

# Public Document Pack

## Licensing and Gambling Acts Sub Committee

19 APRIL 2016

**PRESENT:** Councillors J Brandis, G Powell and S Renshell

**1. APPLICATION UNDER THE LICENSING ACT 2003 FOR A NEW PREMISES LICENCE AT THE GARAGE, 3 WELL STREET, BUCKINGHAM**

The decision of the sub-committee is attached.

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LICENSING AND GAMBLING ACTS SUB-COMMITTEE HEARING

Members' Record of Determination

**RE: Sally Terry of The Wonder Rooms Ltd.**

**3 Well Street, Buckingham, MK18 1EW**

**Application for new Premises Licence under s.17 of the Licensing Act 2003**

Date: 19 April 2016 at 2.00 pm in the Olympic Room at the Gateway

Constitution of the Sub-Committee:	Cllrs. Mrs Judy Brandis, Mr Gary Powell and Mrs Sue Renshell
Chair:	Cllr. Mrs Sue Renshell
Others present:	

Legal Advisor:	Ifty Ali
Democratic Services:	N/A
Licensing Officer:	Ms Kerryann Ashton and Mr Peter Seal
Applicant:	Ms Sally Terry of the Wonder Rooms Ltd.
Relevant Authority:	Aylesbury Vale District Council
Interested Parties:	Mr Leslie Brooks speaking for himself and on behalf of Mr Nick Armstrong
Members of the Public:	Mrs Brooks and Trevor Hooper (Thames Valley Police)
Documentation:	No additional documentation other than Report and application
Apologies:	None
Disclosures of Interest:	None

**3 Well Street, Buckingham, MK18 1EW**

**Application for new premises Licence under s.17 of the Licensing Act 2003**

**19 April 2016**

**FINDINGS OF FACT**

The Sub-Committee accepted the following findings of fact from the evidence available:

1. This hearing relates to an application for a new premises licence in respect of The Garage, 3 Well Street, Buckingham. The premises is a 2 storey grade II listed building which has been empty for over 30 years and currently undergoing refurbishment to a ground floor café and wine-bar with restaurant and kitchen facilities upstairs. The surrounding area is of mixed residential and commercial use.
2. The applicant has amended the application to terminate the sale and supply of alcohol at 10.45pm Monday to Sunday with a drinking up time of 15 minutes.
3. There were no representations made by any of the Responsible Authorities.
4. Four representations of objection were received as part of the licensing process, of which two were withdrawn prior to the hearing. The two remaining representations relate to concerns around potential noise nuisance from music or patrons smoking or leaving the premises. There were also concerns raised regarding potential food smells, ventilation noise and parking.
5. Members and parties were informed that as a result of deregulatory changes that have amended the Licensing Act, no licence permission is required for the performance of live and recorded music as applied for i.e. from 0900 to 2300.
6. The applicant has confirmed that the premises will have a Dispersal Policy with the staff trained to mitigate any nuisance to neighbours.
7. The premises will benefit from acoustic panelling (walls and ceiling) and the windows won't open once the premises are open. Due to the listed status of the building there are limitations on what more can be done to the windows. There will be a brand new cooking and ventilation system installed, again in keeping with the listed building status.

Taking into account the application and representations received together with the relevant law, section 182 guidance, Council Policy the Sub-Committee unanimously

## **RESOLVED**

Application granted as applied for with no imposition of additional conditions.

### **REASONS FOR DECISION**

The Garage premises is a new premise licence and as such has not created a nuisance in the area and therefore warrants the light touch approach advocated in the Secretary of State Guidance. There has to be a balance between business activity and the residents of the area. In carrying out that balancing exercise the Sub-Committee took into account all the representations made orally and in writing and is satisfied that the applicant has done all that can be done at this stage to mitigate the concerns raised by those representations.

The Sub-Committee are satisfied that the conditions contained within the operating schedule are sufficient to address the concerns raised by the representations and are a proportionate response to those representations.

### **RIGHT OF APPEAL**

An appeal against the decision of the Sub-Committee may be made by:

- a) The applicant
- b) The person who made the relevant representations

Applications to appeal the decision of the Sub-Committee must be made to the local Magistrates' Court within 21 days from the receipt of this notice

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