

Licensing Act 2003



PREMISES LICENCE

Premises licence number

HOP50284

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description
 SHIMLA RESTAURANT
 43 WHITE ROCK

Post Town
 HASTINGS, EAST SUSSEX

Post Code
 TN34 1JL

Telephone number

Where the licence is time limited the dates

NOT APPLICABLE

Licensable activities authorised by the licence

FILMS; INDOOR SPORTING EVENTS; LIVE MUSIC; RECORDED MUSIC; MAKING MUSIC; DANCING; SUPPLY OF ALCOHOL

The times the licence authorises the carrying out of licensable activities

FILMS; INDOOR SPORTING EVENTS; MAKING MUSIC; DANCING; SUPPLY OF ALCOHOL:
 MONDAY-SATURDAY: 10:00-02:00 SUNDAY: 11:00-02:00
 FOR THE ABOVE: EASTER MONDAY, CHRISTMAS EVE, CHRISTMAS DAY,
 BOXING DAY & 27TH DECEMBER: 10:00-02:00
 DECEMBER 31ST: 10:00-02:00 JANUARY 2ND

LIVE MUSIC; RECORDED MUSIC: MONDAY-SATURDAY: 10:00-00:00 SUNDAY: 11:00-00:00
 FOR THE ABOVE: EASTER MONDAY, CHRISTMAS EVE, CHRISTMAS DAY,
 BOXING DAY & 27TH DECEMBER: 10:00-01:00
 DECEMBER 31ST: 10:00-01:00 JANUARY 2ND

IF APPLICABLE AN ADDITIONAL HOUR TO THE STANDARD AND NON STANDARD TIMINGS ON THE DAY WHEN BRITISH SUMMER TIME COMMENCES.
 IN THE EVENT OF THE TRANSMISSION OF ANY INTERNATIONAL SPORTING EVENT WHICH FALLS OUTSIDE THE STANDARD HOURS TIMING TO COMMENCE ONE HOUR BEFORE THE START OF THE EVENT AND TO END ONE HOUR AFTER THE END OF THE EVENT.

The opening hours of the premises

MONDAY-SATURDAY: 10:00-02:30
 SUNDAY: 11:00-02:30

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

SALE BY RETAIL OF ALCOHOL FOR CONSUMPTION BOTH ON AND OFF THE PREMISES

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Part 2

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

MR SIDDIQUR RAHMAN
[REDACTED]
[REDACTED]
[REDACTED]

(Transfer of premises licence on 10th February 2011)

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

03440355

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

MR SIDDIQUR RAHMAN
[REDACTED]
[REDACTED]
[REDACTED]

(Change of DPS 5th February 2010)

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

PERSONAL LICENCE NUMBER: HO7745

ISSUING AUTHORITY: HASTINGS BOROUGH COUNCIL

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Annex 1 – Mandatory Conditions

- 1) If this premises licence authorises the supply/sale of alcohol, the following two conditions apply:
 - (i) No supply of alcohol may be made under the 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.
 - (ii) Every supply/sale of alcohol under the premises licence must be made or authorised by a person who holds a personal licence

- 2) If this premises licence authorises the exhibition of films the admission of children to the exhibition of any film must be restricted in accordance with this section.

Hastings Borough Council will expect the age restrictions of the British Board of Film Classification (BBFC) or authority designated under Section 4 of the Video Recordings Act 1984 to be complied with. Only in exceptional cases will variations of this general rule be granted by the Council and then only with the appropriate safeguards

- 3) If 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 (as defined by the Private Security Industry Act 2001) then such individuals must be licensed by the Security Industry Authority.

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Annex 1A – Additional mandatory licensing conditions

In relation to an existing or future relevant premises licence, the conditions specified for the purposes of section 19(4)(b) of the Act (mandatory conditions where licence authorises supply of alcohol for consumption on the premises).

In relation to an existing or future relevant club premises certificate, the conditions specified for the purposes of section 73A(c) of the Act (mandatory conditions relating to the supply of alcohol to members or guests, for consumption on the premises).

Paragraphs 1, 2 & 3 effective from 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 carries 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 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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(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;

(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.

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Annex 1A – Additional mandatory licensing conditions - continued

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.

Paragraphs 4 & 5 – effective from 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 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; and
 - (b) customers are made aware of the availability of these measures.

Embedded Restrictions

On Licences

1. Permitted Hours

on New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

Restrictions

The restrictions do not prohibit:

- a) consumption of alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises
- b) the ordering alcohol to be consumed off the premises, or the despatch by the vendor of alcohol so ordered
- c) the sale of alcohol to a trader of club for the purposes of the trade or club
- d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces
- e) the taking of alcohol from the premises by a person residing there; or
- f) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- g) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of alcohol so supplied, of the liquor is supplied at the expense of their employer or of the person carrying on in charge of the business on the premises.

2. Premises with no children's certificate

No person under 14 shall be in the bar of the licensed premises during that permitted hours unless one of the following applies-

- a) he is the child of the holder of the premises licence
- b) he resides in the premises, but is not employed there
- c) he is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress
- d) the bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of alcohol. But an area is not a bar when it is usual for it to be and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

Source Section 168, 171 and 201 Licensing Act 1964

3. Premises with children's certificate

A notice which states that a Children's certificate is in force, in relation to the area to which the certificate relates, and explains the effect of the certificate and of any conditions attached to it must be posted in some conspicuous place in that area.

No person under fourteen shall be in the bar of the canteen during the permitted hours unless one of the following applies:

- 1) he is the child of the holder of the premises licence

- 2) he resides in the premises, but is not employed there
- 3) he is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress
- 4) the bar is in premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary
- 5) he is in an area shown on the plan attached to the licence
 - a. Meals and non-alcoholic beverages are available for sale for consumption in that area
 - b. He is in the company of a person aged 18 or over
 - c. He is there prior to 9pm
 - d. He may remain in the area of the premises specified during the first thirty minutes after the certificate has ceased for the consumption of refreshment.

In this condition "bar" includes any place exclusively or mainly used for the consumption of alcohol. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

Source Section 168, 168a, 171, 201, Schedule 12a Licensing Act 1964

note:

The latest hours for operation of a certificate is 9pm. See Sch 12A para 5(1) LA 1964.

Where justices have imposed a later hour under Sch 12A para 5(2), that should be reflected in condition (5)(d)

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Annex 2 – Conditions consistent with the operating schedule

General

To ensure the premises operate in accordance with all relevant legislation and promote the four licensing objectives in accordance with Section 182 Guidance.

The prevention of crime & disorder

To ensure liaison and co-operation with the police and be an active member in Bar Watch.

To ensure a proof of age policy is in operation in relation to relevant licensable activities.

To ensure zero tolerance policy to illegal drugs is in operation at all times.

To ensure any drinks promotions will not adversely affect the promotion of responsible drinking.

To ensure that customers are encouraged to leave the premises in a quiet and orderly manner.

To ensure that staff are trained to observe the measures necessary to promote the crime & disorder objective.

Public safety

The licence holders will liaise and co-operate with the Responsible Authorities.

To ensure that staff are trained to observe the measures necessary to promote the public safety objective.

To ensure that the existing fire safety precautions are retained and maintained.

The prevention of public nuisance

To ensure that staff are trained to observe the measures necessary to promote the public nuisance objective.

To ensure the premises are adequately ventilated to prevent nuisance.

To ensure the arrangements for the storage & disposal of refuse do not cause a nuisance.

To ensure any noise from the licensable activities / regulated entertainment provided, will be monitored in order to prevent nuisance.

The protection of children from harm

To ensure that staff are trained to observe the measures necessary to promote the protection of children objective.

To ensure only suitable entertainment will be provided when children are present.

To ensure that no person under 18 shall be admitted to any part of the premises where adult entertainment is provided.

Any restrictions on the admission of children will be displayed outside the premises or relevant part thereof.

To ensure adequate non – alcoholic drinks will be available.

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

NIL

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Annex 4 – Plans

