


Agenda Item No:	<b>3</b>	
Committee:	<b>LICENSING</b>	
Date:	<b>22nd October 2024</b>	
Report Title:	APPLICATION FOR THE REVIEW OF A PREMISES LICENCE MADE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 – THE WHEATSHEAF, WISBECH	

## 1 Summary

- To consider an application for the review of a premises licence in respect of The Wheatsheaf, 18 - 22 Church Terrace, Wisbech, PE13 1BL

## 2 Key issues

- The review has been submitted by a Local Ward Councillor triggered in response to intelligence received and alleged actions taken by the premises.
- The reasons for the review are:
  - This Premise has not upheld the Licensing Objectives as failed to keep safe a patron, this could have led to wider disorder in the area and serious injury
- The review application is made under the following licensing objective:
  - The prevention of crime and disorder.
  - Public Safety
  - The prevention of Public Nuisance
- There is a requirement to hold a licensing hearing to determine the application for the review of a premises licence.

## 3 Recommendations

- That the committee determines the application, having regard for the evidence presented by the parties to the hearing, the relevant legislation and guidance applicable to this process and the content of this report and appendices.

<b>Wards Affected</b>	Medworth Wisbech
<b>Forward Plan Reference</b>	N/A
<b>Portfolio Holder(s)</b>	Councillor Sam Hoy, Portfolio Holder with responsibilities for Licensing
<b>Report Originator(s)</b>	Andy Fox, Senior Licensing & Compliance Officer, Tel: 01354 602162, Email: <a href="mailto:afox@fenland.gov.uk">afox@fenland.gov.uk</a>

<b>Contact Officer(s)</b>	Amy Brown, Assistant Director, Deputy Monitoring Officer and Data Protection Officer, <a href="mailto:abrown@fenland.gov.uk">abrown@fenland.gov.uk</a>
<b>Background Paper(s)</b>	<p>Section 182 Guidance to the Licensing Act 2003 - <a href="#">Revised guidance issued under section 182 of the Licensing Act 2003 (December 2022) (accessible) - GOV.UK (www.gov.uk)</a></p> <p>Licensing Act 2003 - <a href="#">Licensing Act 2003 (legislation.gov.uk)</a></p> <p>The Licensing Act (Hearings) Regulations 2005 - <a href="#">The Licensing Act 2003 (Hearings) Regulations 2005 (legislation.gov.uk)</a></p> <p>Fenland District Council's Statement of Licensing Policy 2021 – 2026 - <a href="#">FENLAND DISTRICT COUNCIL</a></p>

## Report:

### 1 Introduction

- 1.1 Fenland District Council as the Licensing Authority has received an application to review a premises licence, from a local Ward Councillor for the premises known as The Wheatsheaf, 18 - 22 Church Terrace, Wisbech, PE13 1BL
- 1.2 The application was received on 30th August 2024. As required under the Licensing Act 2003, notice of the application was advertised on the Council's website and blue notices were placed on the premises from 2nd September 2024. The 28 days consultation period ended on 29th September 2024
- 1.3 A copy of the review application can be seen at **APPENDIX B** to this report.
- 1.4 A copy of the current premises licence can be seen at **APPENDIX C**.
- 1.5 The application to review relates to the following licensing objectives:
  - The Prevention of Crime and Disorder
  - Public Safety
  - The Prevention of Public Nuisance

### 2 Background & Timeline

- 2.1 The Premises licence details for The Wheatsheaf, Wisbech are:
  - Premises Licence Holder (PLH) - JD Wetherspoon PLC, Wetherspoon House, Reeds Crescent, Watford.
  - Designated Premises Supervisor (DPS) - Mr Martin Baldwin
- 2.2 Mr Baldwin holds a personal licence with the Peterborough City Council - 062264.
- 2.3 In relation to the role of DPS, they are responsible for the day-to-day running of the premises, which includes a clear knowledge and compliance with the licence conditions.
- 2.4 According to the review application, this premise has not upheld the licencing objectives as failed to keep a patron safe, this could have led to wider disorder in the area and serious injury.
- 2.5 The licence holder has supplied CCTV evidence of the evening, this will be shown to the Licensing Sub-Committee during the hearing and referred to as **APPENDIX D**

### 3 Representations

- 3.1 No representations were received from local residents within the statutory representation time period
- 3.2 No representations were received from any of the Responsible Authorities within the statutory time period
- 3.3 A person who has submitted a relevant representation is entitled to address the Licensing Sub-Committee at the hearing and ask questions of any other party appearing at the hearing.

### 4 Legislation/Policy Considerations

- 4.1 The licensing authority must carry out its functions under the 'Act' with a view to promoting the Licensing objectives, each objective has equal importance, these are:

- the prevention of crime and disorder
  - public safety
  - the prevention of public nuisance
  - the protection of children from harm.
- 4.2 When determining an application for a review of a premises licence, due regard should be given to the Council's Statement of Licensing Policy and the Secretary of State's Guidance Section 182.
- 4.3 The hearing will be conducted in accordance with the approved procedures and can be seen at **APPENDIX A** to this report.

## **5 Determination**

- 5.1 The Sub-Committee must determine the application on its individual merits having regard to the representations and supporting documents included within this report.
- 5.2 Where the committee consider that action under its statutory powers is appropriate, they make take any of the steps mentioned below, as it considers appropriate for the promotion of the licensing objectives. The steps are:
- To modify the conditions and/or times of the licence
  - To exclude a licensable activity from the scope of the licence
  - To remove the Designated Premises Supervisor (DPS)
  - To suspend the licence for a period not exceeding three months
  - To revoke the licence
  - To take no action
- 5.3 The Sub-Committee may also consider issuing an informal warning to the licence holder and/or to recommend improvement within a set period of time. If none of the above steps is considered appropriate the licence should remain in the form, it was granted.
- 5.4 Where the Sub-Committee decides to modify the conditions of a licence or exclude a licensable activity from a licence, it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify. Any suspension of the premises licence may be for a maximum period of three months.
- 5.5 Members may wish to note that any modification, amendment, suspension or revocation of the premises licence will not take effect until the end of the period for the submission of an appeal or if an appeal is submitted until such time as the appeal is determined.
- 5.6 Conditions can only be attached to a premises licence if they are considered appropriate for the promotion of the licensing objectives. If consideration is being given to attaching conditions, Members should consider, are the proposed conditions:
- Appropriate
  - Relevant to the activity/premises/venue.
  - Enforceable.
  - Precise;
  - Reasonable, and
  - Achievable.

## **6 Community impact**

- 6.1 The Act gives greater freedom to operators and users of premises, which is balanced by greater responsibilities for licensees and tempered by strengthened protection for the community.
- 6.2 The Licensing Act 2003 seeks to provide public protection by way of the four licensing objectives.

## APPENDIX A – LICENSING PROCEDURES



### PROCEDURE FOR DETERMINATION OF APPLICATIONS MADE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 FOR THE REVIEW APPLICATION OF A PREMISES LICENCE

#### INTRODUCTION

- Meetings of the Licensing Committee, whether the full committee of 12 members or panels of 3 members drawn from the full committee, shall be held in public unless the Licensing Authority deems that it is not in the public interest to do so. Reasons for exclusion of the public must be given at the hearing by the Chairman of the committee. Determinations will be made in private at conclusion of the hearing but announced in public thereafter.
- All hearings convened will be heard by a panel known as the Sub-Committee (but still referred to as the Licensing Committee) of 3 members drawn from the full committee of 12. The quorum of the committee/panel is 3 members. Therefore, 4 members of the Licensing Committee will usually be invited to attend each hearing (i.e. one as a reserve), in case of one of those invited subsequently needing to tender an apology for absence or, on being informed of the details of the application or meeting the applicant or objector (or for some other reason), deciding that s/he possesses a personal and prejudicial interest in the matter that prevents him/her participating in the hearing. At the beginning of each committee/hearing a Chairman will be appointed by those members present unless the Chairman of the whole committee is present.
- Members of the committee shall endeavor to be present throughout an individual hearing. If a member of the committee is required to leave a hearing temporarily, the Chairman shall adjourn the hearing for the duration of the member's absence. If a member is not present for the whole of an item of business they will not be able to debate or vote on that item of business.
- Where a committee undertakes a site visit prior to a hearing, a member shall be precluded from taking part in the hearing if he/she has not attended the site visit.
  - (a) To avoid taking into account "local" factors that could influence improperly his/her judgement, a member cannot serve on the committee undertaking a hearing at which a matter is being discussed that relates to a Premises Licence, Club Premises Certificate, Temporary Events Notice or Personal Licence where either the premises are or the person is resident in the ward which that member represents on Fenland District Council.,

When selecting members to participate in a hearing, the Member Services team will ensure there is compliance with this requirement.

**NOTE:** All questions and statements will be directed through the Chairman.

## **APPENDIX A – LICENSING PROCEDURES**

### **INTRODUCTION**

- (1) The Chairman will, at the beginning of the meeting, welcome all those present and explain both the reason for the hearing and the procedure to be followed. They will inform attendees of any changes to committee membership (if any) since publication of the Notice of Meeting. The Chairman will also seek confirmation that everyone present has received this procedure and a copy of the report pack
- (2) The Chairman will introduce to all present the members of the committee.
- (3) The Chairman will then introduce and explain the respective roles of
  - (i) the Legal Adviser to the committee
  - (ii) the Clerk to the committee
  - (iii) the officer representing the Licensing Authority (“the Licensing Manager”).
- (4) The Chairman will invite those present to introduce themselves.

### **BODY**

- (5) The Chairman will ask the Licensing Officer to outline the case, by presenting the report which refers to the review application of the premises licence and the licensable activities, days and hours of operation, reason for the review.
- (6) The Chairman will invite members of the committee to ask relevant questions to clarify the content of the Licensing Officer’s report.
- (7) The Chairman invites the applicant – Responsible Authority Officer (RA) to put the case in support of a review application for the premises licence.
- (8) If applicable the applicant can call any witness(es) to give evidence in support of his/her case.
- (9) Once the applicant has presented his/her case, the Chairman invites questions to the applicant (RA):
  - The licence holder (or their representatives);
  - interested persons (or their representatives);
  - members of the committee.
- (10) The Chairman invites the Licence Holder to put forward their case regarding the review of the premises licence.
- (11) The Chairman will then invite questions to the Licence Holder from:
  - the Responsible Authority Officer (or their representatives)
  - interested persons (or their representatives);
  - members of the committee.
- (12) The Chairman will then invite any interested persons to put forward their case, based on the representation submitted.

## **APPENDIX A – LICENSING PROCEDURES**

### **CONCLUSION**

- (13) The Chairman then invites the responsible authority officer, licence holder and interested persons (or their representatives) if they have anything else they wish to add. They may comment upon what has been said but no new evidence should be introduced.
- (14) The Chairman seeks confirmation from all parties that they are satisfied that they have said all that they wished to.
- (15) The Chairman will then thank all those who have spoken and invite the committee to retire in private to determine the application. The committee members will then debate the case presented to them at the hearing and seek to reach a determination. When the committee has reached a proposed determination with reasons or has decided to defer a determination, it shall call in the Legal Adviser to clarify the proposed determination/decision.

### **DETERMINATION**

- (16) Once a determination/decision has been reached, the committee will return to the room and the Legal Adviser will announce in public any legal advice that he/she has given in private.
- (17) The Chairman will read out the determination and the reasons for such (unless the committee is unable to reach a determination at conclusion of the hearing). A signed copy of the determination will be given to all interested parties.
- (18) If the committee is unable to reach a determination at that time, the Chairman will explain that all interested parties will be notified as soon as possible in writing (but within 5 working days) of the determination and the reasons for such.



# APPENDIX B



## Application for the review of a premises licence or club premises certificate 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.

I Councillor Samantha Hoy  
*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)**

#### Part 1 – Premises or club premises details

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Wheatsheaf Church Terrace	
<b>Post town</b> Wisbech	<b>Post code (if known)</b> PE13 1BL

<b>Name of premises licence holder or club holding club premises certificate (if known)</b>
---------------------------------------------------------------------------------------------

<b>Number of premises licence or club premises certificate (if known)</b>
---------------------------------------------------------------------------

#### Part 2 - Applicant details

I am

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)**

Please tick ✓ yes

Mr

Mrs

**Surname**

**First names**

Hoy

Samantha

Please tick ✓ yes

**I am 18 years old or over**

✓

**Current postal address if different from premises address**

██████████

**Post town**

Wisbech

**Post Code**

PE13 █████

**Daytime contact telephone number**

**E-mail address (optional)**

shoy@fenland.gov.uk

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address
Telephone number (if any)
E-mail address (optional)

**This application to review relates to the following licensing objective(s)**

- |                                         |                          |
|-----------------------------------------|--------------------------|
| 1) the prevention of crime and disorder | ✓                        |
| 2) public safety                        | ✓                        |
| 3) the prevention of public nuisance    | ✓                        |
| 4) the protection of children from harm | <input type="checkbox"/> |
- Please tick one or more boxes ✓

**Please state the ground(s) for review** (please read guidance note 2)

This premises has not upheld the licencing objectives as failed to keep a patron safe, this could have led to wider disorder in the area and serious injury

**Please provide as much information as possible to support the application** (please read guidance note 3)

On the 29th August 2024 between 11pm and midnight my constituent was out at the Wheatsheaf with a small group of young friends (19 years) when a group of Travellers in their 30's tried to start a fight with them. They followed them around and harassed them and said they would be waiting outside for them when they left. My constituent reported this to the bar staff but received no help and in fact was sneered at. He asked if they could call the Police but was told the Police would laugh at him. He said if he left the pub he would get beaten up as they were clearly waiting for him as could be seen clearly. The Manageress said it didn't matter and he had to leave, he was fortunately taken out the back exit by a family friend but the travellers waited outside for approx 1 hour.

This morning (30th) my constituents father went into the pub to make a complaint about this and they said they would call back but have not done so.

Had my constituent gone out the front as instructed by the Manageress it is likely he would have been severely injured. This would have also had an impact on the wider community.

The Wheatsheaf has a duty to protect its customers, particularly when a concern is raised. Not only did they ignore the request for help but actually made fun of the request. This is not the correct way for a licenced premise to behave. They do not appear to take public safety seriously or look to prevent harm. They did not ban the customers that were unruly, they did not escalate any concerns, once it was raised again in the morning they still did not take action.

If they do not have procedures in place for this sort of thing and if the existing staff are unable to deal with incidents they should have trained staff for this type of matter.

<b>Please tick ✓ yes</b>									
Have you made an application for review relating to the premises before	<input type="checkbox"/>								
If yes please state the date of that application	Day    Month    Year <table border="1" style="display: inline-table; border-collapse: collapse;"><tr><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td></tr></table>								

**If you have made representations before relating to the premises please state what they were and when you made them**

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and ✓  
the premises licence holder or club holding the club premises certificate, as  
appropriate
- I understand that if I do not comply with the above requirements my application ✓  
will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO 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 3 – Signatures** (please read guidance note 4)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (please read  
guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....*shoy*

Date 30.08.2024

.....

Capacity local councillor for the ward in which Wheatsheaf is

.....

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 6)	
<b>Post town</b>	<b>Post Code</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b>	

**Notes for Guidance**

1. A responsible authority includes the local police, fire and rescue authority and other  
statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are  
included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that  
they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

Part A

**Premises Licence**

The Licensing Authority, Fenland District Council  
Fenland Hall, County Road, March  
Cambridgeshire, PE15 8NQ. Tel: 01354 654321

**Premises Licence Number**

18/0135/LAPRE

**Premises Licence valid from**

3rd March 2015

**Part 1 – Premises Details**

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

The Wheatsheaf  
18 - 22 Church Terrace  
Wisbech  
Cambridgeshire  
PE13 1BL

**Telephone number:** 01945 469890

**Where the licence is time limited the dates**

Not Applicable

**Licensable activities authorised by the licence**

Recorded Music - Indoors  
Late Night Refreshment - Indoors  
Sale by Retail of Alcohol - Both On and Off the Premises

**Times the licence authorises the carrying out of licensable activities**

**Recorded Music - Indoors**

Monday to Thursday	09:00 hrs to 00:30 hrs
Friday and Saturday	09:00 hrs to 01:00 hrs
Sunday	09:00 hrs to 00:30 hrs
Christmas Eve	09:00 hrs to 02:00 hrs
Boxing Day	09:00 hrs to 02:00 hrs

**Late Night Refreshment - Indoors**

Monday to Thursday	23:00 hrs to 00:30 hrs
Friday and Saturday	23:00 hrs to 01:00 hrs
Sunday	23:00 hrs to 00:30 hrs
Christmas Eve	09:00 hrs to 02:00 hrs
Boxing Day	09:00 hrs to 02:00 hrs

**Sale by Retail of Alcohol - Both On and Off the Premises**



Monday to Thursday	09:00 hrs to 00:30 hrs
Friday and Saturday	09:00 hrs to 01:00 hrs
Sunday	09:00 hrs to 00:30 hrs
Christmas Eve	09:00 hrs to 02:00 hrs
Boxing Day	09:00 hrs to 02:00 hrs

**Non-Standard Timings**

From end of prescribed hours New Years Eve to start of prescribed hours the following day.

For an additional hour to finish times on the following dates:

- 25 January - Burns Night
- 26 January - Australia Day
- 1 March - St David's Day
- 17 March - St Patrick's Day
- 23 April - St George's Day
- 30 November - St Andrew's Day

For an additional 30 minutes to the finish times on the following days:

- Thursday immediately preceding Good Friday
- Sunday immediately preceding a Bank Holiday Monday

From 6:00 hours until beginning of the standard hours or until 03:00 hours as follows:

On no more than 12 occasions per calendar year.

For an additional hour on:

The morning of the day the clocks go forward to negate the effect of the change from British Summer Time to Greenwich Meantime.

**The opening hours of the premises**

Monday to Thursday	07:00 hrs to 01:30 hrs
Friday and Saturday	07:00 hrs to 02:00 hrs
Sunday	07:00 hrs to 01:30 hrs
Boxing Day	07:00 hrs to 03:00 hrs
Christmas Eve	07:00 hrs to 03:00 hrs

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

Alcohol is supplied for consumption both on and off the Premises

**Part 2**

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

JD Wetherspoon PLC  
Wetherspoon House  
Reeds Crescent  
Watford  
WD24 4QL  
Telephone: 01923 477777

**Registered number of holder; for example company number, charity number (where applicable)**

Limited Company Number 0170984

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol**

Mr Martin Baldwin  
[REDACTED]  
Wisbech  
PE13 [REDACTED]

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

062264  
Peterborough City Council

**Premises Licence issue date: 1st April 2015**

.....(Officer Name)  
ON BEHALF OF FENLAND DISTRICT COUNCIL

## Annex 1 – Mandatory Conditions

### Premises Licence (On & Off Sales of alcohol)

1. Under Section 19(2) of the Licensing Act 2003, no supply of alcohol shall be made under this premises licence at a time when there is no designated premises supervisor in respect of the premises licence, or at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Under Section 19(3) of the Licensing Act 2003 every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. 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. 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 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 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 [words added];
  - (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. The premises licence holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol. 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. 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 an ultraviolet feature.
6. The responsible person must ensure that 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:
  - (a) beer or cider: ½ pint;

- (b) gin, rum, vodka or whisky: 25ml or 35ml; and
- (c) still wine in a glass: 125ml;

These measures must be displayed in a menu, price list or other printed material which is available to customers on the premises and if 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. 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. For the purposes of this condition:
- \* "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
  - \* "permitted price" is the price found by applying the formula -  $P = D + (D \times V)$  where:
    - \* P is the permitted price;
    - \* 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
    - \* 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;
  - \* "relevant person" means the holder of the premises licence, the designated premises supervisor (if any) in respect of such a licence, or the personal licence holder who makes or authorises a supply of alcohol under such a licence;
  - \* "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

The permitted price must be rounded up to the nearest penny.

A change to the permitted price which would apply as a result of a change to the rate of duty or VAT charged in relation to alcohol would not apply until the expiry of the period of 14 days beginning on the day on which the change in the rate of duty or VAT takes effect.

## **Annex 2 – Conditions consistent with the Operating Schedule**

1. The premises to be operated in strict compliance with the J D Wetherspoon PLC 'Overview of Operations' document.
2. Children to be requested to vacate the bar area by 21.00 hours unless they are eating in which case they shall be required to vacate the bar by 21.30 hours.
3. Children to always be accompanied by an adult who shall be required to maintain constant supervision of them.
4. Seven days notice to be provided to the Licensing Authority and the Police when the premises are to be open from 6.00 hours until the beginning of the standard hours or until 03.00 hours.
5. The premises are permitted to be open to the public outside the normal opening times for non-licensable activities only.
6. Recorded music to be confined to background music only.
7. The premises licence holder will operate a Challenge 25 proof of age policy at the premises at all times the premises is open for the sale of alcohol which provides that any person who appears over the age 25 and is attempting to purchase alcohol shall produce acceptable ID to prove that he or she is over the age of 18. Adequate signage shall be displayed at the entrance to the premises and within as to the operation of such a policy.
8. CCTV shall be operated and maintained in the premises and the images retained for a minimum of 31 days and will be available to a police officer or an authorised office of the Licensing Authority upon request subject to any relevant Data Protection Act requirements being complied with. The recordings shall be in transportable media supplied by the premises. The system will cover the entrance doors to the premises to provide facial images of those entering the premises and the bar servery to cover the area where alcohol is sold.
9. Except in the case of unforeseen illness or emergency, a personal licence holder will be present on the premises from 1900 to close on Friday and Saturday.
10. Records of staff training in the premises proof of age policy and in the prevention of the sale of alcohol to intoxicated persons shall be maintained on the premises and made available to a police officer or an authorised officer of the Licensing Authority on request.
11. The premises licence holder will operate and maintain a system for recording refusals of the sale of alcohol at the premises, records from which will be produced to a police officer or an authorised officer of the Licensing Authority on request.
12. The DPS or in his or her absence, another nominated member of the management team from the premises, will attend meetings of Wisbech Pub Watch subject to such a scheme operating.

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

N/A

# Annex 4 – Plans

