
LICENSING ACT 2003

SUMMARY OF PREMISES LICENCE

Postal address of premises, or if none, Ordnance Survey map reference or description:	The Red Lion 53 Bridge Street Polesworth Tamworth,Staffs
Telephone No:	B78 1DR

Where the licence is time limited the dates:	N/A
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Licensable activities authorised by the licence:	Sale of alcohol and late night refreshments.
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The times the licence authorises the carrying out of licensable activities:	Sale of alcohol Monday – Saturday 10:00 – 01:00 Sunday 10:00 – 23:00 Late night refreshments 23:00 until premises closes.
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The opening hours of the premises:	Monday – Saturday 07:00 – 01:30 Sunday 07:00 – 00:00
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Where the licence authorises supplies of alcohol whether these are in and/or off supplies:	On and Off sales
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Name, (registered) address, telephone number and email (if relevant) of holder of premises licence:	Westbourne Leisure Limited Westbourne Leisure Head Office Strawberry Bank hotel, 72 Main Road Meriden, CV7 7NF
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Registered number of holder, eg company number, charity number (where applicable):	04849431
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Name of designated premises supervisor where the premises licence authorises for the supply of alcohol:	Brian Dodds
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State whether access to the premises by children is restricted or prohibited	Restricted by Licensing Act 2003
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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 – $P = D + (D \times V)$

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 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

The sale of alcohol authorises beyond the permitted hours as follows:

Until 02.00 following for each Friday, Saturday, Sunday and Monday (excepting May Day Monday) every May Day, Spring/Whitsun, Easter and August Bank Holiday weekends.

Until 02.00 following for each Christmas Eve, Boxing Day, New Year’s Eve and New Year’s Day.

Until 02.00 on 12 additional days provided written notice is given to the Licensing Authority and Police at least 5 working days prior to the intention to use these days.

When using these additional hours the premises are to remain open for a further 30 minutes after the last permitted alcohol sale.

Late night refreshment is authorised until closing time of the premises

Decision Review of Premises Licence 12th January 2012

The Licensing Sub-Committee having considered the oral and written representations of the Licensing Officer, Environmental Health Officers, local residents, the Premise Licence Holder and Designated Premises Supervisor in respect of the review of the Premises Licence decided to take the following steps:

Exclude Licensing Activity

- The provision of Regulated Entertainment is to be excluded from the scope of the Premises Licence

Amend Condition

- The garden must be closed at 22:00 hrs

Reasons for the Decision

The Licensing Sub-committee heard evidence regarding several breaches of conditions of the Premises Licence and were extremely concerned that the overall management of the premises by the Premises Licence Holder and the Designated Premises Supervisor was found wanting. The Sub-committee were satisfied that there was an ongoing problem regarding noise nuisance and that regulated entertainment was at an unacceptable volume and was continuing after the time permitted at these premises. Also, that the garden was not being closed at the time stipulated in the Operating Schedule. The Sub-committee were mindful of the significant impact these problems had on local residents and in particular were grateful to the local resident who provided detailed diary sheets and attended the review hearing and gave oral evidence.

The Sub-committee appreciated that the Premises Licence Holder and the Designated Premises Supervisor have a right to earn a living but it appeared that in managing the business they were unaware of their responsibilities under the Licensing Act 2003 and were not taking the promotion of the licensing objectives seriously. In particular no action was taken to address the residents' concerns and the Sub-committee were of the view that the business was being operated at the expense of local residents and that there had been a total disregard for the local residents' quality of life. With these matters in mind the Licensing Sub-committee's aim was to ensure a balance between the commercial rights of the Premises Licence Holder to run the business with the residents who have a right to expect peaceful enjoyment of their properties.

The Sub-Committee considered whether any lesser steps such as imposing conditions or a temporary exclusion of regulated entertainment would be adequate to address the problems. However, the Sub-Committee had no confidence that the management would actively modify their approach and

attitude, change the manner in which they operated the business, or indeed comply with further conditions as so many had clearly been breached. In arriving at their decision the Licensing Sub-committee agreed that the remedial action of excluding regulated entertainment and imposing the condition relating to closure of the garden earlier was a necessary and proportionate response directed at the cause of the problems and that this action would promote the Licensing Objectives.

PLANS

Certified copy attached.