

Licensing Act 2003

Case A 22/11/18 **Application to review a premises licence under the Licensing Act 2003**

Applicant:	Chris Burnett, Principal Licensing Officer
Premises subject to Review:	Today's Local, 6 Upper Mill Gate, Rotherham, S60 1PF
Premises licence holder:	Argumugam Kalamohan, 80 White Lion Road, Amersham, Buckinghamshire, HP7 9JS.

1. Purpose of Report

To consider an application for the review of a premises licence made under Section 51 of the Licensing Act 2003 in relation to the premises known as **Today's Local, 6 Upper Mill Gate, Rotherham, S60 1PF.**

2. The Application

The applicant is Chris Burnett, Principal Licensing Officer on behalf of Rotherham Metropolitan Borough Council.

The application is attached to this report at Appendix A.

The application to review relates to the four objectives under the Licensing Act 2003 namely the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

The grounds for review are that the Local Authority are not satisfied that the premises licence holder is promoting the four licensing objectives namely public safety, public nuisance, crime and disorder and protection of children from harm.

The response from an interested party is attached at Appendix B.

3. Reasons for Referral

The Licensing Authority must refer any application for review to the Licensing Committee if they relate to one or more of the licensing objectives.

The applicant and the premises licence holder have been invited to attend the hearing.

4. Financial Implications

There are no specific financial implications arising from this application. However additional costs may be incurred should the matter go to appeal. In such a case it is not possible predict the outcome of any decision by the Courts in relation to costs.

5. The Legal Position

Section 4(1) of the Licensing Act 2003 requires the Licensing Authority to carry out its functions with a view to promoting the four licensing objectives namely:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

The Act also requires that the Licensing Authority has regard to its own 'Statement of Licensing Policy' and any guidance issued by the Secretary of State in carrying out its functions.

Section 52(3) of the Licensing Act 2003 requires that the Licensing Authority must, having had regard to the application for a review and any relevant representations, take such steps as it considers necessary for the promotion of the four licensing objectives.

Under section 52(4) the steps are:

- to modify the conditions of the licence;
- to exclude the licensable activity from the scope of the licence;
- to remove the designated premises supervisor;
- to suspend the licence for a period not exceeding three months; and
- to revoke the licence.

Once a determination has been made by Members of the Licensing Committee, section 52(11) of the Act states that the determination does not have effect until:

- the end of the period given for appealing against the decision; or
- if the decision is appealed, until the appeal is disposed of.

6. Hearing Regulations

Regulations governing hearings under the Licensing Act 2003 have been made by the Secretary of State. The Licensing Authority has provided all parties with the information required in the Regulations.

7. Options available to the Licensing Committee

Members of the Licensing Committee authorise officers to:

- modify the conditions of the licence;
- exclude a licensable activity from the scope of the licence;
- remove the designated premises supervisor;
- suspend the licence for a period not exceeding three months;
- revoke the licence; or
- reject the application for review.

Contact Name: Alan Pogorzelec; alan.pogorzelec@rotherham.gov.uk

Rotherham Metropolitan Borough Council – Licensing Office

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 **Chris Burnett, Principal Licensing Officer***(Insert name of applicant)*

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of 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. TODAY'S LOCAL 6 UPPER MILL GATE ROTHERHAM SOUTH YORKSHIRE	
Post town ROTHERHAM	Post code (if known) S60 1PF
Name of premises licence holder or club holding club premises certificate (if known) ARUMUGAM KALAMOCHAN	
Number of premises licence or club premises certificate (if known) P0900	

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 Chris Burnett Principal Licensing Officer Rotherham Metropolitan Borough Council Main Street, Rotherham, S60 1AE
Telephone number (if any) 01709 823153
E-mail address (optional) chris.burnett@rotherham.gov.uk

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

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

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

1. Application is made for a summary review of the premises known as Today's Local, 6 Upper Mill Gate, Rotherham S60 1PF.

2. The application is based on the four licensing objectives :

The prevention of crime and disorder

Public safety

Public nuisance

Protection of children from harm

3. Today's Local is a small premise situated on the pedestrianised precinct within Rotherham town centre. The premises are licensed for the sale of alcohol for consumption off the premises. The premises also sell other items including confectionary and foodstuffs. The licence permits the sale of alcohol daily between 0600hrs to 2300hrs.

4. Over the past 12 months there has been a steady increase in alcohol related disorder and nuisance.

5. The premises were initially visited on 19th April 2017 by Rotherham Licensing Enforcement Officer Chris Burnett following a number of complaints in relation to nuisance and under age sales.

6. The visit revealed a number of breaches of the premises licence at Annex 1 and 2 :

No premises licence summary displayed or available.

No premises licence available to inspect.

Spirits displayed on shelves rather than behind the counter.

No notices advising customers to leave quietly.

Children permitted to be in the premises without an adult.

No time parameters set out when children are permitted to be on the premises.

Off licence sales area no separated from the area where confectionary is displayed.

7. The matter was discussed at length with the premises licence holder, the DPS and also the general manager. A return visit was subsequently made to the premises and the breaches appeared to have been addressed :

A premises licence summary was on display.

The premises licence was available to inspect.

Spirits were only on display behind the counter.

Notices advising customers to leave the premises quietly were not in place.

Confectionary had been moved to a location away from where alcohol was displayed. It was noted that the rear fire exit was blocked almost in its entirety with several cases of cans of alcohol stacked up. Advice was given to ensure this remained free from obstruction.

8. Agreement was reached with the premises licence holders that a variation would follow to address conditions on the licence which would improve the general operating methods and also remove conditions which were either unhelpful or unenforceable.

9. The application to vary the licence was never made.

10. In March 2018, further issues in respect of the premises were highlighted by the Police and the Environmental Health team. The issues continued to be around disorderly conduct fuelled by alcohol being served to persons in drink and known street drinkers.

11. As a result of continued problems at the premises, on 12th June 2018 a meeting took place at Riverside House between the Local Authority, the Local Policing Team, the premises licence holder, the DPS, the general manager, and the legal adviser for the premises. A number of issues including sales of alcohol to persons in drink, the serving of strong alcohol and the action which should be taken to promote the licensing Objectives and co-operate with the Police were discussed.

12. As a result of the meeting an action plan was agreed. A number of variations to the existing premises licence were offered and these were voluntarily included within the action plan with a view to the conditions being applied by way of variation at Annex 2 of the premises licence during or following the three month action plan.

13. Following the action plan, however, incidents have continued to take place at the premises, including disorder and a clear lack of willingness to assist the Police and ensure public safety is preserved. Numerous Police requests for CCTV footage in respect of incidents at the premises have been ignored by the management and there continues to be a lack of willing to provide evidence to address crime and disorder. There is evidence of staff serving to persons in drink and CCTV footage of staff serving to customers whilst fights are taking place within the premises.

14. The premises were subsequently visited by Police and Council enforcement staff on Friday 20th July 2018. The inspection revealed continued breaches of the premises licence including a failure to implement and maintain an incident log and refusals register, staff training records unsigned and once again spirits on display on the shelves and not behind the counter. The fire exit was once again partially blocked with cases of alcohol.

15. A further visit on Monday 23rd July 2018 saw similar blockages of the fire exit with cases of alcohol. On both occasions staff were instructed to remove the obstructions immediately.

16. It has become very apparent that despite continued efforts by the Police and the Local Authority to work with the premises, and a voluntary action plan, the premises appear unwilling or unable to ensure the four licensing objectives are being properly promoted. There is a lack of direction and leadership by the Premises Licence Holder and the Designated Premises Supervisor, a lack of training for the staff, resulting in little or no understanding of licensing legislation and good practice, including the conditions currently on the licence designed to protect children from harm, and an alarming number of examples of staff serving to persons in drink, which has resulted in concerns for public safety. A number of businesses adjacent to the premises have provided Community Impact Statements to the Police setting out how the conduct of the premises is having a detrimental effect on their business.

17. For the reasons set out above, application is made under S51 Licensing Act 2003 for a Review of the Premises licence. The application is based on the four licensing Objectives and seeks a revocation of the premises licence. Additional documentary evidence and video footage will be disclosed in due course and used at the Licensing hearing in support of this application.

**Chris Burnett
Principal Licensing Officer**

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

No applications made previously

Please tick ✓

yes

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

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

Part 3 – Signatures (please read guidance note 4)

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

Signature

..........

Chris Burnett

Date **02/08/2018**

Capacity **Principal Licensing Officer**

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

Chris Burnett
Principal Licensing Officer
Riverside House
Main Street

Post town
Rotherham

Post Code
S60 1AE

Telephone number (if any) 07880 043804

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) chris.burnett@rotherham.gov.uk

Cannon Public Relations Limited
32a High St
Rotherham
South Yorkshire
S60 1PP

16 August 2018

Dear Sir/ Madam,

Re: Licensing review – Today's Express, Bridgegate, Rotherham, S60 1SN

In view of the licensing review which I understand is taking place at Today's Express, I would like to raise my concerns and respectfully request that the alcohol license relating to these premises is withdrawn, or conditions imposed upon it.

I am writing to you, in my capacity as a local business owner based in the town, a concerned employer, and also as an individual who is proud of our town, and keen to see it improve.

My business has been based at 32a High Street since January 2013. I access my office from the Rotherham Minster gardens. In recent years I have noticed a significant increase in the amount of anti-social behaviour which takes place within the grounds of Rotherham Minster. Almost all of the individuals who are responsible for this behaviour consume alcohol, which I have witnessed being purchased from Today's Express.

Over the past two-three years, I have reported this behaviour to South Yorkshire Police more times than I care to remember. Members of the local police force share my view that one of the main catalysts for this anti-social behaviour is the irresponsible way in which alcohol is sold by Today's Express.

The strong lager consumed by many of the drinkers I encounter on an almost daily basis is sold in black and gold cans. South Yorkshire Police have informed me that whilst most alcohol vendors have voluntarily withdrawn this product from sale, Today's Express continues to sell the product, which presents a clear and direct link between the alcohol sold by the business and the anti-social behaviour it has caused.

I have spoken to South Yorkshire Police extensively about the anti-social problems we encounter within the grounds of Rotherham Minster. Examples of the behaviour both I, my staff, and perhaps most concerningly of all, clients which my business is dependent upon, has included:

- Vulgar language
- Littering
- Threatening and intimidating behaviour (including fighting)
- Swearing
- Begging
- Violence
- Urinating in the grounds of the Minster

Clearly such behaviour remains entirely unacceptable. Whilst Today's Express is clearly not responsible for this behaviour, the irresponsible way in which alcohol is sold to these individuals is

clearly acting as a catalyst. Should alcohol not be readily available, then I suspect the anti-social behaviour we witness would cease.

I feel it is important to stress the behaviour I have witnessed isn't solely isolated to the grounds of Rotherham Minster, but frequently takes place near to the Heart of Steel, and the benches located directly outside of Today's Express on Bridgegate.

I employ two young females who are reliant upon public transport. As such, they must walk past the Heart of Steel and along Bridgegate to catch their buses home. One member of staff has been threatened by an individual who was clearly under the influence of alcohol consumed from Today's Express – this experience left her frightened, upset and clearly worried about her safety in Rotherham Town Centre. I feel it is totally unacceptable that anyone should feel threatened or intimidated in this way.

Whilst I accept that Today's Express is not the sole business responsible for selling alcohol in the town centre, it is the one which is located most closely to the sites mentioned above.

It is perhaps worth noting that I have witnessed first hand the shop selling alcohol to individuals who are clearly intoxicated – something which I believe breaches licensing conditions: This can be as early as 10am in the morning.

As a final point, I would like to draw your attention to the impact this behaviour has upon my business. I am proud to have based my business in Rotherham Town Centre, creating new skilled jobs and opportunities to help others forge successful careers in their chosen vocations: The increased numbers of incidents we are being forced to report and the high numbers of alcohol related incidents within the grounds of Rotherham Minster in particular, has made me question seriously whether my business has a future in Rotherham Town Centre.

Anti-social behaviour is on the rise. Drinking on the streets is on the rise. This is at a time when significant efforts are being made to regenerate Rotherham Town Centre. I feel the way in which the terms of the license granted to Today's Express are clearly being flouted, an unwillingness to work alongside South Yorkshire Police in terms of tackling anti-social behaviour, and perhaps most importantly of all the impact the alcohol sales have upon my own business, my staff, and the clients we serve, must be addressed.

Despite assurances I have received from Town Centre meetings I have attended, both the Council and South Yorkshire Police appear powerless to prevent this problem from arising. I feel if the alcohol license is removed from Today's Express, this would be a significant step forward in addressing one of the root causes of anti-social behaviour in Rotherham Town Centre.

Yours sincerely,

Matthew Ridsdale
Director,
Cannon PR

**Notice of actions following receipt
of notice of hearing**

To: Rotherham Metropolitan Borough Council
Riverside House
Main Street
Rotherham
S60 1AE

I, Matthew Ridsdale

of
Cannon PR, 32a High Street, Rotherham, South Yorkshire S60 1PP

hereby confirm that I have received the Notice of Hearing dated
and notify you as follows:

I do not intend to attend the hearing

I do not intend to be represented at the hearing

Regrettably, I am unable to attend the hearing on 22nd December due to work commitments, however, I would also like to advise the committee that whilst it is the numbers of anti-social behaviour incidents relating to alcohol being sold by the shop in question have reduced, they have not gone away.

I have noticed that whilst the numbers of distinctive black and gold cans of strong lager have reduced, this has been replaced with alternative forms of alcohol, including different branded cans and bottles of wine/ lager.

I have continued to witness drinkers consuming alcohol on the benches outside of Today's Local, the near to the Heart of Steel Monument, Riverside Precinct and within Minster Gardens. As the shop in question is the nearest licensed premises to these locations, I feel it is reasonable to conclude that the alcohol is being purchased from the shop in question. In some cases I have witnessed these drinkers leaving the shop in question with alcohol which has clearly been sold to them.

I would like to make the committee aware that the instances of alcohol misuse has had a detrimental impact upon my business in the following ways:

- Rotherham is a very difficult place at present to run a business, which is exacerbated by anti-social behaviour. My clients don't like visiting the town centre, and my staff don't feel safe. I strongly feel the alcohol being sold by Today's Local has a direct and clear link to the levels of anti-social behaviour within Rotherham Town Centre and would urge the committee to implement an immediate revocation of Today's Local's alcohol license.
- Since the summer, members of staff have left the business because they do not feel safe walking down corporation street, passing the shop. I have expressed concerns about this previously, however, having spoken to members of staff who have left the business, it is clear this was an important factor in their decision to leave the business.

Whilst I have been working the RMBC and South Yorkshire Police to tackle these problems – sadly, this has not proved to be enough to keep them within the company.

- The street drinkers in the minster gardens has resulted in visitors to my business feeling threatened and intimidated, due to approaches for money, enabling them to purchase alcohol from Today's Local. This has resulted in the loss of at least one client
- The discarded alcohol cans and rubbish is leaving the Minster Gardens looking unsightly at times and there have also been recent instances of broken glass left from discarded bottles.
- When I have visited the store late at night, I have witnessed at first hand the shop selling alcohol to people who are clearly exhibiting signs of high levels of intoxication.

As a fellow business owner in Rotherham Town Centre, the last thing I want to see is another empty shop front, however, I strongly feel the removal of the alcohol license from Today's Local would have a positive impact upon the reduction of this anti-social behaviour and I would be grateful if the additional points I have raised could be taken into account when reviewing this case.

Dated 12/11/2019

Signed.....



Delete words in square brackets which do not apply

Please see Regulation 8 overleaf

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LFU 26944 (1.0)

Regulation 8

- (1) A party shall give to the authority within the period of time provided for in the following provisions of this regulation a notice stating –
 - (a) whether he intends to attend or be represented at the hearing;
 - (b) whether he considers a hearing to be unnecessary
- (2) In a case where a party wishes any other person (other than the person he intends to represent him at the hearing) to appear at the hearing, the notice referred to in paragraph (1) shall contain a request for permission for such other person to appear at the hearing accompanied by details of the name of that person and a brief description of the point or points on which that person may be able to assist the authority in relation to the application, representations or notice of the party making the request.
- (3) In the case of a hearing under –
 - (a) section 48(3)(a) (cancellation of interim authority notice following police objection), or
 - (b) section 105(2)(a) (counter notice following police objection to temporary event notice),

Licensing Act 2003 Premises Licence

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Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Today's Local

6 Upper Mill Gate, Rotherham, South Yorkshire, S60 1PF.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
The sale by retail of alcohol for consumption OFF the premises only	Monday to Sunday	6:00am	11:00pm

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday	6:00am	11:00pm

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- The sale by retail of alcohol for consumption OFF the premises only

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Arumugam Kalamohan
ijrushy@hotmail.com

80 White Lion Road, Amersham, Buckinghamshire, HP7 9JS.
Telephone 07909511953

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Ramanan THAVARASA

1A Avondale Road, Rotherham, South Yorkshire, S61 1SG.

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. RM2883

Issued by Rotherham



Licensing Act 2003 Premises Licence

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ANNEXES

Annex 1 Mandatory Conditions

All Premises Licence authorising supply of alcohol

The licence is granted subject to the Mandatory conditions for sale of alcohol as set out in the Licensing Act 2003 as amended by the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 and Order 2014.

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 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



Licensing Act 2003 Premises Licence

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ANNEXES continued ...

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.
 - (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 licences 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.
6. The responsible person shall 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; 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.

Minimum Drinks Pricing



Licensing Act 2003 Premises Licence

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ANNEXES continued ...

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 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.



Licensing Act 2003 Premises Licence

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ANNEXES continued ...

(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.

If the Premises Licence has conditions in respect of Door Supervision [except theatres, cinemas, bingo halls and casinos]

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, each such individual must:
 - (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
 - (b) be entitled to carry out that activity by virtue of section 4 of the Act.
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 (c12) (premises with premises 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, which is licensable conduct for the purposes of that Act, (see Section 3(2) of that Act) 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.

Annex 2 Conditions consistent with operating schedule

Prevention of Crime and Disorder



Licensing Act 2003 Premises Licence

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ANNEXES continued ...

- 1 The licence holder shall ensure that CCTV is installed at the premises which has recording facilities.
- 2 The licence holder shall ensure that all spirits are located behind the counter.

Public Safety

- 3 The licence holder shall ensure that fire exit notices are displayed and fire escapes are unobstructed.

Prevention of Public Nuisance

- 4 The licence holder shall ensure that they are considerate to other business when loading and unloading at the premises.
- 5 The licence holder shall ensure that notices are displayed asking patrons to leave the premises quietly.

Protection of Children from Harm

- 6 The licence holder shall operate the 'Challenge 21' proof of age scheme.
- 7 The licence holder shall ensure that all children are accompanied by an adult.
- 8 The licence holder shall ensure that there is a limit on the hours during which children are present on the premise.
- 9 The licence holder shall ensure that the 'off-licence' sales area is located away from products that would attract children.
- 10 The licence holder shall ensure all staff are appropriately trained, records maintained and made available for inspection upon reasonable request by a relevant officer of a Responsible Authority.
- 11 The licence holder shall operate a refusals book.

Annex 3 Conditions attached after a Hearing of Licensing Authority

None.

Annex 4 Plans

See attached.



