

**Merton Council**  
**Licensing sub-committee**  
**23 April 2015**  
**Supplementary agenda**

4 Decision Notice TEN Conditions RSSSC

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# Agenda Item 4

London Borough of Merton  
Civic Centre  
Morden  
SM4 5DX

## PRESCRIBED FORM OF NOTICE (CONDITIONS ON A TEMPORARY EVENT NOTICE) AND STATEMENT OF CONDITIONS

The prescribed form for a notice (conditions on a temporary event notice) is as follows:

London Borough of Merton  
Civic Centre  
Morden  
SM4 5DX

Notice (Conditions on a Temporary Event Notice) – Permitted Temporary Activities

**On 14 April 2015 the licensing authority received from you, Mr Robert Frost, a temporary event notice (“the notice”) in respect of proposed temporary licensable activities due to take place on 2<sup>nd</sup> May 2015 to 3<sup>rd</sup> May 2015 at The Royal Surrey Snooker and Social Club. The licensing authority has received an objection under section 104(2) of the Licensing Act 2003 (“the Act”). The licensing authority has decided not to give you a counter notice under section 105 of the Act and instead is imposing one or more conditions on the notice in accordance with section 106A(2) of the Act.**

**The attached statement (“statement of conditions”) sets out the condition(s) which has/have been imposed on the notice.**

The objection which applies is indicated by an “X” in the following table.

<b>Objection</b>	<b>Insert “X” as applicable</b>
<b>A chief officer of police for any police area in which the premises are situated is satisfied that allowing the premises to be used in accordance with the notice would undermine a licensing objective.</b>	X
<b>A local authority exercising environmental health functions for the area in which the premises are situated is satisfied that allowing the premises to be used in accordance with the notice would undermine a licensing objective.</b>	

A copy of this notice will be sent to the chief of police and the local authority exercising environmental health functions for the area in which the premises specified in the temporary event notice you gave is situated.

The Licensing Act 2003 does not make provision for you to appeal against this counter notice.

Under section 136 of the Licensing Act 2003, a person commits an offence if he carries on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation; or if he knowingly allows a licensable activity to be so carried on. A person convicted of such an offence is liable to imprisonment for a term not exceeding six months or to a fine not exceeding £20,000, or to both.

<b>SIGNATURE</b>	On behalf of the licensing authority	<b>DATE</b>	24 April 2015
<b>Name of Officer signing</b>			

The prescribed form for a statement of conditions is as follows:

**The condition(s) is/are:**

The Sub Committee resolved that The Temporary Event Notice for The Royal Snooker and Social Club should be subject to all the existing conditions of its premises licence, as shown below.  
The reason for this decision was to uphold the licensing objective of the Prevention of Crime and Disorder.

**Annex 1**

**Mandatory conditions**

Mandatory conditions where licence authorises supply of alcohol

Where this premises licence authorises the supply of alcohol, the following conditions shall apply:

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

Mandatory condition: exhibition of films

Where this premises licence authorises the exhibition of films, the admission of children to the exhibition of any film shall be restricted as follows:

- (1) Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children shall be restricted in accordance with any recommendation made by that body.
- (2) Where:
  - (a) the film classification body is not specified in the licence, or
  - (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, the admission of children shall be restricted in accordance with any recommendation made by that licensing authority.
- (3) In this section:
  - (a) "children" means persons aged under 18; and
  - (b) "film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

Mandatory condition: door supervision

- (1) Where this premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, all door supervisors shall be licensed by the Security Industry Authority (SIA).
- (2) But nothing in subsection (1) requires such a condition to be imposed:
  - in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films), or

- in respect of premises in relation to:
- 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
- any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

(3) For the purposes of this section:

(a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, 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.

#### Prohibited conditions: Plays

If this premises licence authorises the performance of plays, no condition shall be attached to the licence as to the nature of the plays that may be performed, or the manner of performing plays, under the licence.

But the above paragraph does not prevent the London Borough of Merton from imposing any condition which it considers necessary on the grounds of public safety.

#### **Mandatory Licensing Conditions 2010**

1. (i) 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.

(ii) 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.

#### **Mandatory Licensing Conditions 2014**

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 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) "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.

### **Annex 3**

#### **Conditions attached after a hearing by the licensing authority**

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorized officer throughout the preceding 31 day period. The CCTV system should be updated and maintained according to police recommendations.

2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premise is open to the public. This staff member must be able to show a Police or authorized council officer recent data or footage with the absolute minimum of delay when requested.

3. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received
- (d) any incidents of disorder
- (e) any faults in the CCTV system or searching equipment or scanning equipment
- (f) any refusal of the sale of alcohol
- (g) any visit by a relevant authority or emergency service.

4. No super-strength beer, lager or ciders, spirit mixtures of above 5.5% ABV will be sold on the premises, except for 'premium products' previously approved by the Police in writing.

5. There will be no promotional sale of alcohol at prices near or below normal sale prices.

6. A grill will be fitted around the bar area to prevent access by staff or customers outside of authorised hours and that any alcohol stored away from the Bar area will be in a locked store room.

7. Children under the age of 14 years are only allowed in the premises when accompanied by a parent or guardian.

8. The current entry system requiring electronic membership card entry or entry by entry phone for members (by authority of staff) shall be retained and maintained. (Entrance shall be permitted only through the membership scheme with photo membership cards on the computerised system).

<b>SIGNATURE</b>		<b>DATE</b>	24 April 2015
	On behalf of the licensing authority		
<b>Name of Officer signing</b>			

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