
LICENSING ACT 2003

SUMMARY OF PREMISES LICENCE

Part 1 - PREMISES DETAILS

Postal address of premises, or if none, Ordnance Survey map reference or description:	Wheatsheaf 31 Long Street Atherstone CV9 1AY
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Telephone No:	01827 716020
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Where the licence is time limited the dates: N/A

Licensable activities authorised by the licence: Regulated Entertainment indoors only by way of Live Music, Recorded Music, Late Night Refreshment. Sale of alcohol.

The times the licence authorises the carrying out of licensable activities: Sale of alcohol: Sunday – Weds 11:00 – 23:00. Thursday – Saturday 10:00 – 01:00 Regulated Entertainment: Sunday - Weds 11:00 – 23:00 Thursday – Saturday 10:00 – 01:00 Late night refreshments Thurs – Saturday 23:00 – 01:00

The opening hours of the premises: Sunday – Wednesday 07:00 – 24:00
Thursday – Saturday 07:00 – 01:00

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

Part 2

Name, (registered) address, telephone number and email (if relevant) of holder of premises licence: Lorraine Lillian Cheneler and Adele Murray
The Wheatsheaf
31 Long Street
Atherstone
CV9 1AY

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

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol: Lorraine Lillian Cheneler

State whether access to the premises by children is restricted or prohibited: Restricted by Licensing Act 2003



Premises Licence No: PREM/NW/35153/2014

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.

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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

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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 Wheatsheaf, Long Street, Atherstone
Application for Premises Licence
Hearing 16th June 2014**

Decision

The Licensing Sub-Committee having considered all the written and oral representations of the Licensing Officer, Police, Licensing Authority and the Applicants resolved to grant the Premises Licence as set out in the application subject to the following amendments and conditions and in addition to Licensing Mandatory Conditions:

Sale of Alcohol

- Sunday to Wednesday 11:00 to 23:00
- Thursday to Saturday 11:00 to 24:00

Conditions

- There will be a minimum of 3 door staff Friday and Saturday (and entertainment functions) from 21:00 to close.
- No drinks to be allowed outside at the front of the premises.
- CCTV to be available to the Police and Licensing Authority upon request within 24 hrs.
- There will be no admittance or re-admittance after 23:00.
- There will be no one under the age of 18 allowed in the bar at any time unless meals are being served.
- Operate a Challenge 25 Policy and maintain membership to Town Watch.

Additional Voluntary Condition

- No smoking outside the front of the premises, smokers to be encouraged to use the area at the rear.

Reasons for the Decision

The Licensing Sub-Committee noted that the Premises Licence was revoked in November 2010 after serious incidents of crime and disorder. At that time the Premises Licence was held by the Applicants' brother, who resided in (and is still in occupation of) the living accommodation at the premises.

The Police data on crime and disorder was accepted and it was acknowledged that it was the previous Premises Licence Holder (the applicants' brother) whose management style was irresponsible and did not promote the licensing objectives.

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The Licensing Sub-Committee were impressed by the Applicants' Business Plan and were satisfied that with the Applicants occupying the living accommodation at the premises instead of their brother, it would be managed in furtherance of the promotion of the four Licensing Objectives.

However, the Licensing Sub-Committee did feel very strongly that the specific conditions put forward by the Police and Licensing Authority must be imposed. They considered the concerns raised by the Applicants of the financial viability of the business if required to employ three door staff Friday, Saturday and for entertainment functions but were not persuaded to reduce to two door staff based on the current layout of the premises and the serious crime and disorder that had previously occurred towards the back of the premises. It was acknowledged that the Applicants intend to make some changes to the layout of the premises and once that work had been carried out could apply for the condition to be varied.

With regards to prohibiting drinking and discouraging smoking at the front of the premises, the Licensing Sub-Committee were in agreement with the Licensing Enforcement Officer's representations regarding the difficulties of managing the behaviour of customers particularly in view of the close proximity of another licensed premises.

In arriving at their decision the Licensing Sub-Committee agreed that the amended hours and Conditions were appropriate and proportionate to promote the Licensing Objectives.

Principal Solicitor 26th June 2014

Application to Vary Premises Licence Hearing 11th August 2016

Decision

The Licensing Sub-Committee having considered all the written and oral representations of the Licensing Officer, Police and Applicants resolved to **modify** the following conditions:

Sale of Alcohol & Regulated Entertainment

- Thursday to Saturday 10:00 to 01:00

Provision of Late Night Refreshment

- Thursday to Saturday 23:00 to 01:00

Conditions

- There will be a minimum of 2 door staff Friday and Saturday (and entertainment functions from 21:00 to close
- There will be no admittance or re-admittance after 24:00 Thursday to Saturday

Opening hours of the Premises

- Thursday to Saturday 07.00 to 01:00

The application to vary the condition relating to drinking outside the front of the premises was **rejected**

Reasons for the Decision

The Licensing Sub-Committee were of the view that 02:00 was far too late for the premises to be carrying on licensable activities. However, the Sub-Committee were satisfied that the suggestion made by the Police to extend the terminal time to 01:00 Thursday to Saturday with a 24:00 no entry/re-entry condition was in line with the rest of the Town's licensed premises and was appropriate and proportionate to promote the licensing objectives.

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With regards to public access 24 hrs a day, 7 days a week the Sub-Committee noted that that closing at the end of licensable activities was directly linked to promoting the licensing objectives. The Applicants' plans to convert the first floor of the premises included a separate access directly to the letting rooms which negates the need for guests to have access to the licensed part of the premises.

The Sub-Committee were reminded of the reasons the previous Sub-Committee dealing with the application for the premises licence in June 2014 with regards to the imposition of 3

door staff. The Sub-Committee made the following observations: the alterations to the layout of the premises at the rear had now been carried out; the Police reported that there had been a reduction in crime and disorder; there were conflicting accounts about the allegation of the Applicants' undermining the door staff; the Applicants would no longer be acting as door staff and therefore the financial implications would be greater if they were required to employ 3 door staff. It was clear the previous decision was finely balanced and taking into account the above facts, the Sub-Committee resolved to modify the condition and reduce the number of door staff to 2 as stated above.

The reasons for rejecting the part of the application relating to allowing drinking and discouraging smoking outside the front of the premises remain the same as the June 2014 decision – the difficulties of managing the behaviour of customers particularly in view of the close proximity of another licenced premises.

In arriving at their decision the Licensing Sub-Committee agreed that the modified hours and conditions were appropriate and proportionate for the promotion of the licensing objectives.

PLANS – Certified copy attached