

**Aylesbury Vale District Council**

**DECISION OF THE LICENSING AND GAMBLING ACTS SUB-COMMITTEE  
FOLLOWING A HEARING ON 15<sup>TH</sup> DECEMBER 2014 AT THE COUNCIL'S  
GATEWAY OFFICES, GATEHOUSE ROAD, AYLESBURY**

**Application for variation of a premises licence at Fever and Boutique 14 Kingsbury  
Aylesbury Buckinghamshire HP20 2HT**

**Members of the Sub-Committee**

Cllr Mrs Blake (Chairman)  
Cllr Mrs Brandis  
Cllr Huxley

**Declarations of interest**

There was a declaration of interest by Cllr Huxley who as well as being a ward member for AVDC is also an Aylesbury Town Councillor and Aylesbury Town Council were making objecting representations. Cllr Huxley explained that he did not form any part of the decision to raise an objection and was not a member of the committee that made that decision. The Applicant was directly asked if there was an objection to Cllr Huxley being present and there was not. There were no objections from those present.

**The application**

The Sub-Committee has given careful consideration to the application before it, namely, to grant a variation of a premises licence at Fever and Boutique 14 Kingsbury Aylesbury Buckinghamshire HP20 2HT

The application is to extend the hours of licensable activities to remove all the old Public Entertainment Licence conditions (which were obsolete or covered by other newer regulation) and for approval in respect of substantial internal alterations as per an attached plan to the application. The Applicant confirmed that the extended hours applied for no longer formed part of the application.

The applicant was represented by Andrew Woods Solicitor for the Applicant (he had with him Nigel Blair –Director Bar Fever Aylesbury and Duncan Squires –Manager and the Designated Premises Supervisor).

**Relevant Representations**

None of the responsible authorities were present in a formal capacity as the only RA to make a representation was Thames Valley Police, whose representation was subsequently withdrawn after being informed that the application was amended in relation to the extended hours. The representation had referred to the applicant adopting a Drugs and Substance Abuse Policy and Operating Schedule and Crime Prevention Policy. The Applicant had agreed to this as a condition in any event and to therefore form part of the operating schedule.

There were representations from Steven Mitchell on behalf of Aylesbury Town Council and Graham Aylett representing Aylesbury Old Town Residents Association (AOTRA)(he had with him Adrian Harford and Michael Doe).

There were also representations from Kyle Michael who is a premises licence holder in a premise within the Aylesbury Town Centre.

There was also a written representation contained within the report by Mr & Mrs Garside who subsequently withdrew their representation prior to the hearing . It was explained to the Sub-Committee by Graham Aylett that they had mistakenly withdrawn that representation and still wished to object to the application.

The representations from the other parties referred to above were in relation to Crime and Disorder , anti-social behaviour, public and noise nuisance. The concern was the increase in capacity of the premises and the cumulative impact that would have on the town centre the subject of the Special Saturation Policy.

### **The decision**

**To grant the premises licence as applied for taking into account the amendments to the Operating Schedule ( by including in its entirety the conditions agreed with Thames Valley Police to include the 2 Policy documents referred to, and the restriction to the front of the premises in relation to smoking ). That the old and obsolete PEL conditions be removed.**

### **Reasons for the decision**

The Sub-Committee listened to all the representations and read all the material.

The Sub-Committee had regard to the statutory guidance issued under section 182 of the Licensing Act 2003, and the Council's own licensing policy.

The Special Saturation Policy is intended to be applied strictly. However, the Policy should never be absolute and each application is to be considered properly and on its merits.

The Fever and Boutique premises come within the Special Saturation Policy for Aylesbury Town Centre as the application is in respect of a "Higher Risk Premises" in respect of which there is a "material variation" which is likely to impact on the promotion of the licensing objectives.

The reasons for the Special Saturation Policy is predominantly linked critically to the hours of trade and type of premises and the affect they have on crime and disorder /anti-social behaviour/noise nuisance. There is no doubting that all these things occur and that is why the Special Saturation Policy exists.

The presumption is on the applicant to show on a balance of probabilities that there will be no negative cumulative impact identified under the Licensing Policy.

The Applicant had a dispersal policy, that it maintained was an effective one, but on a more practical level explained that door staff assisted in dispersal after the premises closed by

patrolling the streets with the police and ensuring patrons were moving from the area. This was aided by the taxi rank outside the premises and the active pre-booking of taxis and engagement with other taxi firms.

It is also significant that Thames Valley Police made representations to the effect that they were not objecting to this application and had given due regard to AVDCs Licensing Policy. Upon the application being amended to not extend the hours this representation was subsequently withdrawn. Thames Valley Police as a Responsible Authority have carefully considered this application and have not objected to it, and that is highly relevant.

The Sub-Committee is required to be satisfied that on balance the application will not add to the negative impact within the Aylesbury Town Centre the area the subject of the Special Saturation Policy and is so satisfied.

### **The effective date of this decision**

This decision takes effect immediately. However, the premises cannot be used in accordance with this decision until 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**

There is a right of appeal to Aylesbury Magistrates' Court against this decision by any person who made a relevant representation.

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

15<sup>th</sup> December 2014