


23 November 2022

 <p>NEWCASTLE-UNDER-LYME BOROUGH COUNCIL</p>	<p>Newcastle under Lyme Borough Council Licensing Admin Team Castle House Barracks Road Newcastle-under-Lyme Staffordshire ST5 1BL 01782 717717 www.newcastle-staffs.gov.uk</p>	
<p>LICENSING ACT 2003 PREMISES LICENCE 17523 017523</p>		
<p>PART 1 – Premises Details</p>		
<p>Postal Address of Premises, or if None, Ordnance Survey Map Reference or Description</p>		
<p>85 Secret Garden 81-85 Clayton Road, Newcastle under Lyme, Staffordshire, ST5 3NE</p>		
<p>Where the Licence is Time Limited the Dates</p>		
<p>Licensable Activities Authorised by the Licence</p>		
<p>Live Music Indoors and Outdoors Recorded Music Indoors and Outdoors Performance of Dance Indoors and Outdoors Late Night Refreshment Indoors and Outdoors Supply of Alcohol On and Off Premises</p>		
<p>The Times the Licence Authorises the Carrying out of Licensable Activities</p>		
ACTIVITY	LOCATION	TIMES
Live Music	Indoors and Outdoors	Monday to Sunday 08:00-00:00
Recorded Music	Indoors and Outdoors	Monday to Sunday 08:00-00:00
Performance of Dance	Indoors and Outdoors	Monday to Sunday 08:00-00:00
Late Night Refreshment	Indoors and Outdoors	Monday to Sunday 23:00-00:00
Supply of Alcohol		Monday to Sunday 09:00-00:00
<p>The Opening Hours of the Premises</p>		
Monday to Sunday	08:00-00:30	
<p>PART 2</p>		
<p>Name Registered Address Telephone Number and Email of Holder of Premises Licence</p>		
81-85 Rose garden Limited	860 Leek New Road, Baddeley Green, Stoke on Trent, ST2 7HP	
<p>Registered Number of Holder where Applicable (Charity Number, Company Number)</p>		
<p>11408868</p>		
<p>Name and Address of Designated Premises Supervisor Where the Premise Licence Authorises the Supply of Alcohol</p>		
<p>Mr John Thomas Rushton [REDACTED]</p>		
<p>Personal Licence Number and Issuing Authority of Personal Licence Held by Designated Premises Supervisor Where the Premises Licence Authorises the Supply of Alcohol</p>		
PA0293	Staffordshire Moorlands	

ANNEXES

Annex 1

Mandatory Conditions

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 on the Premises Licence.
- (b) At a time when the Designated Premises Supervisor does not hold a personal Licence; or
- (c) 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

3. (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).

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 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 holographic mark, or.
- (b) an ultraviolet feature..

6. 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: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml 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.”.

7. All individual(s) at the premises for the purpose of carrying out a security activity 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..

Mandatory Condition in Force From 28th May 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. (i) P is the permitted price,

ii. (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. (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;

iv. (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—

v. (i) the holder of the premises licence,

vi. (ii) the designated premises supervisor (if any) in respect of such a licence, or

vii. (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 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 2

Conditions Consistent with the Operating Schedule

PREVENTION OF CRIME AND DISORDER

1. CCTV must be installed and operating to manufacturer's instructions internally and must cover all public entrances/exits and public areas where licensable activity takes place whilst the premises is open to the public. This must include all areas that smokers are allowed to congregate. The CCTV unit shall be positioned in a secure part of the licensed premises and not within any private area of the location.
2. The time and date must be set to the correct time relating to BST/BMT.
3. The picture must be clear enough to identify people's facial features.
4. All CCTV images must be retained for a period of not less than 31 days.
5. Clear signage must be displayed at all entrance and exits indicating that CCTV is in operation.
6. The CCTV must be maintained so as to be fully operational and recording at all times when the premises are open to the public. Weekly checks must be made of the operation of the CCTV system to confirm that it is working correctly and such checks are to be recorded in a register which is to be signed by the person conducting the check. This record must be kept fully updated at all times and remain on the premises for inspection at the time of the visit by any Responsible Authority.
7. An incident register of all occurrences and ejections from the premises must be maintained at the premises and any details of any incidents of crime or disorder or misuse of drugs offences must be recorded. The register must be produced and made available at the time of the visit to any responsible authority.

PUBLIC SAFETY

1. There must be no opened vessels containing any alcoholic/non alcoholic drinks taken from the boundary of the premises.
2. The Designated Premises Supervisor must ensure that a written log of any accident or incident is kept on the premises with all the details recorded of dates, times, incident and staff involved.

PREVENTION OF PUBLIC NUISANCE

1. A notice advising customers to leave the premises quietly and respecting the needs of residents must be displayed at each of the exits to the premises.
2. When amplified musical entertainment is taking place inside the premises, after 23.00 windows and doors, save for entrance and exit purposes, shall be kept shut.
3. There shall be notices located at the exit(s) requesting that customers leaving the premises do so quietly and with consideration to neighbours.
4. There shall be no disposal of bottles outside the premises between the hours of 21:00 and 09:00.
5. No disposal of refuse outside the premises or deliveries made to the premises between 22:00 and 07:00.
6. The rear garden area and the front patio seating areas will be closed after 23:00 hours.
7. The licence holder will adopt the proposed Noise Management Plan as agreed by a relevant officer of the Council and any proposed changes to the Noise Management Plan will be approved by a relevant officer of the Council.

PROTECTION OF CHILDREN FROM HARM

1. A Challenge 25 policy must be adopted and enforced at the premises where all persons who appear under the age of 25 must be challenged for acceptable identification to prove they are over the age of 18 prior to the purchase of alcohol.

23 November 2022

2. The only acceptable forms of identification are a valid photo driving licence, valid passport or a valid PASS approved proof of age card.
3. Challenge 25 posters must be displayed at all entrances to the premises, all areas where alcohol is displayed and at the cash till payment area.
4. Posters must be displayed prominently and in sight of customers and staff.
5. Prior to selling alcohol, all persons involved in the sale of alcohol & age restricted products who are not the holder of a Personal Licence must receive initial and regular 12 monthly refresher training by the Designated Premises Supervisor or external training provider with regards to the law in relation to the sale of alcohol and age restricted products. Such training must be recorded and up to date training records of all such persons must be maintained at the premises and produced and made available at the time of the visit to any Responsible Authority. There must be eighteen months of records retained.
6. Both initial and subsequent refresher training in relation to the sale of alcohol and age restricted products must contain a test to be undertaken by the staff member and this test or online certificate must be made available at the time of the visit to any Responsible Authority. There must be eighteen months of records retained.
7. A refusals register with details of all refusals must be maintained at the premises. The register may be contained on the till but must contain details of the staff member refusing the sale. The DPS will check the book on a monthly basis and endorse the book with the time and date of the inspection.
8. The refusals register (or electronic print out of refusals) must be produced and made available for inspection at the time of the visit by any Responsible Authority.

Annex 3

Conditions attached following a Hearing

N/A

