

Licensing Acts Panel

Report of Head of Legal and Democratic Services
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To: Licensing Acts Panel
DATE: 26 June 2023

REPORT NO:

Notification of a Temporary Event Notice for Delaneys Club Ltd, 8-9 Regent Shopping Mall, Newbury Street, Wantage, OX12 8BU

Recommendation

That the panel consider the temporary event notice and the relevant objection notice and decide whether to issue a counter notice to the proposed premises user pursuant to Section 105 of the Licensing Act 2003 if the panel consider it appropriate to the promotion of the licensing objectives to do so.

Purpose of Report

- 1 To present the facts and relevant objection notice received in respect of a Temporary Event Notice for Delaneys Club Ltd, 8-9 Regent Shopping Mall, Newbury Street, Wantage, OX12 8BU, to the Licensing Acts Panel in order that it can determine the application under Section 105 of the Licensing Act 2003.

Strategic Objectives

- 2 The relevant strategic objectives are 'Working in an open and inclusive way' and 'Building healthy communities'.

Background

- 3.1 The Licensing Act 2003 ('the Act') established a single integrated scheme for licensing premises which are used for the supply of alcohol, regulated entertainment, late night refreshment or permission to carry on some or all of these activities. In the Act these activities are referred to collectively as the 'licensable activities'.

- 3.2 A Licensing Authority must carry out its function under the Licensing Act with a view to promoting the four licensing objectives. The licensing objectives are:
- prevention of crime and disorder
 - public safety
 - prevention of public nuisance
 - protection of children from harm.

In carrying out its functions, the Licensing Authority must also have regard to its statement of licensing policy and any guidance issued by the Secretary of State (section 182 guidance – latest version dated April 2018).

3.3 A temporary event notice is not an application. It is a notice given by the proposed premises user to the Licensing Authority stating that they intend to carry out one or more licensable activities at the premises named on the notice. This notice must be received by the Licensing Authority ten clear working days before the event takes place. Within the Act there are restrictions on the number of temporary event notices that can take place at any one named premises as well as restrictions on who can submit a notice and the number of persons who are permitted to attend an event held under a notice. Only Thames Valley Police and the council’s Environmental Protection team can object to a temporary event notice. The objection can relate to any of the four licensing objectives set out in paragraph 3.2 of this report and the objector(s) have three working days starting on the day after the notice is received to make an objection.

3.4 On Tuesday 13 June 2023, a temporary event notice was received by the Licensing Authority from Mr Terry Howkins for an event to be held on 28 June 2023 at Delaneys Club, 8-9 Regent Shopping Mall, Newbury Street, Wantage, OX12 8BU. A copy of the notice is attached at **Appendix A**. The proposed licensable activities and times for those activities are stated on the notice as follows:

Licensable Activities	Proposed Days and Times
Sale of alcohol, regulated entertainment and late night refreshment	Between 23:00 on Wednesday 28 June 2023 and 03:00 hours on Thursday 29 June 2023

3.5 An objection notice was received by the Licensing Authority from the council’s Environmental Protection team on 13 June 2023 pursuant to section 104 of the Licensing Act 2003. The objection notice is attached at **Appendix B** and outlines their concerns in relation to the event which may undermine the promotion of the licensing objectives.

3.6 The current premises licence only permits sale of alcohol until 23:00 on Wednesdays. A copy of the premises licence is attached in **Appendix C**.

Policy and guidance

- 4.1 The relevant sections of the council's statement of licensing policy are as follows:

10.1 Temporary event notices (TENs) may be used to authorise licensable activities at premises where there are 499 persons or fewer (including any staff and volunteers) present. TENs are not applications for permission to hold an event; they are notices of intention to hold an event. If there are 500 or more persons present at the event, a premises licence will be required.

10.2 Organisers of temporary events are encouraged to submit their TEN as soon as is reasonably practicable in order for the Police and Environmental Protection to consider whether or not they have any concerns about the event and, if they have, to enable all parties to try and take steps to resolve those concerns. Persons intending to use premises under a TEN are encouraged to discuss their proposals with the community that may be affected before submission.

10.3 Although the legal requirement is 10 clear working days (or 5 clear working days for late TENs) not including the date of receipt or the date of the event, the Licensing Authority recommends that at least one month's notice be given to hold such events, to allow sufficient time for organisers to plan their events safely, for appropriate publicity and for consultation with responsible authorities and interested parties. Any longer period than this may mean that organisers do not have all the details available at the time of submitting the notice, and any lesser time means that planning may be rushed and haphazard.

10.4 In the event of an objection, if the matter cannot be resolved informally the matter will be considered by a licensing panel. Objection notices received for late TENs mean that the event cannot go ahead.

- 4.2 The relevant sections of the Secretary of State's guidance issued under section 182 of the Licensing Act 2003 (current edition dated December 2022) are as follows:

7.2 The system of permitted temporary activities is intended as a light touch process, and as such, the carrying on of licensable activities does not have to be authorised by the licensing authority on an application. Instead, a person wishing to hold an event at which such activities are proposed to be carried on (the "premises user") gives notice to the licensing authority of the event (a "temporary event notice" or "TEN").

7.6 The police or EHA ("relevant persons" for the purposes of TENs) may intervene to prevent such an event taking place by sending an objection to the licensing authority, which the licensing authority must consider on the basis of the statutory licensing objectives and decide whether the event should go ahead. A relevant person may also intervene by agreeing a modification of the proposed arrangements directly with the TENs user (see paragraph 7.36). If a relevant person sends an objection, this may result in the licensing authority imposing conditions on a TEN but only where the venue at which the event is to be held has an existing premises licence or club premises certificate. When giving a TEN, the premises user should consider the promotion of the four

licensing objectives. The licensing authority may only otherwise intervene if the statutory permitted limits on TENs would be exceeded (see paragraphs 7.15-7.22).

7.10 The police and EHA have a period of three working days from when they are given the notice to object to it on the basis of any of the four licensing objectives.

7.14 A key difference between standard and late TENs is the process following an objection notice from the police or EHA. Where an objection notice is received in relation to a standard TEN the licensing authority must hold a hearing to consider the objection, unless all parties agree that a hearing is unnecessary. If the police, EHA or both give an objection to a late TEN, the notice will not be valid and the event will not go ahead as there is no scope for a hearing or the application of any existing licence conditions.

7.28 If the licensing authority receives an objection notice from the police or EHA that is not withdrawn, it must (in the case of a standard TEN only) hold a hearing to consider the objection unless all parties agree that this is unnecessary. The licensing committee may decide to allow the licensable activities to go ahead as stated in the notice. If the notice is in connection with licensable activities at licensed premises, the licensing authority may also impose one or more of the existing licence or certificate conditions on the TEN (insofar as such conditions are not inconsistent with the event) if it considers that this is appropriate for the promotion of the licensing objectives. If the authority decides to impose conditions, it must give notice to the premises user which includes a statement of conditions (a “notice (statement of conditions)”) and provide a copy to each relevant party. Alternatively, it can decide that the event would undermine the licensing objectives and should not take place. In this case, the licensing authority must give a counter notice.

Options

- 5.1 In determining the application the authority must give weight to:
- the objection notice received
 - the Secretary of State’s guidance issued under Section 182 of the Licensing Act 2003
 - the council’s statement of licensing policy and
 - the steps appropriate to promote the licensing objectives
- 5.2 In view of the above, the panel is requested to consider the temporary event notice and the relevant objection notice to determine:
- (a) whether to issue the proposed premises user with a counter notice, or
 - (b) permit the event contained within the notice to proceed as stated.

Financial Implications

- 6 Should the applicant or any other person wish to appeal against a decision of the council, they may do so to the magistrates’ court. The council would incur

costs should this occur, although the court may decide to award costs if the council's decision was upheld.

Legal Implications

- 7.1 The Human Rights Act 1998 requires public bodies to ensure everything they do is compatible with Convention Rights and makes it unlawful for a public authority to act incompatibly with those rights. When determining whether to grant the application the panel will be aware of human rights considerations, specifically Part 1, Article 6, the right to a fair trial, Part 2 and Article 8 the right to respect for private and family life for those making representations.
- 7.2 The hearing of all applications is subject to the principles of natural justice.
- 7.3 Section 17 of the Crime and Disorder Act 1998 states, 'without prejudice to any other obligation imposed on it, it shall be the duty of each authority to exercise its various functions with due regard to the likely effect of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area'.
- 7.4 Under Schedule 5, Part 1 of the Licensing Act 2003, any person aggrieved by the decision in respect of the application may appeal to a Magistrates' Court within 21 days of the date of the decision.

Conclusion

- 8 This report provides information submitted by the proposed premises user named on the temporary event notice and the Environmental Protection officer as a 'relevant person' to issue an objection notice. The panel should, having had regard to the objection notice and the evidence presented, determine whether or not a counter notice should be issued for the proposed event with a view to promoting the four licensing objectives.

Background Papers

- Appendix A – Temporary Event Notice submitted
- Appendix B – Objection notice received
- Appendix C – Premises Licence with conditions

Appendix A – Copy of Temporary Event Notice and additional information

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	Howkins		
Forenames	Terry		
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 checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname	[REDACTED]		
Forenames	[REDACTED]		
3. Your date of birth	Day [REDACTED]	Month [REDACTED]	Year [REDACTED]
4. Your place of birth	[REDACTED]		
5. National Insurance Number	[REDACTED]		
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)			
8 Stockham Park			
Post town [REDACTED]		Post code [REDACTED]	
7. Other contact details			
Daytime ☎	[REDACTED]		
Evening ☎	[REDACTED]		
Mobile ☎	[REDACTED]		
E-mail address ✉	[REDACTED]		
8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)			
Delaneys Club Ltd, 8-9 The Regent Shopping Mall, Newbury Street			
Post town Wantage		Post code OX12 8BU	
9. Alternative contact details (if applicable)			
Daytime ☎			
Evening ☎			
Mobile ☎			
E-mail address ✉			

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)	
Delaneys Club Ltd, 8-9 The Regent Shopping Mall, Newbury Street, Wantage, OX12 8BU	
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	513
Club premises certificate number	N/A
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)	
N/A	
Please describe the nature of the premises below (please read note 4)	
Night club and entertainment venue	
Please describe the nature of the event below (please read note 5)	
Late night opening for private party	

3. The licensable activities		
Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on) (please read note 6)		
The sale by retail of alcohol		X
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club		<input type="checkbox"/>
The provision of regulated entertainment (please read note 7)		X
The provision of late night refreshment		X
Are you giving a late temporary event notice? (please read note 8)		<input type="checkbox"/>
Please state the dates on which you intend to use these premises for licensable activities (please read note 9)		
28 June 2023 to 29 June 2023 (till 3am only)		
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 10)		
23:00 to 03:00		
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 11)		100
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 12)	On the premises only	X
	Off the premises only	<input type="checkbox"/>
	Both	<input type="checkbox"/>

<p>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 (including, but not limited to lap dancing and pole dancing) (please see note 13)</p> <p>N/A</p>
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4. Personal licence holders (please read note 14)		
Do you currently hold a valid personal licence? (please tick)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If "Yes" please provide the details of your personal licence below.		
Issuing licensing authority	Northampton Borough	
Licence number	2101645	
Date of issue	20/07/2003	
Any further relevant details		

5. Previous temporary event notices you have given (please read note 15 and tick the boxes that apply to you)		
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, if any) 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 (please read note 16 and tick the boxes that apply to you)		
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 17)	
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	X
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated	X
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	X
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"/>
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"/>
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"/>
Made or enclosed payment of the fee	X
Signed the declaration in Section 9 below	X

8. Condition (please read note 18)
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 19)	
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 or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine of any amount; 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 of any amount, or to imprisonment for a term not exceeding six months, or to both.	
Signature	<i>Mr T Howkins</i>
Date	07/06/2023
Name of person signing	Terry Howkins

For completion by the licensing authority

10. Acknowledgement (please read note 20)	
I acknowledge receipt of this temporary event notice.	
Signature	On behalf of the licensing authority
Date	
Name of officer signing	

Appendix B – Objection Notice from Environmental Protection

Housing and Environment

HEAD OF SERVICE: Paul Fielding



Licensing – Vale
Vale of White Horse District Council

CONTACT OFFICER: Simon Downs
env.health@southandvale.gov.uk
Tel: 07801 203519

Licensing Act 2003 section 104

Objection Notice

Re: Temporary Event Notice, dated 7 June 2023
At: Delaney's Club Ltd, 8-9 The Regent Shopping Mall, Newbury Street, Wantage. OX12 8BU

Vale of White Horse District Council's Environmental Protection team is objecting to the Temporary Event Notice submitted by Mr Terry Howkins on 07 June 2023, in respect of a late night opening for a private party, to be held on the 28 June, between the hours of 23:00 to 03:00.

The Environmental Protection team is objecting to this application because of concerns over possible noise disturbance from the live music proposed at the event and patrons using the outside areas late into the night. These concerns are due to the close proximity of neighbouring residents to the premises.

The Environmental Protection team is concerned that there is a potential for public nuisance arising from noise disturbance from regulated entertainment and from persons using and then leaving the premises.

The Environmental Protection Team are therefore objecting to this Temporary Event Notification.

Signature: 

Date: 13 June 2023

Environmental Protection Team
(Authorised Officer)

Appendix C – Current premises licence with conditions

Licensing Team
135 Eastern Avenue, Milton Park
Milton, Abingdon, OX14 4SB
01235 422556
licensing.unit@whitehorsedc.gov.uk



Licensing Act 2003 Premises Licence Summary

Premises Licence Number	513
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Premises Details

Postal address of premises, or if none, ordnance survey map reference or description: Delaneys Club, 8/9 Regent Shopping Mall, Newbury Street, Wantage, OX12 8BU
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Where the licence is time limited the dates: Not applicable
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Licensable activities authorised by the licence:		
Sale of alcohol	Sunday - Thursday	12:00 - 23:00
	Friday - Saturday	12:00 - 02:30
Live Music, Recorded Music and Late Night Refreshment (all indoors only)	Friday - Saturday	23:00 - 03:00

Opening hours of the premises:	
Sunday - Thursday	12:00 - 00:00
Friday - Saturday	12:00 - 03:00

Seasonal variations: Sundays preceding a Bank Holiday Monday and the Thursday preceding Good Friday: Live Music, Recorded Music and Late Night Refreshment 23:00 - 03:00, Sale of Alcohol 12:00 - 02:30 and Opening Hours 12:00 - 03:00 Non-standard timings: None

Where the licence authorises supplies of alcohol whether these are on and/or off supplies: On sales only
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Name and (registered) address of holder of premises licence: Delaneys Club Ltd, The Old Chapel, Union Way, Witney, OX28 6HD

Registered number of holder, for example company number, charity number (where applicable): 13649096

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol: Terry Howkins
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Licensing Team

135 Eastern Avenue, Milton Park
Milton, Abingdon, OX14 4SB

01235 422556

licensing.unit@whitehorsedc.gov.uk



State whether access to the premises by children is restricted or prohibited: Anyone under the age of 18 shall be accompanied by a responsible adult. Under 18s shall only be permitted on the premises during operating hours if there is an organised youth entertainment event. This entertainment shall not contain anything that a reasonable person might consider adult content. No alcoholic beverages shall be available for sale during these events.

Annex 1 – Mandatory conditions

For the purposes of this schedule;

"the Act" means the Licensing Act 2003;

"anti-social behaviour" has the meaning given in section 36 of the Anti-social Behaviour Act 2003;

"disability" has the meaning given in section 1 of the Disability Discrimination Act 1995

"relevant premises" has the meaning given in paragraphs (a) and (b) in section 159 of the Act;

"responsible person" has the meaning given in paragraphs (a) and (b) in section 153(4) of the Act.

Mandatory Condition specified by s19 of the Licensing Act 2003:

Mandatory Condition 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.

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

Mandatory Conditions specified by the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 as amended by the Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014:

Mandatory Condition 2

- 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;

Licensing Team

135 Eastern Avenue, Milton Park
Milton, Abingdon, OX14 4SB

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licensing.unit@whitehorsedc.gov.uk



(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).

Mandatory Condition 3

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

Mandatory Condition 4

- 1) The premises licence 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

Mandatory Condition 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.

Mandatory Conditions specified by the Licensing Act 2013 (Mandatory Conditions) Order 2014:

Mandatory Condition 6

- 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 this condition -

(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 rate 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) "valued added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Mandatory Condition specified by s21 of the Licensing Act 2003: door supervision

Mandatory Condition 8

Where this licence requires individuals to carry out security activities when the premises is open for any licensable activity, they must be authorised to carry out that activity under the Private Security Act 2001.

Annex 2 – Conditions consistent with the Operating Schedule

- 1) Staff involved with the supply of alcohol shall be trained in the licensing objectives and prevention of sales of alcohol to underage people.
- 2) There shall be 1 bar staff member for every 75 patrons as well as a personal licence holder on site whenever the premises is open between 21:00 and 03:00, and for events when required by a risk assessment.
- 3) Any incidents or issues around the licensing objectives including sales refusals shall be required to be reported to a personal licence holder, who shall log the incident electronically as a refusal/incident log and kept for a minimum of 6 months. This shall be made available for inspection on request to police or authorised officers of the council.
- 4) SIA approved door supervisors shall be employed whenever the premises is open between 21:00 and 03:00 and when required by a risk assessment.
- 5) A 'Challenge 25' scheme shall be maintained.
- 6) Last admittance shall be 1 hour prior to closing.
- 7) The premises shall be an active member of the local pubwatch scheme.
- 8) Police shall be notified of any incidents of violent behaviour and people found in possession of illegal drugs and weapons.
- 9) Staff to be trained to identify and react to any instance regarding the safety and wellbeing of others. Staff shall notify the DPS or their nominated representative of any such incidents.
- 10) Public notices shall be in place to deter anti-social behaviour.
- 11) CCTV shall be installed and maintained in all areas including public and staff areas, excluding toilets. Footage shall be kept for 31 days and made available on request to the police.
- 12) Glassware shall be changed to plastic whenever the premises is open between 21:00 and 03:00 and when required by a risk assessment.
- 13) All bar/kitchen staff shall be trained on fire, security and safeguarding. This shall include training on who to notify, fire extinguisher training, evacuation procedures, and to recognise vulnerable people that may need help.
- 14) Staff training records shall be kept electronically for 6 years after employment.
- 15) A trained first aider shall be on site at all times.
- 16) The fire security system including alarms, smoke detectors, extinguishers, emergency lighting and illuminated exit signs shall be maintained properly at all times.
- 17) A written noise management policy shall be implemented and maintained. This shall be made available to the police or an authorised officer from a responsible authority on request.
- 18) All windows and doors shall remain closed after 23:00 except for access and egress to minimise any disturbance to residents and businesses.
- 19) All customers shall be advised to leave quietly with regards to local residents, with appropriate signage at the entrance/exit to the premises.
- 20) Staff shall be required to actively disperse and discourage people from congregating outside of the premises to minimise any disturbance.

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- 21) The designated premises supervisor or their nominated representative shall monitor all external areas including the smoking area regularly to ensure there is no disruption. Patrons shall be encouraged to keep the noise levels to a minimum in the evening in these areas.
- 22) No drinks shall be permitted to be taken outside of the premises.
- 23) There shall be no external loudspeakers and all internal amplified equipment shall go through a noise limiter.
- 24) The licence holder shall determine noise levels for events with regards to the nearest noise sensitive property to prevent any noise nuisance from our premises.
- 25) A written dispersal policy shall be made detailing strategies to minimise the impact of persons leaving the premises. This shall be made available to the police or an authorised officer from a responsible authority on request.
- 26) Under 18s shall only be permitted on the premises during operating hours if there is an organised youth entertainment event. This entertainment shall not contain anything that a reasonable person might consider adult content. No alcoholic beverages shall be available for sale during these events.
- 27) Anyone under the age of 18 shall be accompanied by a responsible adult.

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

Not applicable