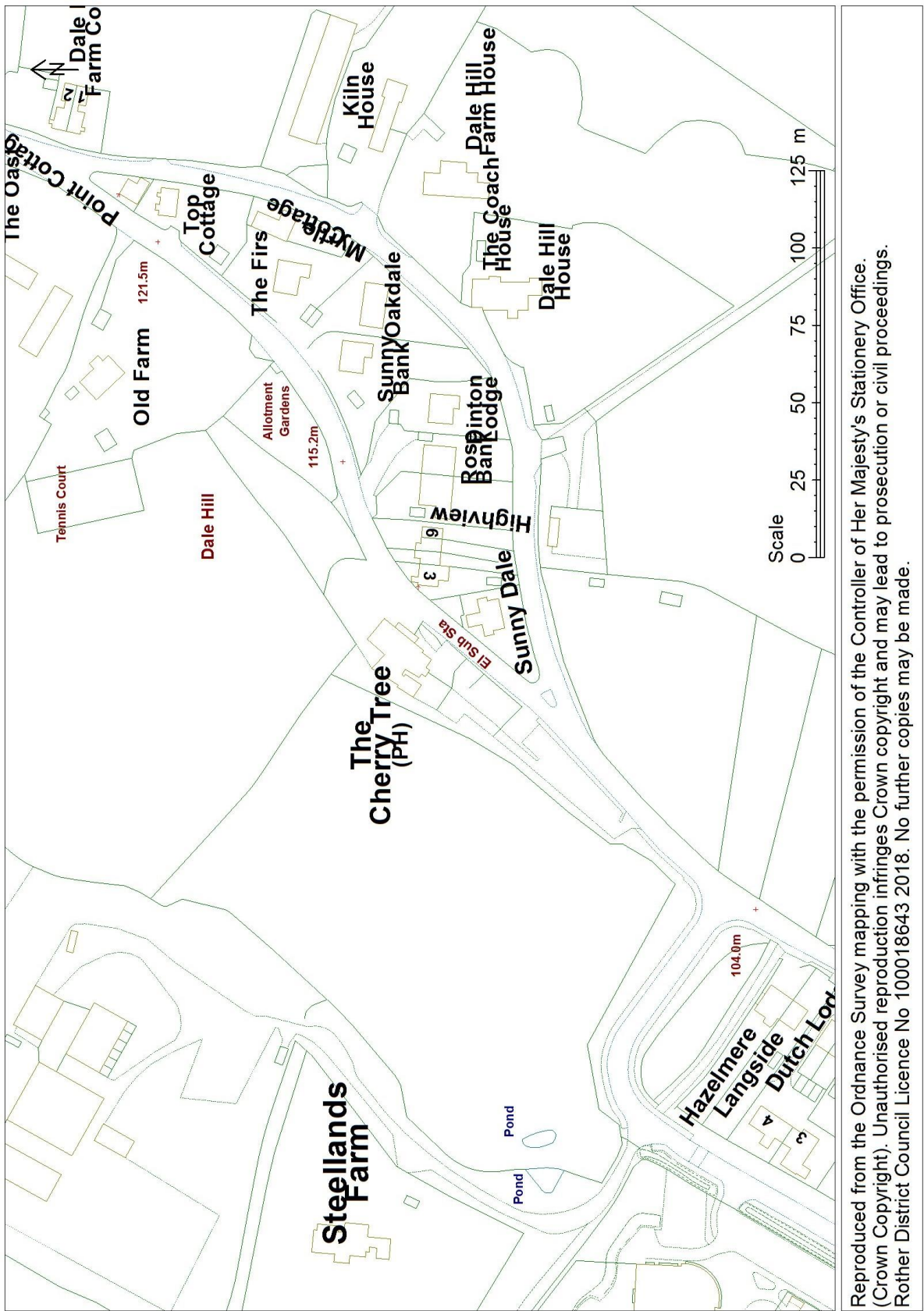
Malcolm Johnston
Executive Director

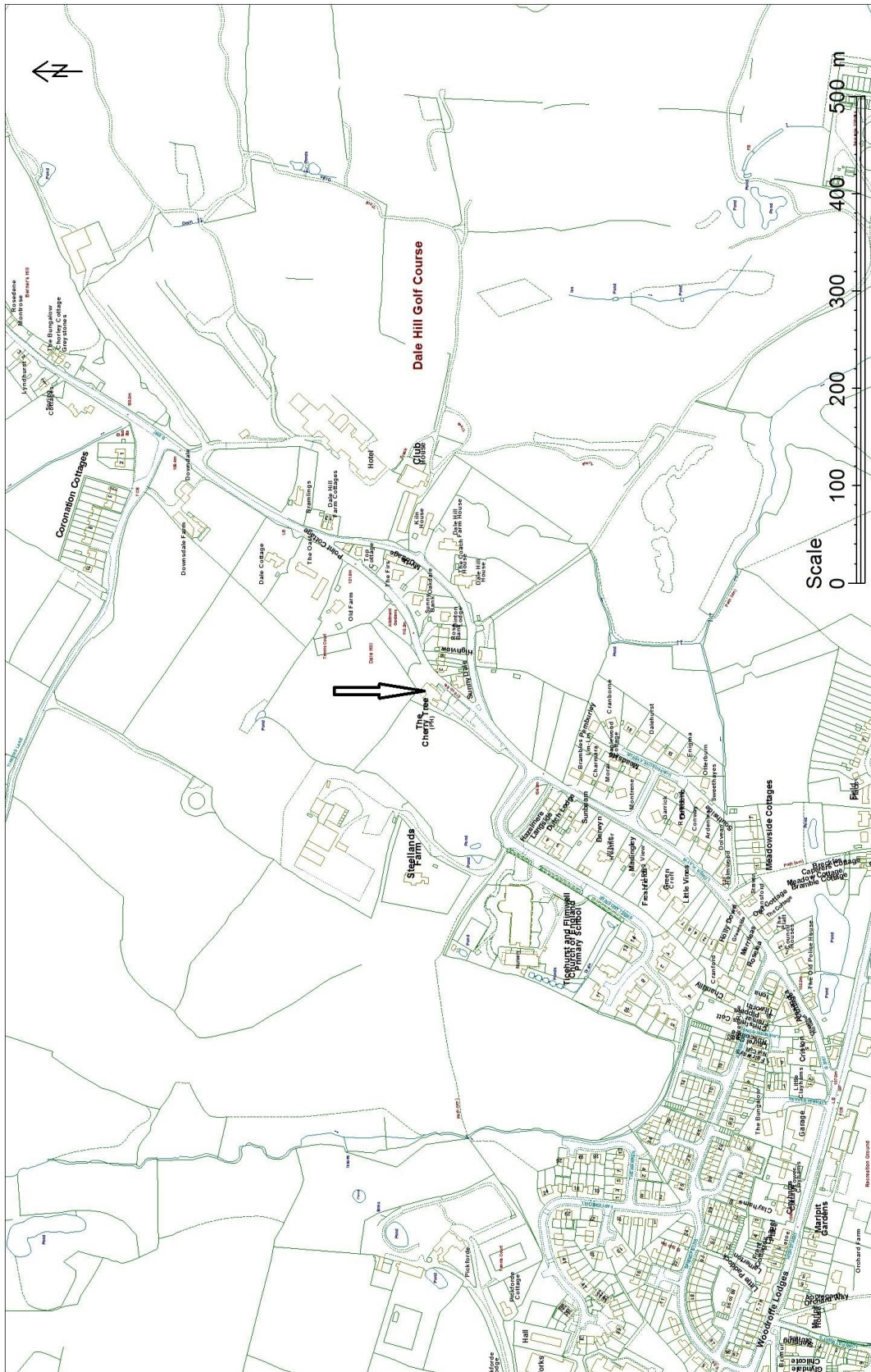
Risk Assessment Statement

The applicant and others party to the hearing have a right of appeal to the Magistrates' Court.

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Maps of the location





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Photographs



Photograph 1: view looking North towards the premises.



Photograph 2: view looking South from outside of the premises.



Photograph 3: view from outside of the premises, looking South towards the decking area.



Photograph 4: view looking North towards the garden and decking area.



Photograph 5: raised decking area, view towards the East/North East.



Photograph 6: car park, North end of the premises.



Photograph 7: view from North end of premises, looking towards the East/South East.

Application for Review

Application for the review of a premises licence or club premises certificate under the
Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I Jonathan Hampson (Pollution Control Officer)

(Insert name of applicant)

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

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Cherry Tree Inn Dale Hill Ticehurst East Sussex TN5 7DG	
Post town Ticehurst	Post code TN5 7DG
Name of premises licence holder or club holding club premises certificate (if known) THE CHERRY TREE INN LIMITED (Company number 10714118)	
Number of premises licence or club premises certificate (if known) 05/02033/LAPRE	

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

☐

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

☒

3) a member of the club to which this application relates (please complete (A) below)

☐

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

Please tick ✓ yes

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

Surname

First names

I am 18 years old or over

Please tick ✓ yes
☐

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

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Jonathan Hampson (Pollution Control Officer) c/o Rother District Council Town Hall Bexhill-on-Sea East Sussex TN39 3JX
Telephone number (if any) 01424 787 550
E-mail address (optional) pollution@rother.gov.uk

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

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |
- Please tick one or more boxes ✓

Please state the ground(s) for review

- 1 The prevention of public nuisance arising from patrons shouting, laughing and the use of foul language while using the outside areas (PLAN A) of The Cherry Tree. In addition to concerns regarding music from the premises.

Description of area

- 2.1 Ticehurst is a quite large village, spread out around a rather winding High Street, that runs roughly East-West. The Cherry Tree is located near the north-eastern end of the village on the B2087 and essentially at the village edge: the area around the premises is mostly open fields with some number residential properties to the east and south of the premises.
- 2.2 The Cherry Tree Inn location and its general outline is shown in PLAN A. The outside areas consist of a two car parks either of the premises

2.3 The closest residential property is roughly 10 meters from the boundary of the premises on opposite side of the road and overlooks the decked area. The Cherry Tree Inn is raised approximately 2-3 meters above the property. This places the first floor bedrooms of the residential property overlooking the premises at around the same height as the decked area at the Cherry Tree Inn. There is a large hedge breaking direct line of site between the two properties. However, the hedge provides very little attenuation of the sound from patrons using the decked/smoking area or noise from inside the premises.

2.4 The next residential property is roughly 14 meters from the premises and overlooks the front entrance. There is a wooden bench by the entrance which seems to be regularly used as a smoking area.

Historic complaints

3.1 During 2009-10 there were multiple complaints regarding loud music and patrons shouting and swearing in outside areas particularly during the evening. A petition consisting of sixteen signatures from local residents was submitted to the Council requesting help to deal with the problems at the premises.

Pre-emptive action and current complaints

4.1 Pre-emptive discussions have been undertaken to resolve issues at the premises, through officer visits, providing advice and guidance, followed by formal agreements to limit the type and time of events.

4.2 Due to historic noise issues a neighbouring resident contacted the licensing authority to request a visit to the new landlady (Mrs Julie Tindall) before the premises re-opened. On the 1st June 2017 an informal meeting was held between Mrs Tindall, Senior Environmental Health Officer and Licensing Officer at the premises. The purpose of this meeting was to give Mrs Tindall advice, guidance and to inform her of previous noise

complaints against the premises. The officers went through noise measures she could take to limit any future noise nuisance, which covered noise from patrons outside and music noise.

4.3 Mrs Tindall was advised to speak to her neighbours before opening so a good working relationship could be formed. However, reportedly this did not happen.

4.4 On the 17th June 2017 a formal complaint was made to the Council regarding patrons shouting, screaming and swearing in the external areas of the premises.

4.5 On 14th July a meeting was held between Mrs Tindall, Pollution Control Officer and Licensing Officer prior to any site visits to discuss recent complaints regarding the premises. An action plan was agreed with Mrs Tindall introducing a range of appropriate measures in order to prevent the premises causing a nuisance.

4.6 The Action Plan was as follows;

- The large outside decking area to be removed from use at 22:30 (Sunday-Thursday) and 23:00 (Friday and Saturday).
- While outside areas are in use the licence holder shall ensure the level of noise including any swearing shall be restricted so as not to cause a nuisance to the neighbouring properties.
- Staff shall ensure patrons leaving the premises leave quietly and orderly. There shall be a sign displayed at both exits requesting that customers leave the premises quietly and orderly.
- After the decking area is removed from use the area at the front of the pub shall be used for patrons to smoke. Noise from this area shall be

monitored by the licence holder and patrons encouraged to go back into the pub when finished smoking.

- Any live music being performed on the premises shall finish by 22:00. There to be no outdoor regulated entertainment.

4.7 Mrs Tindall was advised that actions beyond those agreed in the action plan may be required to ensure a public/statutory nuisance is not being caused to her neighbours. As the person responsible for the day to day running of the premises it is Mrs Tindall responsibility to ensure appropriate and suitable steps are taken to achieve this goal.

Investigation

5.1 The Cherry Tree Inn was placed on the Councils Noise Patrol rota during the summer months of 2017, the patrol visits premises during weekend evenings to monitor potential noise issues.

5.2 The following evening after the action plan had been agreed, on 15th July 2017 two Senior Environmental Health Officer's visited a complainants home between 21:50 - 22:40 and witnessed a group of 5-6 males on the decked area shouting, raucously laughing along with continuous conversation and sporadic bad language such as "I look like Lord FarquharYou fucking do" and "it's a waste of fucking time I won't remember when I wake up in the morning" and so on. No attempt to control customer behaviour was made by anybody at the pub. The two offices described the event as an unacceptable level of noise which with the windows open is considered to be sufficient to prevent any sleep and capable of disturbing sleep in the bedrooms overlooking the decked area.

5.3 On 23rd August 2017 a Pollution Control Officer visited a complainant's home between 21:30 - 22:20. Witnessed from the complainants 14-year-old son's bedroom overlooking the decked area a group of 5 plus males and females could be clearly heard. There was continuous conversation

with bursts of strong and powerful laughing with occasional bad language such as “fuck you”, “up yours”, etc. At 21:53 there was banging on the table like a drum roll followed by cheering from the group. At no point during the visit were attempts made to control the patron’s behaviour. The witnessed noise was considered excessive and would easily prevent use and enjoyment of rooms facing the premises.

5.4 Six audio recordings were made by the complainant in the bedroom closest to the decking on calibrated noise recording equipment installed by a council officer on 14th July. The recordings clearly demonstrate a potential noise issue at the premises and will be available for the members to listen to.

5.5 The complainant’s own written records regarding people noise and music are attached in the supporting information for this application.

Attempts at resolution

6.1 On the 9th October 2017 a meeting was held between Mrs Tindall, Pollution Control Officer and Licensing Officer to discuss the investigation and present evidence of the noise nuisance. It was the aim of this meeting to request Mrs Tindall to add conditions to her premises licence which would resolve/mitigate the ongoing noise issues. Sadly, Mrs Tindall took the view that in order to make a success of her business she could not add any additional constraints beyond that of the original action plan. In addition, Mrs Tindall was unwilling to consider the installation of a physical acoustic barrier along the front of the premises (such as close-boarded fence) to reduce the noise levels in neighbouring properties due to monetary concerns.

Considerations

7.1 It is commonly accepted that if you live close to a pub you must expect a certain amount of noise to impact you in your own home. This is a reasonable expectation. In most cases when dealing with people noise

from pubs its generally a background ambience, voices blend into one another creating a white noise with the occasional burst of laughing or shouting. However due to the proximity of the premises to residential housing combined with the very quiet nature of the area, normal levels of conversation are clearly audible word for word which greatly exacerbates this situation.

- 7.2 The Council Officers who witnessed the noise issues from inside the bedrooms facing the decked area agreed that the noise was unreasonably excessive when the windows are open. It is an unreasonable expectation that residential homes should have to close their windows due to a neighbouring commercial activity, especially during summer months when extra ventilation is required due to hot weather.

Required amendments to premises licence

- 8.1 Ultimately negotiations and agreements between this department and the premises licence holder have been unsuccessful. This department is of the belief that given time as the business grows and attracts larger numbers of patrons the situation in the area will only worsen further affecting the living amenity of the area. We are therefore applying for a review of the Premises Licence under Section 51 of the Licencing Act 2003, on the grounds of Prevention of Public Nuisance, with the aim of introducing the measures below to control noise from music and use of outside spaces by patrons in order to reduce their impact on neighbouring residences by;

- 1 Prohibit use of the indicated area in plan A after 21:30, except for the immediate access and egress of the public from the premises.
- 2 An external smoking shelter shall be created and utilized, which is screened from neighbours by buildings, erection of walls or close-boarded fences to reduce disturbance to neighbours. Before erecting the smoking shelter the premises licence holder should contact the Environmental

Health Department for guidance on its construction and location. The premises licence holder should contact the Planning Authority to ascertain if the structure requires planning permission.

- 3 All doors and windows shall be kept closed, except for the immediate access and egress of the public and staff, whilst regulated entertainment is in progress.
- 4 There shall be no regulated entertainment inside of the premises after 23:00.
- 5 There shall be no outdoor regulated entertainment after 21:30.
- 6 There shall be prominent, clear and legible notices displayed at all exits requesting patrons to respect the needs of local residents and to leave the premises and the area quietly.
- 7 There shall be regular checks of outside areas and active encouragement and enforcement of good behaviour.

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

Complainants diary of disturbances, continued

- 12th June: Event from diary of disturbances.
- 14th June: Event from diary of disturbances.
- 17th June: people screaming, shouting and swearing out on the decking.
- 23th June: Event from diary of disturbances.
- 24th June: Event from diary of disturbances.
- 30th June: noise from the Cherry Tree this evening is horrendous - you can hear people shutting, swearing and screaming even through our double glazed shut windows.
- 5th July: Event from diary of disturbances.
- 7th July: Event from diary of disturbances.
- 27th August: loud shouting
- 29th August: loud shouting
- 3rd September: shouting, laughing inside and outside the pub from 8.30 to 11.00 pm - all doors including patio doors were open
- 8th September: shouting, screaming, laughing and loud music – this went on from 9.30 to midnight or longer
- 9th September: a party event was held with a DJ the music was so loud you could hear it in our house with our doors shut and double-glazed windows shut! The music went on until past midnight with people outside the pub shouting and laughing
- 19th September: noise from the pub last night was yet again bad and that's with customers inside the pub as all the doors and windows were open shouting screaming laughing and music playing

The additional list of disturbances below are all incidents of customers standing outside the front door under the canopy drinking, smoking, laughing, shouting and swearing which happened between the hours of 10 pm to 11.30 pm:

29 September

30 September

5 October

13 October

14 October

21 October

27 October

2 November

3 November

9 November

11 November

17 November

19 November

20 November

Please tick ✓ yes

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

☐

If yes please state the date of that application

Day	Month	Year

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

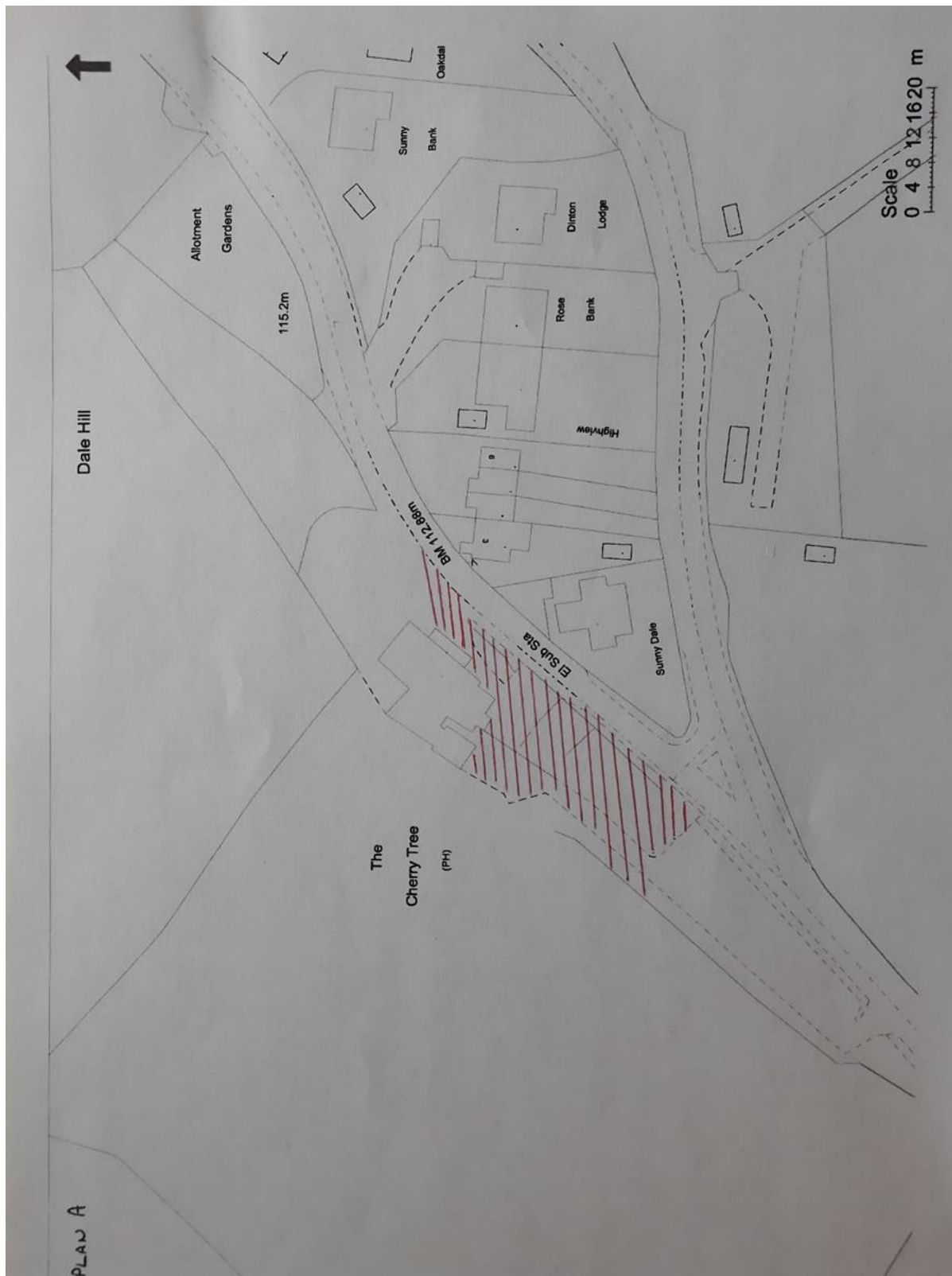
DIARY OF DISTURBANCES						
Rother and Wealden Environmental Health						
Premises where the events are originating: Cherry Tree Inn, Oak Hill, Ticehurst, East Sussex TN3 7AP						
Email:						
Tel no.:						
Date	Time started	Time ceased	Duration	Window open or closed	Room affected	Nature of event
EXAMPLE of an incident 12/03/2017	11pm	1am	2hrs	Open	Bedroom	Noise from pub event
12/06/17	9.30pm	11.20pm	3hr	open	bedroom / bedrooms	Noise from drinks at pub
14/06/17	"	"	1h	"	"	"
17/06/17	"	12.30pm	4hr	"	"	noise from party at the pub
23/06/17	9.30pm	11.30pm	2hr	"	"	Noise from drinks at pub
24/06/17	10.00pm	1.00am	3hr	"	"	Music night at pub. cancelled last 2 people still there
30/06/17	7.30pm	after 11.30pm	5hrs plus	"	"	Noise from pub event
30/7/17	8.30pm	12.00am	3 1/2 hr	"	"	"

(*) On all occasions we have had to shut windows for children's us to sleep but on occasions noise can be heard through double glazed windows!!

I cannot sleep with the constant loud music. There is a regular base beat and there has been no break from the noise. I have to get up for work in the morning.

Children cannot sleep due to singing & shouting on (drinks) & outside. I have to get up for work in the morning.

Date	Time started	Time ceased	Duration	Window open or closed	Room affected	Nature of event	Describe how you were affected			
31/10/17	8:30pm	after midnight	4 hrs plus	Open	bedroom/ kitchen	none from customers at pub.	Children cannot sleep due to snoring starting since 1st Nov.			
07/07/17	9:00pm	Midnight	3 hrs	open	bedroom/ bath	none from pub p.m. - night time	11 11			
Person keeping Diary							Record of scanning (for office use only)			
Print name				Address:						
Signature:										
Date:										
				Scanned by. Print Name:						
				Signature:						
				Date						



yes

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 understand that if I do not comply with the above requirements my application will be rejected ☒

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

Part 3 – Signatures (please read guidance note 4)

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

Sign

Date 3/4/18

Capacity **Pollution Control Officer**

Contact name (were not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

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

Premises Licence

LICENSING ACT 2003

PREMISES LICENCE**Part A****Premises Licence No. 05/02033/LAPRE****Part 1 – Premises details**

Cherry Tree Inn, Dale Hill, Ticehurst, East Sussex, TN5 7DG
Telephone number: 01580 201229
Where the licence is time limited the permitted dates are: n/a
Licensable activities: Sale by retail of alcohol for consumption on and off the premises. Performance of live music (indoors & outdoors). Any playing of recorded music (indoors & outdoors). Provision of facilities for dancing (indoors only).

Authorised times:

Activity	Times	Restrictions	Indoor, Outdoor or both
Retail sale of alcohol	Mon-Thurs 10:00 to 00:00 Fri-Sun 10:00 to 01:00		On and off the premises
Performance of live music	Mon-Thurs 12:00 to 23:00 Fri-Sun 12:00 to 23:30		Both
Any playing of recorded music	Mon-Thurs 10:00 to 00:00 Fri-Sun 10:00 to 01:00	When playing recorded music outside the finishing times will be as for live music.	Both
Provision of facilities for dancing	Mon-Thurs 10:00 to 00:00 Fri-Sun 10:00 to 01:00		Indoors

Note: Sale of Alcohol - New Years Day morning (from 00:01) : any restriction on hours do not apply.

The opening hours of the premises (if applicable):

Monday – Thursday 07:00 to 00:30 Friday - Sunday 07:00 to 01:30

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies: **On & Off**

Part 2

<p>Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:</p> <p>The Cherry Tree Inn Ltd Dale Hill Ticehurst East Sussex TN5 7DG</p>
<p>Registered number of holder, for example company number, charity number (where applicable):</p> <p>10714118</p>
<p>Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:</p> <p>Julie Tindall The Cherry Tree Inn Dale Hill, Ticehurst East Sussex, TN5 7DG</p> <p>Telephone number:</p>
<p>Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:</p> <p>Personal licence number: HO31151</p>
<p>Issuing Authority: Hastings BC</p>

12th July 2017

Rother District Council
Town Hall
Bexhill-on-Sea
East Sussex
TN39 3JX
Tel: 01424 787550

Annex 1 - Mandatory Conditions

1. 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/ her personal licence is suspended.
2. Every supply of alcohol under the Premises Licence must be made or authorised by a person who holds a personal licence.
3. (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).

4. The Responsible Person must ensure that free potable water is provided on request to customers where it is reasonably available.

5. 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.

6. (1) The 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 the 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 which take place before the expiry of the period of 14 days beginning on the second day.
7. (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.

Note:

In section 153(4) of the Licensing Act 2003, "Responsible Person" means:

(a) In relation to licensed premises:

(i) the holder of a Premises Licence in respect of the premises;

- (ii) the Designated Premises Supervisor (if any) under such a licence;
or,
 - (iii) any individual aged 18 or over who is authorised for the purposes of this section by such a holder or supervisor.
- (b) 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 him to prevent the supply in question.

Annex 2 – Conditions consistent with the operating Schedule

All conditions attached to the previously held licences including conditions associated with a Children's certificate (if applicable).

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

Annex 4 - Plans

See Attached