

**REPORT TO: LICENSING SUB-COMMITTEE 18 October 2018**

**REPORT BY: LICENSING MANAGER**

**REPORT AUTHOR: NICKII HUMPHREYS**

**Licensing Act 2003 - Temporary Event Notice - Consideration of Objection Notice - Southsea Castle, Clarence Esplanade, Southsea**

**1. PURPOSE OF REPORT**

The purpose of this report is for the Committee to consider an objection notice given by a relevant person<sup>1</sup> namely the Environmental Health Service and in respect of a Temporary Event Notice ("TEN") received by the licensing authority under our reference (18/03700/LATENS).

**2. THE PROPOSED PREMISES USER**

The TEN has been given by:

**Name:** Mr Simon Gary Humphrey

**Personal Licence:  
(If applicable)** Yes (17/03684/LAPERS)

**3. THE PREMISES AND PROPOSED PERMITTED TEMPORARY ACTIVITIES**

The premises user proposes to carry on temporary licensable activities at the following premises:

**Name (if any) and address of premises  
(or part):** Southsea Castle  
Clarence Esplanade  
PO5 3PA

**Proposed licensable activities:** Sale by retail of alcohol  
Regulated entertainment

**Proposed dates and timings:** 26 October 2018 20:30 - 27 October  
2018 02:30

A copy of the temporary event notice is attached as **appendix A**.

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<sup>1</sup> A "relevant person" is now defined as either the Chief Officer of Police for the police area OR the local authority exercising the statutory functions in relation to minimising or preventing the risk of pollution of the environment or of harm to human health. Section 99A Licensing Act 2003 as amended by the Police Reform and Social Responsibility Act 2011 refers.

#### 4. BACKGROUND INFORMATION

The provisions relating to permitted temporary activities are contained within Part 5 of the Licensing Act 2003 (“the Act”).

The Act has introduced a “light touch” system for ad hoc permitted temporary activities. This replaced the previous licensing arrangements under the Licensing Act 1964 for occasional licences and permissions.

A TEN is given by an individual aged 18 or over (“a premises user”) and authorises the premises user to conduct one or more licensable activities at premises<sup>2</sup> for an event lasting no more than 168 hours (7 days). TENs can be used to authorise relatively small-scale ad hoc events, subject to certain mandatory restrictions which are:

- The number of times the “premises user” may give a TEN (***50 times a year for a personal licence holder and 5 times a year for a non personal licence holder***);
- The number of times a TEN may be given in respect of any particular premises (***15<sup>3</sup> times in a calendar year***) ***but subject to a maximum aggregate duration of the periods covered by TENs at any individual premises (21 days)***;
- Minimum period of 24 hours between each TEN given by the same premises user (or an associate) for the same premises;
- The length of time a temporary event may last (***168 hours***); and
- The scale of the event in terms of the maximum number of people attending at any one time (***less than 499***).

The premises user must give the TEN to the licensing authority and also send a copy to the relevant persons no later than 10 working days before the day that the temporary event is intended to start. Upon receipt of a TEN, the licensing authority is required to issue an acknowledgement of the TEN. A prescribed fee is payable.

A purpose of the TEN notification process is to also enable the licensing authority to check that the mandatory restrictions shown above are being observed and to intervene, by issue of a statutory counter notice, if they are not.

The Chief officer of Police or officers of the council exercising Environmental Health functions (the relevant persons) may intervene to prevent a proposed TEN event from taking place on any (or all) of the four licensing objectives. They have 3 working days following receipt of the TEN to give an objection notice if satisfied that allowing the premises to be used in accordance with the notice would undermine a licensing objective and must give reasons to support any concerns.

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<sup>2</sup> Premises can include any place or a vehicle, vessel, moveable structure or area of open land

<sup>3</sup> Deregulation Act 2015 refers.

However, at any time before a hearing is held, the relevant person may, with the agreement of the premises user, modify the TEN to address any concerns. Once the TEN has been modified, the objection notice is treated as being withdrawn.

A local authority has powers under other legislation, for example, to deal with a statutory noise nuisance and may also require any premises user to comply with appropriate planning and/or other necessary building consents.

Section 161 of the act provides that a senior police officer may make an order closing individual premises covered by a premises licence or a TEN for up to 24 hours where he reasonably believes that:

- disorder is taking place; or
- is likely to take place imminently; or
- a nuisance is being caused by noise emanating from the premises.

Such orders may only be made where it is necessary in the interests of public safety or to prevent the nuisance caused by noise coming from the premises.

## 5. OBJECTION NOTICE

Environmental Health Service has submitted an objection notice which is attached as **appendix B**.

## 6. POLICY AND STATUTORY CONSIDERATIONS

When determining the objection notice and whether to issue a counter notice<sup>4</sup> the Committee must have regard to:

- The promotion of the licensing objectives;
- The Licensing Act 2003;
- The statutory guidance issued by the Secretary of State in accordance with section 182 of the Act; and
- The representations, including supporting information, presented by all the parties.

Any application will be considered on its individual merits. Equally, any person permitted by the Act to make relevant representations to the Committee will have those representations considered on their individual merit.

The Act does permit the licensing authority to attach conditions but only if a counter notice is **NOT** issued **and** provided that the premises concerned are already subject to either a premises licence or club premises certificate. Any proposed conditions must already apply to the parent licence and must not be inconsistent with the carrying out

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<sup>4</sup> *There is no prescribed format for a counter notice issued under section 105(3) of the act. This could be a letter or formal notice from your reporting officer informing the premises user that the committee have concluded that, in the circumstances and having regard to the promotion of the licensing objectives, the event cannot go ahead.*

of the proposed activities under the auspices of the TEN. The committee will be advised of any pre-existing conditions if mindful of imposing any conditions in relation to the TEN.

Premises users are not required to be on the premises for the entire duration of the event, but they will remain liable to prosecution for certain offences that may be committed at the premises during the temporary event if the event is not adequately managed/supervised including the laws governing sales of alcohol to persons under 18 years.

Chapter 7 and paragraphs 7.1 to 7.40 of the updated Statutory Guidance issued by the Secretary of State are relevant to the consideration of TENS, and in particular:

**Para 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)".*

**Para 7.32**

*"The system of permitted temporary activities gives police and EHAs the opportunity to consider whether they should object to a TEN on the basis of any of the licensing objectives".*

**Para 7.34**

*"Where a standard TEN was given, the licensing authority must consider the objection at a hearing before a counter notice can be issued. At the hearing, the police, EHA and the premises user may make representations to the licensing authority. Following the hearing, the licensing authority may decide to impose conditions where there is an existing premises licence or club premises certificate at the venue or issue a counter notice to prevent the event going ahead.....".*

After hearing the representations and having regard to the objection notice, the Committee must give the premises user a counter notice to prevent the TEN from taking place **if it considers it appropriate for the promotion** of one or more of the licensing objectives.

The licensing authority must subsequently take the following steps:

- a) in such cases where it decides not to give a counter notice, it must give the premises user and each relevant person a notice of the decision; and

b) in any other case:

- i) give the premises user the counter notice and a notice stating the reasons for its decision; and
- ii) give each relevant person a copy of both of those notices.

## **7. APPEALS**

Schedule 5, part 3, of the Act sets out the appeal provisions in relation to the determination of an objection notice to a TEN submitted by a relevant person.

Should the Committee give a counter notice, the premises user may appeal against the decision to the Magistrates' Court.

Should the Committee decide not to give a counter notice, the relevant person may appeal to the Magistrates' Court.

A copy of the current Statutory Guidance and the Act has been supplied to each of the Members' Rooms and further copies will be available for reference at the hearing.

## **8. APPENDICES**

- A.** Copy of the redacted Temporary Event Notice and plan (if available)
- B.** Copy of the objection notice submitted by the relevant person
- C.** Copy of the existing redacted licence authorisation (if available)

**THE COMMITTEE IS REQUESTED TO DETERMINE THE OBJECTION NOTICE**

Licensing Manager  
And on behalf of Head of Service



**Portsmouth  
Temporary Event Notice  
Licensing Act 2003**

For help contact  
[Licensing@portsmouthcc.gov.uk](mailto:Licensing@portsmouthcc.gov.uk)  
Telephone: 023 9283 4073

\* required information

### Section 1 of 9

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

- Yes  No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

### Applicant Details

\* First name

Simon

\* Family name

Humphrey

\* E-mail

Main telephone number

Include country code.

Other telephone number

- Indicate here if you would prefer not to be contacted by telephone

Are you:

- Applying as a business or organisation, including as a sole trader  
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

**Your Address**

Address official correspondence should be sent to.

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

**Section 2 of 9**

**APPLICATION DETAILS** ([See also guidance on completing the form, general notes and note 1](#))

Have you had any previous or maiden names?

- Yes  No

\* Your date of birth  /  /   
dd mm yyyy

Applicant must be 18 years of age or older

National Insurance number

This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth

**Correspondence Address**

Is the address the same as (or similar to) the address given in section one?

- Yes  No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Continued from previous page...

### Additional Contact Details

Are the contact details the same as (or similar to) those given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes  No

E-mail

Telephone number

Other telephone number

### Section 3 of 9

#### THE PREMISES

I, the proposed user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry out a temporary activity at the premises described below.

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). [\(See also guidance on completing the form, note 2\)](#)

\* Does the premises have an address?

Yes  No

#### Address

Is the address the same as (or similar to) the address given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes  No

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

\* Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

Neither  Premises licence  Club premises certificate

\* Premises licence number

#### Location Details

\* Provide further details about the location of the event



Continued from previous page...

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below ([see also guidance on completing the form, note 3](#))

Describe the nature of the premises below ([see also guidance on completing the form, note 4](#))

Historic castle

Describe the nature of the event below ([see also guidance on completing the form, note 5](#))

Halloween party (Chaos)

#### Section 4 of 9

#### LICENSABLE ACTIVITIES

State the licensable activities that you intend to carry on at the premises ([see also guidance on completing the form, note 6](#)):

- The sale by retail of alcohol
  
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
  
- The provision of regulated entertainment
  
- The provision of late night refreshment
  
- The giving of a late temporary event notice

[\(See also guidance on completing the form, note 7\).](#)

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event.

[\(See also guidance on completing the form, note 8\).](#)

#### Event Dates

There must be a period of at least 10 working days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

State the dates on which you intend to use these premises for licensable activities

[\(see also guidance on completing the form, note 9\)](#)

Event start date       /  /   
  dd            mm            yyyy

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

Event end date          /  /   
  dd            mm            yyyy

*Continued from previous page...*

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)

20:30 - 02:30

[\(see also guidance on completing the form, note 10\)](#)

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

450

Note that the maximum number of people cannot exceed 499.

[\(see also guidance on completing the form, note 11\)](#)

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both

[\(see also guidance on completing the form, note 12\):](#)

- On the premises only
- Off the premises only
- Both

### Section 5 of 9

#### RELEVANT ENTERTAINMENT [\(See also guidance on completing the form, note 13\)](#)

State if the licensable activities will include the provision of relevant entertainment. If so, state the times during the event period that you propose to provide relevant entertainment

### Section 6 of 9

#### PERSONAL LICENCE HOLDERS [\(See also guidance on completing the form, note 14\)](#)

Do you currently hold a valid personal licence?

- Yes
- No

Provide the details of your personal licence below.

Issuing licensing authority

Licence number

Date of issue  /  /   
dd mm yyyy

Any further relevant details

**Section 7 of 9**

**PREVIOUS TEMPORARY EVENT NOTICES** [\(See also guidance on completing the form, note 15\)](#)

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  No

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  Yes  No

b) Begins 24 hours or less after the event period proposed in this notice?

**Section 8 of 9**

**ASSOCIATES AND BUSINESS COLLEAGUES** [\(See also guidance on completing the form, note 16\)](#)

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  No

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  Yes  No

b) Begins 24 hours or less after the event period proposed in this notice?

*Continued from previous page...*

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  No

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  No

## Section 9 of 9

### CONDITION [\(See also guidance on completing the form, note 18\)](#)

It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

### PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

This formality requires a fixed fee of £21

### DECLARATION [\(See also guidance on completing the form, note 19\)](#)

- \* 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 connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and
  - \* (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to an unlimited fine, or to imprisonment for a term not exceeding six months, or to both
- Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name   
\* Capacity   
\* Date  /  /   
          dd           mm           yyyy

*Continued from previous page...*

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/temporary-event-notice/portsmouth/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

**OFFICE USE ONLY**

Applicant reference number	<input type="text"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [Next >](#)



Sign in

The Dockyard Club

The Jolly Sailor

A288

Clarence Rd

The Florence Arms Gastro Pub

St Catherine

Southsea Splash Pool

Southsea Common Beach Court Volleyball

Southsea Skatepark

The Clarence Boutique

Stattons Boutique

Blue Reef Aquarium Portsmouth

The D-Day Story

Clarence Esplanade

S Parade

Seacrest

Restaurant 27

Pyramids Centre  
Southsea Rock Gardens

Clarence Esplanade

Castle Field

Southsea Castle

Rocksby's

Speakers' Corner



# APPENDIX B

**Wed 10 October 2018 @1458**

I write with regard to the consultation we have received concerning the above TEN applied for by Simon Humphrey. The TEN applies for regulated entertainment until 02:30 on the 27<sup>th</sup> October 2018.

I wish to **object** to the application on the grounds of the Licensing Objective - Prevention of Public Nuisance. During an event which was subject to a previous TEN, a noise complaint was received and investigated by this responsible authority, and it was established that in the early hours of Sunday 30<sup>th</sup> September 2018 Simon Humphrey, as the person responsible, had failed to prevent music noise emanating from Southsea Castle from causing significant disturbance, affecting residents over 400 metres away from Southsea Castle. This is despite advice given to Simon Humphrey on two occasions earlier this summer on his responsibilities to control noise.

If you require any further information, please let me know.

Regards,

Michael Thorne  
Environmental Health



# PREMISES LICENCE

## Licensing Act 2003

### Part 1 – Premises Details

#### Postal address of premises, or if none, ordnance survey map reference or description

**Address:** Southsea Castle  
Clarence Esplanade  
Southsea  
PO5 3PA

**Map Ref (E) :** 464343  
**Map Ref (N):** 98017  
**UPRN:** 001775013736

**Telephone**

#### Where the licence is time limited the dates

This licence is **NOT** time limited

#### Licensable activities authorised by the licence

- ▶ Sale by retail of alcohol
- ▶ Late night refreshment
- ▶ Exhibition of a film
- ▶ Performance of live music
- ▶ Performance of a play
- ▶ Playing of recorded music

#### The times the licence authorises the carrying out of licensable activities

- ▶ Sale by retail of alcohol  
Monday to Sunday 10:00 until 23:30
- ▶ Exhibition of a film  
Monday to Sunday 10:00 until 00:00
- ▶ Performance of live music  
Monday to Sunday 10:00 until 00:00
- ▶ Performance of a play  
Monday to Sunday 10:00 until 21:00
- ▶ Playing of recorded music  
Monday to Sunday 10:00 until 00:00
- ▶ Late night refreshment  
Monday to Sunday 23:00 until 00:00

#### The opening hours of the premises

- ▶ Monday to Sunday 10:00 until 23:59



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

Alcohol is supplied for consumption **on** the premises

**Part 2**

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

**Name:** Portsmouth City Council

**Address:** Museum & Art Gallery  
Museum Road  
Portsmouth PO1 2LJ

**Telephone:**

**Email:**

**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**

**Name:** Mr Simon Gary Humphrey

**Address:**

**Telephone:**

**Email:**

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol**

**Personal Licence No:** 17/03648/LAPERS

**Issuing Authority:** Portsmouth City Council

**Granted by Portsmouth City Council, as licensing authority pursuant to the Licensing Act 2003 as amended and regulations made thereunder**

**Date Licence granted:** 27 June 2006

**Date last amended:** 10 October 2016

**Type:** Variation



Signed on behalf of the Head of Service  
(Authorised Officer)

*Portsmouth City Council will process your personal information in accordance with data protection law. The personal details provided by you will be used for licensing service purposes. Your details will be held on a database and where the law allows, may be shared with other departments within the council to update details they hold about you. The council may also be required to disclose personal information to third parties (such as Police, Department for Work and Pensions or for the National Fraud Initiative) for the purposes of preventing or detecting crime or apprehending or prosecuting offenders.*

For further information about how the Council collects and uses personal information please visit our website: <https://www.portsmouth.gov.uk/ext/the-council/data-protection-privacy-notice>

**PORTSMOUTH CITY COUNCIL**, Licensing Service,  
Civic Offices, Guildhall Square, Portsmouth PO1 2AL

**Telephone (023 9283 4607/023 9268 8367) Fax 023 9283 4811 Email [Licensing@portsmouthcc.gov.uk](mailto:Licensing@portsmouthcc.gov.uk)**

## Annex 1 – Mandatory Conditions

01 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.

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

03 (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 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).

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

05 (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 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.

06 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: 1/2 pint;
- (ii) gin, rum, vodka or whisky: 25ml 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.

07 (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 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.

08 Where any condition of this licence requires 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 that Act.

For the purposes of this condition "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).

This condition is subject to any exemptions in accordance with the provisions of the Private Security Industry Act 2001.

09 In accordance with section 20 of the Licensing Act 2003, no child shall be admitted to any film exhibition unless that exhibition has been granted a certificate by the British Board of Film Classification or the licensing authority itself.

10 Where a programme includes a film in the 12A, 15 or 18 category, no person appearing to be under the age of 12 (and unaccompanied by a person over the age of 18 years in that case), 15 or 18 as appropriate shall be admitted to any part of the programme; and the licence holder shall display in a conspicuous position a notice in the following terms:

PERSONS UNDER THE AGE OF [INSERT APPROPRIATE AGE] CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME.

Where films of different categories form part of the same programme, the notice shall refer to the oldest age restriction.

This condition does not apply to members of staff under the relevant age while on duty provided that the prior written consent of the person's parents or legal guardian has first been obtained.

11 Immediately before each exhibition at the premises of a film passed by the British Board of Film Classification there shall be exhibited on screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium, a reproduction of the certificate of the Board indicating the category of the film. For a film passed by the Licensing Authority, notices shall be displayed both inside and outside the premises so that persons entering can readily read them and be aware of the category attached to any film or trailer.

12 If the Licensing Authority does not agree with the category in which any film passed by the British Board of Film Classification is placed, they shall be at liberty to alter such category, and, on notice of such alteration being given by the Licensing Authority to the licence holder, the film thereafter shall be treated as having been placed in the altered category and the conditions applicable to the exhibition of films in such altered category shall be complied with.

If the Licensing Authority requests the licence holder to exhibit to them any film, he shall do so at such reasonable time as the licensing authority may, in writing, direct.

**-- END --**

**Annex 2 – Conditions consistent with the operating schedule**

01 The premises licence holder shall, prior to each event, undertake a full risk assessment and employ the required number of SIA registered door staff as is deemed appropriate. The format of the risk assessment will be amended from time to time when necessary following consultation with the Police and other relevant authorities.

02 Door supervisors on duty outside and/or at the entrance to the premises shall wear a fluorescent and/or reflective tabard, clearly marked "door supervisor" or "Security". The tabard shall also be fitted with a clear plastic window on the chest area in which to satisfactorily display the licence issued to the door supervisor by the SIA. This condition may be disapplied at the discretion of the Police.

03 The licence holder shall maintain a duty register giving details of each and every person employed in the role of a security/door person. Such register details to be agreed in writing with the Police and be reviewed from time to time. Such details shall be provided to any Police officer or Council Officer upon request.

**-- END --**

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

-- END --



#### Annex 4 – Premises and location plan

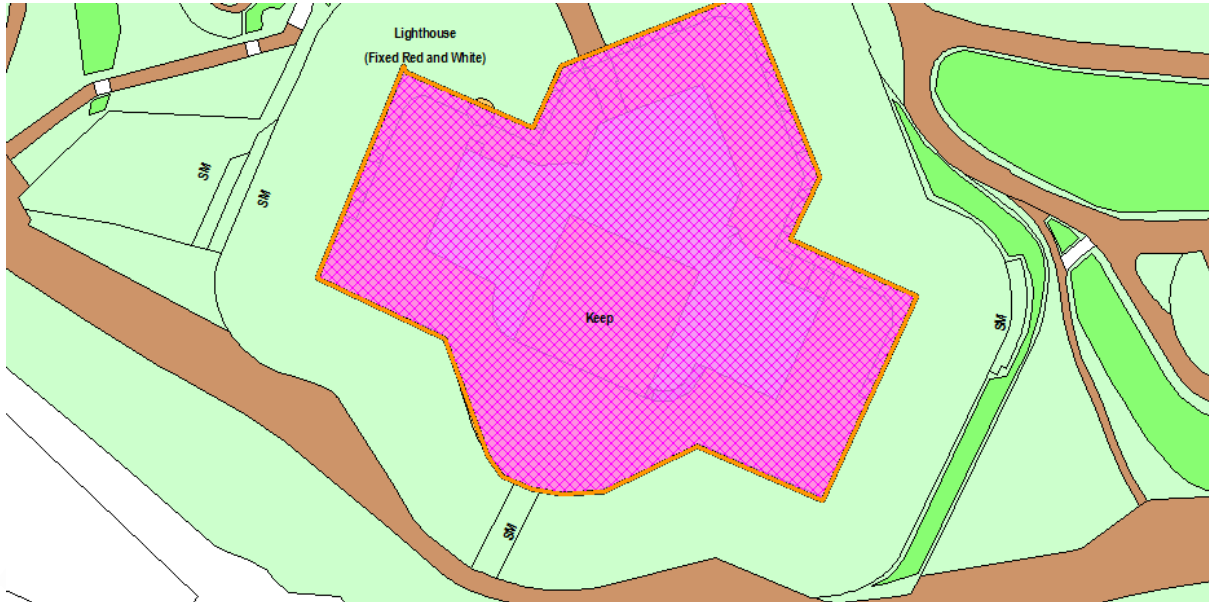
##### Premises Plan(s)

These will either be shown below or attached as a separate part of the premises licence authorisation.





## Location Plan: Clarence Esplanade Southsea



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