

Aylesbury Vale District Council

**DECISION OF THE LICENSING AND GAMBLING ACTS SUB-COMMITTEE
FOLLOWING A HEARING ON 05 JULY 2010 HELD AT THE COUNCIL'S
GATEWAY OFFICES, GATEHOUSE ROAD, AYLESBURY**

**Application by Gizzeria UK Ltd for a premises licence for Gizzeria, Unit 4, 8
Meadow Walk, Buckingham MK18 1RS**

Members of the Sub-Committee

Cllr Peter Cooper (Chairman)
Cllr Terry Jones
Cllr Graham Webster

Declarations of Interest

None.

The Application

The Sub-Committee has given careful consideration to the application before it, namely, to grant a premises licence for Gizzeria, Unit 4, 8 Meadow Walk, Buckingham MK18 1RS.

The application seeks permission for the supply of alcohol, the playing of recorded music and the performance of live music.

The application received two relevant representations. The first was from Newman Ward Limited and the second was from Mrs Weingart.

In attendance at the hearing:

Garry Allan Sutherland – Applicant
Ann Caple, Newman Ward Ltd. – Interested Party
Owen Weingart, Meadow Row tearooms - Interested Party

Officers in attendance:

Licensing Services Manager
Litigation Solicitor

The Decision

We have listened to all the representations and have read all the material and evidence very carefully.

We have had regard to the statutory guidance issued under section 182 of the Licensing Act 2003, and the Council's own licensing policy.

We confirm that in making our decision we have sought to promote the licensing objectives.

Under the Licensing Act, we cannot reject all or part of the application merely because of unsubstantiated concerns or because we consider it desirable to do so. Any regulation we impose must actually be necessary in order to promote the licensing objectives and must be supported by real evidence that it was required in the circumstances of the case.

We are satisfied that in all the circumstances, the impact of the grant of the premises licence on the licensing objectives does not necessitate a rejection of the application.

We believe that the applicant intends to run the premises with a responsible attitude and to abide by the relevant law. Whilst we heard and considered the concerns that there had been anti-social behaviour and some crime in the area in the past, it appeared that, overall, this had taken place at a later hour than the hours for which this licence was required. There seemed to be no concrete evidence that the licence proposed would in any way increase the crime in the area and, indeed, in our view, it may well help to reduce it.

We did not hear any substantive evidence which expressed concern about any noise and nuisance which may be produced from the application to have live music. We heard and had regard of the fact that there is one residential occupier nearby but they are not directly next door and have not objected to this application.

The condition we are imposing requiring the consumption of food with any alcohol we hope will ensure that these premises remain a family-friendly food and ice-cream establishment. This condition was proffered by the applicant.

We hope that the applicant will have due regard for his neighbours when he chooses to put on live music. We have altered the finish time for this to 11pm so as to provide a 30 minute drinking up and "wind-down" time. We have also stipulated that any musicians must play from inside the premises rather than being situated in the open air.

Details

The mandatory conditions and any operating schedule have not been reproduced in this decision notice but will be set out in the licence document itself.

The Supply of Alcohol

- a) Hours – no change;
- b) Condition: “The supply of alcohol may only take place where the customer has also purchased refreshment for consumption from the premises’ menu.”

Explanatory Note: that is, substantial refreshment such as hot or cold food or ice-cream but not simple bar snacks such as crisps or peanuts.

Opening Hours

Granted as applied for.

Recorded Music

Granted as applied for.

Live Music

- a) Hours – amend finish time to 23:00 hours, otherwise as applied for.
- b) Condition: “Music shall only be played by musicians who are situated inside the premises.”

Effective Date of this Decision

This decision will take effect when the licence (or a certified copy) is kept at the premises and a summary of that licence (or a certified copy) is displayed at the premises. These documents will be issued by Licensing Services as soon as possible.

Right of Appeal

All parties have a right of appeal to the Magistrates’ Court following this decision. An appeal can be against the grant of the application or on the grounds that different or additional or no conditions should have been imposed.

If you wish to appeal you must notify the Magistrates’ Court within a period of **21 days** starting with the day on which the Council notified you of this decision.

05 July 2010