## NORTHAMPTON BOROUGH COUNCIL

# LICENSING AUTHORITY

# NOTICE OF HEARING

A Meeting of the Licensing Sub-Committee will be held on

# Wednesday, 9 January 2013 at 2:00 pm

In The Council Chamber, St. Giles Square, Northampton, NN1 1DE. The Guildhall, Northampton to hear the relevant representations and notices raised in respect of

> Olde England 199 Kettering Rd Northampton NN1 4BP

# PROCEDURES FOR LICENSING SUB-COMMITTEE HEARING

- **Welcome** Chairman welcomes the Applicant, Representors, Responsible Authorities and Interested Parties and introduces members of the sub-committee (+ other officers e.g. Solicitor, Licensing Officer, Meetings Services clerk etc).
- **Reason for Hearing** to be outlined by the Licensing Officer or the Chair.
- *Format of the hearing* an explanation of the format of the proceedings:
  - 1. **Applicant** (or his/her representative) will address the sub-committee first and put their case.
  - 2. **The Chair** leads an examination of the **Applicant's case.** First, the panel may ask questions and then the Chair invites Responsible and Interested Parties to participate. Questions may only relate to the points made by the applicant.
  - 3. The Representors (and responsible and Interested Parties) then state their case.
  - 4. The Chair leads an examination of the Representor's case.

Each party will be given an equal maximum period of time in which to present their case and may, if given permission by the Chair, question any other party.

## • Summing Up

- By the Representors
- By the Applicant
- Sub-committee retires and may call for the Solicitor for advice if required.

# • Sub-Committee deliver their decision and reasons for their decision at the conclusion of the meeting IF:

- 1. Application for conversion of existing licence
- 2. Application for conversion of existing club certificate
- 3. Application by holder of justices' licence for grant of personal licence
- 4. Application for conversion and variation of premises licence (including variation of DPS)
- 5. Application for conversion and variation of club premises certificate
- 6. Counter notice following police objection to temporary event notice
- 7. Review of Premises Licence following Closure Order

In all other cases, the Sub-committee delivers its decision and reasons for its decision within five working days beginning with the day on which the hearing was held.

# Agenda Item 1

[Insert name and address of relevant licensing authority and its reference number (optional).]

#### Application to vary a premises licence under the Licensing Act 2003

#### PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

e <u>PAUL</u> <u>HEPWORTH</u> (Insert name(s) of applicant) I/₩e

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number PL0748

#### Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey map reference or description 199 KETTERING ROAD Post town NORTHAMPTON Postcode 4BP NNI

L	Telephone number at premises (if any)	01604	603919	107971	802.063
	Non-domestic rateable value of premises	\$4150	)		

#### Part 2 - Applicant details

Daytime contact telephone number	01604 603919/07971 802063
E-mail address (optional)	mail. the oldeen gland. com
Current postal address if different from premises address	18 GORDON STREET ROTHWELL
Post town	ERING Postcode NN14 6BH

#### Part 3 - Variation

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Please tick as appropriate Do you want the proposed variation to have effect as soon as possible?

🗹 Yes

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MM

□ No

YYY

If not, from what date do you want the variation to take effect?

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

### Part 4 Operating Schedule

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Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Prov	ision of regulated entertainment	Please tick all that apply
a)	plays (if ticking yes, fill in box A)	
b)	films (if ticking yes, fill in box B)	
c)	indoor sporting events (if ticking yes, fill in box C)	
d)	boxing or wrestling entertainment (if ticking yes, fill in box D)	
e)	live music (if ticking yes, fill in box E)	
ſ)	recorded music (if ticking yes, fill in box F)	
g)	performances of dance (if ticking yes, fill in box G)	
h)	anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	

Provision of late night refreshment (if ticking yes, fill in box I)	
Sale by retail of alcohol (if ticking yes, fill in box J)	Ø
In all cases complete boxes K, L and M	

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Plays Standard days and timings (please read guidance note			Will the performance of a play take place indoors or outdoors or both - please tick (please read guidance note 2)	Indoors	
(picase 6)	Tead guida	ance note	1000 2)	Outdoors	
Day	Start	Finish		Both	
Mon <u>Please give further details here</u> (please read guidance note 3)					
Tue					
Wed			State any seasonal variations for performing plays (please read guida note 4)		e
Thur					
performance of plays at		Non standard timings. Where you intend to use the pro- performance of plays at different times to those listed i left, please list (please read guidance note 5)	emises for the n the column or	<u>1 the</u>	
Sat					
Sun					

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Standard days and timings			Will the exhibition of films take place indoors or outdoors or both please tick (please read guidance note 2)	Indoors	
6)	Itau guiut	anee note		Outdoors	
Day	Start	Finish		Both	
Mon <u>Please giv</u>			Please give further details here (please read guidance n	ote 3)	
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur			-		
Fri	Fri Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the liplease list (please read guidance note 5)		ne left,		
Sat					
Sun					

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Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			-
Tue			State any seasonal variations for indoor sporting events (please read guidance note 4)
Wed			
Thur			Non standard timings. Where you intend to use the premises for indoc sporting events at different times to those listed in the column on the le please list (please read guidance note 5)
Fri			
Sat			
Sun			

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			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors		
	read guida			Outdoors		
Day	Start	Finish		Both		
Mon <u>Please give further details here</u> (please read guidance note 3)						
Tue						
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (pl read guidance note 4)			
Thur						
Fri			Non standard timings. Where you intend to use the pro- wrestling entertainment at different times to those liste left, please list (please read guidance note 5)	emises for boxir d in the column	ng or on the	
Sat	<b>***</b> ***********					
Sun						

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Standard days and timings			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors		
(please 6)	reau guio	ance note		Outdoors		
Day	Start	Finish		Both		
Mon			Please give further details here (please read guidance note 3)			
Tue			-			
Wed		<u>State any seasonal variations for the performance of live music</u> (judance note 4)		<u>ve music</u> (please	e read	
Thur						
Fri <u>Non standard timings. Where you intend to use the pre-</u> performance of live music at different times to those lis the left, please list (please read guidance note 5)		emises for the sted in the colu	<u>mn on</u>			
Sat						
Sun						

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Standard days and timings			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors		
(piease 6)	read guid	ance note		Outdoors		
Day	Start	Finish	1	Both		
Mon			Please give further details here (please read guidance note 3)			
Tue						
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please rea guidance note 4)		read	
Thur						
Fri       Non standard timings. Where you intend to use the professor of recorded music at different times to those listed in the please list (please read guidance note 5)			emises for the plane column on th	laying e left,		
Sat						
Sun						

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Performances of dance Standard days and timings (please read guidance note		d timings	<u>Will the performance of dance take place indoors</u> or outdoors or both – please tick (please read guidance note 2)	Indoors		
6)	5		<i>S</i>	Outdoors		
Day	Start	Finish	1	Both		
Mon			Please give further details here (please read guidance note 3)			
Tue						
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)			
Thur						
Fri       Non standard timings. Where you intend to use the premises for t         performance of dance at different times to those listed in the column the left, please list (please read guidance note 5)						
Sat						
Sun						

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Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing			
Day	Start	Finish	Will this entertainment take place indoors or	Indoors		
Mon			outdoors or both – please tick (please read guidance note 2)	Outdoors		
				Both		
Tue Wed						
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)			
Fri						
Sat			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)			
Sun						

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Late night refreshment Standard days and timings		d timings	Will the provision of late night refreshment take place indoors or outdoors or both – please tick	Indoors	
(please read guidance note 6)			(please read guidance note 2)	Outdoors	
Day	Start	Finish	1	Both	
Mon			Please give further details here (please read guidanc	e note 3)	
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur					
Fri         Non standard timings. Where you intend to use the provision of late night refreshment at different times the column on the left, please list (please read guidance)		ies, to those lis	<u>the</u> ted_in		
Sat					
Sun					

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<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises		
				Off the premises		
Day	Start	Finish		Both		
Mon	10am	0.00	State any seasonal variations for the supply of alcoh guidance note 4)	<u>ol</u> (please read		
Tue	10am	12 pm	NO SEASONAL VARIATIONS			
Wed	10 um	130m				
Thur	10am	12-pm 0.00	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)			
Fri	10 am	12pm	NEW YEARS EVE UNTIL 2AM NEW YEARS DAY			
Sat	10am	12pm				
Sun	10am	llpm				

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Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

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Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	10am	12-pm	
Tue	lan	0.50 13-pm	
Wed	10 am	0.30	
Thur		030	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left,
inta	loun	12-pm 0-30	<u>please list</u> (please read guidance note 5)
Fri	10am	12.pm	
Sat	10 am	0.30 19-71	
Sun	10am	0.30	
		11.30	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Please tick as appropriate

• I have enclosed the premises licence

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If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

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Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General - all four licensing objectives (b, c, d and e) (please read guidance note 9)

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

#### Checklist:

	Please tick to indicate agre	ement
9	I have made or enclosed payment of the fee.	Ø
8	I have sent copies of this application and the plan to responsible authorities and others where applicable.	Ø
8	I understand that I must now advertise my application.	Ø
0	I have enclosed the premises licence or relevant part of it or explanation.	$\square$
G	I understand that if I do not comply with the above requirements my application will be rejected.	Ø

#### IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 5 - Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant, please state in what capacity.

Signature	HIGO
Date	13-11-12
Capacity	LANDLORD

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)					
Post town	Post code				
Telephone number (if any)					
If you would prefer us to correspond with y	you by e-mail, your e-mail address (optional)				

#### Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

- Describe the premises. For example the type of premises, its general situation and layout and any
  other information which could be relevant to the licensing objectives. Where your application
  includes off-supplies of alcohol and you intend to provide a place for consumption of these offsupplies, you must include a description of where the place will be and its proximity to the
  premises.
- Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
- 3 For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
- For example (but not exclusively), where the activity will occur on additional days during the summer months.
   For example (but not exclusively) where you with the activity to a structure of the second structure of the se
- 5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
- 6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
- 7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
- 8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or seminudity, films for restricted age groups or the presence of gaming machines.
- 9. Please list here steps you will take to promote all four licensing objectives together.
- 10. The application form must be signed.
- 11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
- 12. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
- 13. This is the address which we shall use to correspond with you about this application.

### **Bill Edwards**

From: Sent: To: Subject:

23 November 2012 15:44 Licensing; stephanie noble Old England - 199 Kettering Road. Northampton

Dear Sirs

I understand an application has been made for a variation to the existing Alcohol Licence to include a Basement Bar.

No planning permission has been granted for use of the Basement.

My company DGS Developments (a private family company) are the Landlord of :-

197 Kettering Road (adjoining the applicant property) consisting of :-

Lower Ground Floor flat.

The living accommodation - Bedroom and Lounge is the other side of the party wall to the proposed 'Basement Bar'.

1st Floor flat. 2nd Floor flat.

195 Kettering Road :-

Lower Ground Floor flat. 1st Floor flat. 2nd Floor flat.

102 Hood Street :-

A Bungalow adjacent to No. 199.

I Object to the Application on behalf of DGS and the occupants (present and future) of the residential units for the following reasons :-

1) No.199 Kettering Road has no outside space for either Staff or Customers.

This already results in annoyance / disturbance from customers of No. 199 using the entrance door way of adjoining the properties 197 and 195 as 'Smoking Shelters' especially in wet and cold weather. During fine weather the adjacent footpath is the default 'smoking area'. This Public Nuisance will most certainly increase if the Application is approved.

2) Persons leaving and / or congregating outside the premise are a possible Disorder Concern.

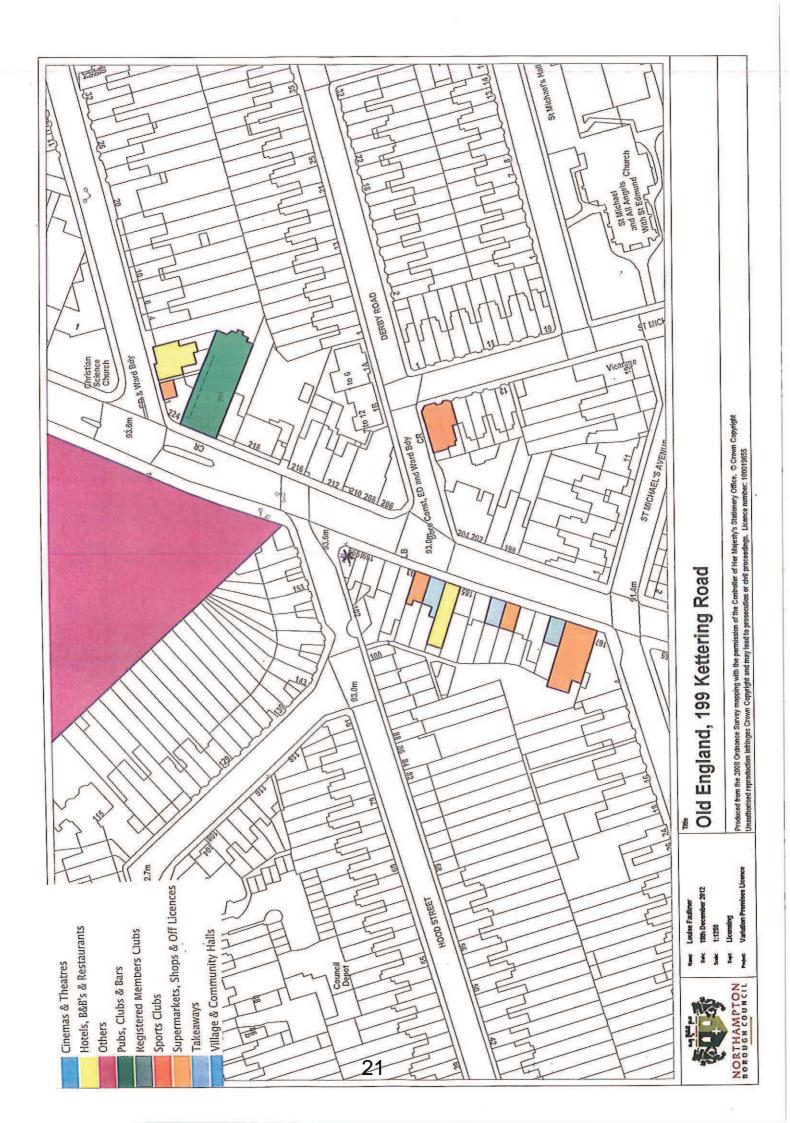
3) The Basement of No.199 shares a party wall with the Lower Ground Floor Flat - No.197 Kettering Road.

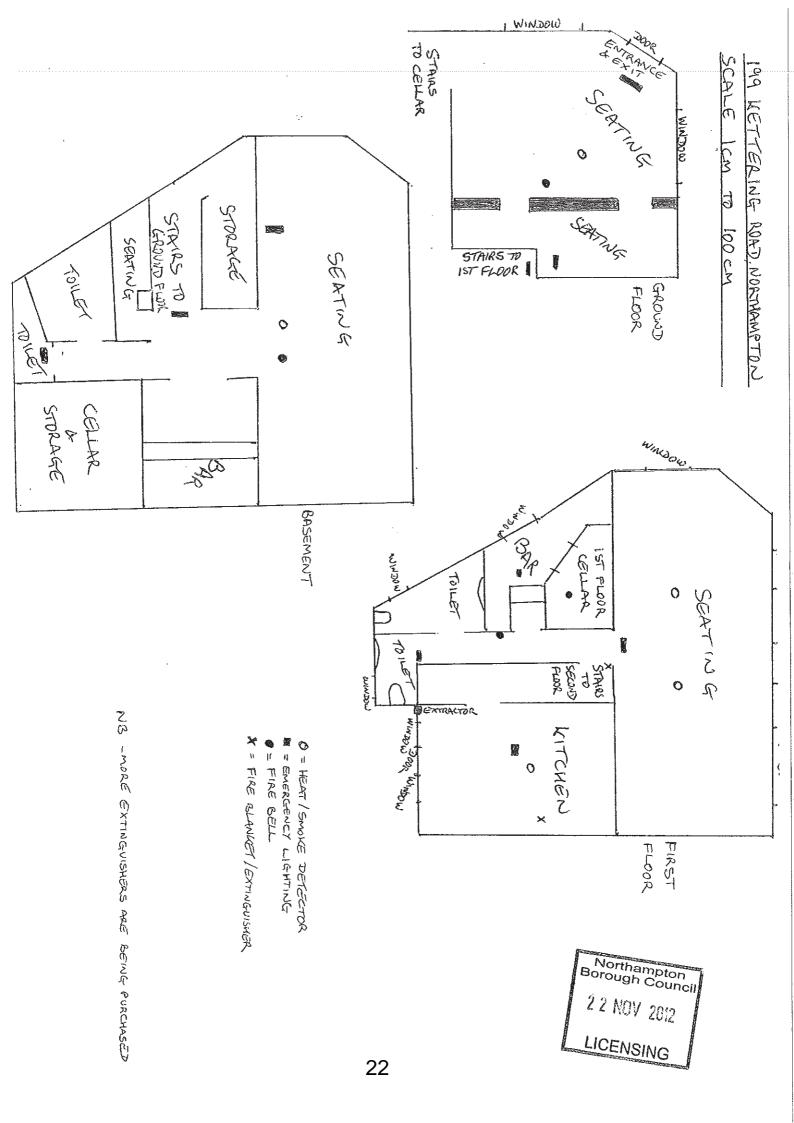
- 4) No.102 Hood Street is occupied by a family including young children age 4 year and 1 year.
- 5) I understand that the Police and Environmental Health have expressed concern in their comments to the Planning Application, which although submitted some months ago appears to be on hold.
- 6) The increase in traffic 'dropping off' and collecting customers at the Hood St. / Kettering Rd. Junction is a Public Safety concern, the associated noise of persons and vehicles will create a Public Nuisance and disturb the occupiers of nearby homes. Vehicle parking in the surrounding area, especially at evenings and weekend is already a problem.

Thank you for your attention.

Gordon Noble.

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#### LOCAL AUTHORITY LICENSING Section The Guildhall St Giles Square NORTHAMPTON BOROUGH COUNCIL LICENSING Section The Guildhall St Giles Square NORTHAMPTON NN1 1DE

Part 1 - Premises Details

# POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

## Restaurant

199 Kettering Road, Northampton, NN1 4BP.

Telephone 01604 603919

## WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

### LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- any playing of recorded music

- the sale by retail of alcohol

ctivity (and Area if applicable)	Description	Time From	Time To	
F. Playing of recorded music (Indo	ors) Monday-Sunday New Years Eve	10:00am 10:00am	11:00pm 2:00am	
M. The sale by retail of alcohol for	consumption ON and OFF the p Monday-Sunday New Years Eve	oremises 10:00am 10:00am	11:00pm 2:00am	

THE OPENING HOURS OF THE PREMISES			
	Description	Time From	Time To
	Monday-Sunday	10:00am	11:00pm
	New Years Eve	10:00am	2:00am

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption ON and OFF the premises

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Paul Anthony Charles Hepworth paul@crosskeysmiltonkeynes.co.uk

18 Gordon Street, Rothwell, Kettering, NN14 6BH. Telephone 01604 603919

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

**PL0748** 

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Paul Anthony Charles HEPWORTH

18 Gordon Street, Rothwell, Kettering, NN14 6BH. Telephone 01604 603919

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. 09PH-34UE-346

Issued by Kettering

#### ANNEXES

## **ANNEX 1 - MANDATORY CONDITIONS**

## Mandatory conditions where licence authorises supply of alcohol

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

### ADDITIONAL MANDATORY CONDITIONS.

The following mandatory conditions are to be applied to the licence stated above in accordance with section 3 (1) of The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.

## The following conditions shall come into force on 6th April 2010

1. (1) The responsible person shall take all reasonable steps to 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 in a manner which carrries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children-

(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 perod 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



### ANNEXES continued ...

discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in seciton 159 of the Act;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the pruchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on-

(i) the outcome of a race, competition or other event or process, or (ii)the likelihood of anything occurring or not occurring;

(e) 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.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

The following mandatory conditions are to be applied to the licence stated above in accordance with section 3 (1) of The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.

## The following conditions shall come into force on 1st October 2010

4. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) 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 a holographic mark.

5. 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 ben 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: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

#### ANNEXES continued ...

### Licensing Objectives

Below are the additional steps that you have agreed to undertake to promote the four Licensing Objectives and which form a part of the operating schedule for these premises: -

CCTV will be in operation & member of staff will be trained how to use the system. A sign will be located next to exit requesting customers to leave quietly. No drinks will be allowed outside. "Challenge 21" will be in operation.

Solicitor to the Council

**PL0748**