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# LICENSING ACT 2003

## SUMMARY OF PREMISES LICENCE

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**Postal address of premises, or if none, Ordnance Survey map reference or description:**

Hollybush  
Knowle Hill  
Hurley  
Atherstone  
CV9 2HX

**Telephone No:**

**Where the licence is time limited the dates:**

N/A

**Licensable activities authorised by the licence:**

Supply of alcohol. Indoor sporting events. Films, live and recorded music, performance of dance or anything similar. Late night refreshments.

**The times the licence authorises the carrying out of licensable activities:**

Monday – Thursday and Sunday 11:00 – 00:00  
Friday and Saturday 11:00 – 01:00.  
Late night refreshments Mon – Thurs & Sun  
23:00 – 00:00 Friday & Saturday 23:00 – 01:00

**The opening hours of the premises:**

Unlimited

**Where the licence authorises supplies of alcohol whether these are in and/or off supplies:**

On and Off

**Name, (registered) address, telephone number and email (if relevant) of holder of premises licence:**

Martin Austin  
The Hollybush  
Hurley  
Atherstone, CV9 2HX

**Registered number of holder, eg company number, charity number (where applicable):**

N/A

**Name of designated premises supervisor where the premises licence authorises for the supply of alcohol:**

Martin Austin

**State whether access to the premises by children is restricted or prohibited**

Restricted by Licensing Act 2003



**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 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. (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 licenses 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: 25ml or 35ml; and
    - (iii) still wine in a glass: 125ml; 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 Drink Pricing –**

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 purpose of the condition set out in paragraph 1 –
  - (a) “duty” is to be constructed in accordance with the Alcoholic Liquor Duties Act 1979.
  - (b) “permitted price” is the price found by applying the formula – **P = D + (D x 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 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.

**If the Premises Licence allows Exhibition of Films –**

- 1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
- 2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation by that body.
- 3. Where – (a) The film classification body is not specified in the licence, or (b) The relevant licensing authority had notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.
- 4. In this section “children” means any person aged under 18; and “film classification body” means the person or persons designated as the authority under Section 4 of the Video Recordings Act 1984(c39) (authority to determine suitability of video works for classification).

**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 the Act.

3. For the purpose 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.

**CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE**

- a) General - all four licensing objectives (b, c, d, e) to promote all four licensing objectives we will keep a strong management controls and effective training of all staff so that they are aware of the premises and the requirements to meet all four licensing objectives with particular attention to: no selling of alcohol to underage people, no drunk and disorderly behaviour on the premises area, vigilance in preventing the use and sale of illegal drugs at the retail area, no violent and anti-social behaviour, no any harm to children. Operating Schedule providing the hours of operation and licensable activities during those hours. Designated premises supervisor confirmed it is obligated to be in a day to day control of the premises, to provide good training for staff on the Licensing Act (training record), to make or authorise each sale. Clear "Challenge 25" information to prevent the supply of alcohol to under-age drinkers. CCTV system installed with recording option available.
- b) The prevention of crime and disorder – CCTV System installed to monitor entrances, exits and other parts of the premises in order to address the prevention of crime objective. A clear and legible notice outside the premises indicating the normal hours under the terms of the premises licence during which licensable activities are permitted. Clear and conspicuous notices warning of potential criminal activity, such as theft, that may target customers will be displayed. Not selling of alcohol to drunk, intoxicated or threatening customers. Custom will not be sought by means of personal solicitation outside or in the vicinity of the premises. Numbers will be monitored to prevent overcrowding. Ensure adequate number of staff to eliminate queuing and to promote sensible drinking. Providing a 30 minute extension of opening hours after the end of the sale of alcohol 5 days written notice will be provided to police when event days planned.
- c) Public safety – Internal and external lighting fixed to promote the public safety objective. Well trained staff adherence to environmental health requirements. Training and implementation of underage ID checks. A log book or recording system shall be kept upon the premises in which shall be entered particulars of inspections made; those required to be made by statute, and information complied to comply with any public safety condition attached to the premises licence that requires the recording of such information. The log book shall be kept available for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation. All parts of the premises and all fittings and apparatus therein, door fastenings and notices, lighting, heating, electrical, air condition, sanitary accommodation and other installations, will be maintained at all times in good order and in a safe condition. Function bookings will be limited to 60 persons, to avoid overcrowding. There is a first aider on site and any accidents are recorded on an accident book.
- d) The prevention of public nuisance – Noise reduction measures to address the public nuisance objective. Customers will be advised and prominent, clear and legible notices will be displayed at the exit requesting the public to respect the needs of nearby residents and to leave the premises and area quietly. Deliveries of goods necessary for the operation of the business will be carried out at such time or in such a manner as to prevent nuisance and disturbance to nearby residents. The Licensee will ensure that staff who arrive early morning or depart late at night (ex. For unpacking, pricing newly delivered goods) when the business has ceased trading conduct themselves in such a manner to avoid causing disturbance to nearby residents. Customers will be asked not to stand around loudly talking in the street outside the premises. Any lighting on or outside the premises will be positioned and screened in such a way so as not to cause disturbance to nearby residents. The outside drinking areas are closed by 22:30 to avoid nuisance to neighbours, music levels are wound down towards the end of the evening, all lights that are not required are switched off.
- e) "Challenge 25" sign which is retailing strategy that encourages anyone who is over 18 but looks under 25 to carry acceptable ID (a card bearing the PASS hologram, a photographic driving licence or a passport) if they wish to buy alcohol. Well trained staff about requirement for persons identification, age establishment etc. Staff are encouraged to be extra vigilant when children are present.

## Hearing Decision 29<sup>th</sup> September 2015

The Premises Licence should be granted in accordance with the application subject to mandatory conditions and the additional conditions set out below.

### Licensable Activities

1. Sale of alcohol
2. Regulated entertainment
3. Sale of hot food

Monday	11.00 to 00.00	Monday	23.00 to 00.00
Tuesday	11.00 to 00.00	Tuesday	23.00 to 00.00
Wednesday	11.00 to 00.00	Wednesday	23.00 to 00.00
Thursday	11.00 to 00.00	Thursday	23.00 to 00.00
Friday	11.00 to 01.00	Friday	23.00 to 01.00
Saturday	11.00 to 01.00	Saturday	23.00 to 01.00
Sunday	11.00 to 00.00	Sunday	23.00 to 00.00

### Additional Conditions

- Regulated entertainment shall be inaudible at or beyond their perimeter of the premises after 23.00 hours;
- Windows and doors shall be kept closed except for access and egress during periods of regulated entertainment;
- Outdoor recorded music shall only be permitted in the beer garden and this shall be kept to a reasonable background level and shall cease at 22.00 hours.

### Reasons for Decision

The Licensing Sub-Committee heard and considered the written and oral representations of the Licensing Authority, Environmental Health Authority, local Residents and the Applicant for the Premises Licence.

It was acknowledged by the Licensing Sub-Committee that there had been positive discussions between the Applicant, Environmental Health and the local residents regarding the issues of noise nuisance that had emanated from the premises in the past under previous management. Environmental Health proposed and the other parties agreed that the additional conditions should be imposed on the Premises License so that appropriate enforcement action could be taken should similar problems occur in the future.

The Licensing Sub-Committee were satisfied that the additional conditions addressed the problems that had given rise to the representations from local residents and that they were appropriate and proportionate for the promotion of the Licensing Objectives.

### Recommendation

That there should be meetings with the local residents, as and when appropriate, to discuss any problems that may have occurred at the Premises or brought to the Management's attention that have given rise for the local residents to be concerned.

### PLANS

Certified copy attached. Plan reference 10/09/2015