

**REPORT ON APPLICATION FROM BON VIVANT,
BUCKINGHAM UNDER THE LICENSING ACT 2003 FOR A
MAJOR VARIATION OF A PREMISES LICENCE**

1. THE APPLICATION

Applicant(s): Mr Ashley Brown

Premises:

1.1 Variation application

The application is for the variation of the Premises Licence under section 34 of the Act. The details of the variation are set out in the application form, section A to O. Attached as Appendix 1 is a copy of the completed application form. The steps the applicant intends to take to promote the licensing objectives are set out in the operating schedule (see Appendix 1).

In an effort to clarify the current permissions and conditions these are set out in Appendix 2. A copy of the current premises licence is attached as Appendix 5. A location map of the premises is attached as Appendix 6.

2. RELEVANT REPRESENTATIONS

2.1 Responsible Authorities

Licensing Authority - No representation

Thames Valley Police – A representation from Thames Valley Police was received during the consultation period. A copy of the representation is attached as Appendix 3.

Environmental Health – No representation

Bucks Fire and Rescue – No representation

Planning – No representation

Trading Standards – No comment

Area Child Protection Committee – No comment

Primary Health Care Trust – No comment

2.2 Other Parties

We received two representations during the consultation period from other parties copies of the representations are attached as Appendix 4.

3. NOTICE OF HEARING AND RESPONSES

All parties were served Notices of Hearing on receipt of the representation along with the document, 'Licensing Act 2003 – The Procedure to be followed at Hearings'. The parties have therefore been notified of the consequences of failing to attend.

No further submissions have been received to date following service of the Notice of Hearing. Members will be notified of any further responses at the hearing.

4. GENERAL INFORMATION

The general information Members need to have regard to when determining applications made under the Licensing Act 2003 is set out in a separate document which is attached to the Agenda under cover of which this report has been published.

5. ISSUES RAISED BY THE APPLICATION

The issues raised by the application are for the Sub-Committee to determine having regard to all the relevant considerations. Whatever, the Sub-Committee decides, it must give reasons.

To assist Members and the parties further, The Licensing Officer will draw attention to any issues arising from this application at the hearing.

Contact Officer	Peter Seal 01296 585 083
Background Documents	None

GENERAL INFORMATION MEMBERS NEED TO HAVE REGARD TO WHEN DETERMINING APPLICATIONS MADE UNDER THE LICENSING ACT 2003

Licensing objectives

1. Members are reminded that whenever they make a decision under the Licensing Act, 2003, they have a **duty** to act with a view to promoting the licensing objectives. These are: the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm.

Statutory guidance and licensing policy statement

2. Members must also have regard to statutory guidance issued under section 182 of the Licensing Act 2003 and the Council's own licensing policy statement. If Members depart from either, they must specify their reasons for doing so. Of course, Members must also have regard to all the representations made and the evidence they hear.

Police representations

3. In respect of police representations, the statutory guidance states that:

"The licensing authority should accept all reasonable and proportionate representations made by the police unless the authority has evidence that to do so would not be appropriate for the promotion of the licensing objectives. However, it remains incumbent on the police to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing."

The options

4. Members must take such of the following steps as they consider appropriate for the promotion of the licensing objectives:
 - Grant the licence in accordance with the application.
 - Modify the conditions of the operating schedule by altering or omitting or adding to them.
 - Exclude from the scope of the licence any of the licensable activities to which the application relates.
 - Refuse to specify a person in the licence as the premises supervisor (if applicable).
 - Reject the whole of the application.
5. Members may also grant the licence subject to different conditions for different parts of the premises or the different licensable activities.
6. Members are asked to note that they may not modify the conditions or reject the whole or part of the application merely because they consider it desirable to do so. It must actually be **appropriate** to do so in order to promote the licensing

objectives and any such step must relate to the actual representations made.

7. If Members grant the application, the details of the operating schedule (see application form) will be incorporated into the licence as conditions. The licence will also be subject to certain mandatory conditions. Finally, Members are reminded that whatever the Sub-Committee decides, it must give reasons.

Section 17(1) of the Crime and Disorder Act, 1998

8. Section 17(1) of the Crime and Disorder Act, 1998 provides that “without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all it reasonably can to prevent, crime and disorder in its area”. Whenever an application raises crime and disorder issues, the Council’s duty under s17(1) will need to be put in the balancing exercise together with all the other relevant considerations.

Human Rights

9. Under Article 8 of the European Convention on Human Rights local residents have a right to respect for their private and family life and their home. They are entitled, therefore, not to be disturbed by unreasonable noise and nuisance. However, this a qualified right and has to be balanced against the rights of others including the rights of businesses in the area to operate.
10. If such complaints are made, having regard to the facts of each particular case, Members need to consider whether the objections are sufficiently serious to justify rejecting the application or the taking of one or more of the other steps outlined above.
11. Similarly, Members need to take into account and weigh in the balance a licence holder’s right to the peaceful enjoyment of their possessions which can include licences. Any interference with such rights must be necessary and proportionate.

Application to vary a premises licence 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 Ashley Brown
(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

Part 1 – Premises Details

4 Cornwalls Place High Street			
Post Town	Buckingham	Postcode	MK18 1SB

Telephone number at premises (if any)	[REDACTED]
Non-domestic rateable value of premises	[REDACTED]

Part 2 – Applicant details

Daytime contact telephone number	[REDACTED]		
E-mail address (optional)	[REDACTED]		
Current postal address if different from premises address	[REDACTED]		
Post town	[REDACTED]	Postcode	[REDACTED]

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? xYes

No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

Please describe briefly the nature of the proposed variation (Please see guidance note)

The premises is a very small, niche market style venue. I will be looking to operate it as such and work on the high end customer base that currently reside in the hundreds of new house being built, yet do not have any suitable leisure facilities in the town centre. The building will operate under the name "Bon Vivant" and will open from 5pm in the evenings through to the terminal hour. The aim is to capture the post work and pre dinner cocktail and drinks market. The offering will be based around an extensive wine and cocktail list and will be premium products looking to fulfil a niche of high quality, premium drinks in a peaceful surrounding.

The venue will be 100% wet sales, will only operate downstairs from Sunday to Thursday and open upstairs on a Friday and Saturday evening. The upstairs will also be used for private functions with several women's groups such as Slimming World expressing an interest in using the venue as the town centre location is ideal.

The capacity will be very limited by that nature of the building, it is unlikely to have more than 20 people on site at any time, especially if outside is unused. The peak operation figure is 65 internally. As such the operation style of the business becomes apparent. This is clearly a venue aimed at the over 21 professional market, not something for the youth.

The venue would compliment and work with surrounding business such as Fireside adjacent and the Bistro opposite. It is also a short walk from Prego and Prezzo helping to create a little, dignified hub of activity in the evenings for the more discerning customers.

The vision is to create a very European style café culture, utilising a single row of seats outside around the perimeter, small chic furniture inside, low level lighting and a jazz soundtrack in the background. I am currently in talks with the landlord to fit sliding windows that would open up to the pavement. The vision would be very chic, lots candles and large vases of fresh flowers etc.

This is undoubtedly the type of venue required with the premium market in Buckingham at saturation and frustration levels. Villiers operates at upwards of 85% capacity, Prezzo is at its peak yet there is not one venue in the town to provide for this calibre of town visitor. The proximity of Silverstone, Stowe and the University of course mean that the towns image suffers if it cant provide a more high end venue in line with its attractions. As lovely as a pint and a WKD in the White Hart may be, it simply drags the town down.

Obviously as a current operator you may ask why I don't attempt an access at this market, the simple answer is that you cant have your cake and eat it. To achieve well managed high volume footfall on a weekend, you sacrifice the reputation to accommodate older clients in the week. You simply can not be a leisure panacea as much as I would like to be.

One of the major factors for me questioning the Terminal Hours Policy, and of course for the requirement of this type of venue is the phenomenal growth of the town currently underway and planned for the future. I have studied the plans for the next decade and see that despite hundreds of homes currently under construction (since the policy was written), there is a further plan for another 617 homes and 300 rooms for the University. Obviously it would be nonsense for the town to accept that growth, yet not provide increased leisure facilities to accommodate the thousands of new residents?

The new homes are all premium homes, aimed at families, the type of customer who will use the fledgling restaurant circuit, yet wont use the current selection of pubs. Surely, as the authorities gladly take the income generated, they would allow them a social life to?

I am asking for an extension of current licensing hours to a level that suits local preferences and practices

within existing businesses.

The current licensing hours terminate at 23.00 on Mon-Thur and at 23.30 on a Friday and Saturday. I propose to extend the terminal hour to midnight on a Monday to Thursday to keep it in line with all other licensed businesses and to extend to 0100 on a Friday and Saturday, again keeping inline with existing framework and expectation of local businesses and residents.

This would enable the business to function as a pre & post dinner venue, the target market of its operation, especially considering its location in the centre of the restaurant circuit. The current terminal hour stifles the opportunity to provide the growing town with an exclusive, dignified, high end post dinner drinks offering. Many tables are still dining at 23.00 hours in the nearby restaurants such as Prezzo, Prego and Bucca. To operate within the current licensing hours and licensing template would restrict the towns ability to provide its ever growing population with something to suit its needs and requirements and ever evolving social demands.

The business has operated as an entertainment venue around the Christmas period through TEN's and no complaints were made for noise or increased anti-social behaviour. As such it seems that the venues off High Street position lends itself perfectly to this kind of operation and a precedent of zero complaints has already been set by an operation that was led by regulated entertainment as opposed to this variation which does not include provision for regulated entertainment.

The increase in town centre late night volume is so small to the current levels it would barely be noticeable. At peak & on rare occasions I would be operating with around 60 customers. Currently the variation in my existing customer base at 13 varies by 100 one weekend to the next depending on external events. There is no link between noise, disturbance and the peaks and troughs of this pattern & volume of people. Therefore the increase from Bon Vivant wouldn't even register to residents or officials.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment	Please tick all that apply
a) plays (if ticking yes, fill in box A)	<input type="checkbox"/>
b) films (if ticking yes, fill in box B)	<input type="checkbox"/>
c) indoor sporting events (if ticking yes, fill in box C)	<input type="checkbox"/>
d) boxing or wrestling entertainment (if ticking yes, fill in box D)	<input type="checkbox"/>
e) live music (if ticking yes, fill in box E)	<input type="checkbox"/>
f) recorded music (if ticking yes, fill in box F)	x
g) performances of dance (if ticking yes, fill in box G)	<input type="checkbox"/>
h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	<input type="checkbox"/>
 <u>Provision of late night refreshment</u> (if ticking yes, fill in box I)	 <input type="checkbox"/>
<u>Sale by retail of alcohol</u> (if ticking yes, fill in box J)	x
In all cases complete boxes K, L and M	

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 3)</u>		
Mon					
			<u>State any seasonal variations for performing plays (please read guidance note 4)</u>		
Tue					
			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
Wed					
Thur					
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 3)</u>		
Mon					
Tue					
Wed					
			<u>State any seasonal variations for the exhibition of films (please read guidance note 4)</u>		
Thur			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here (please read guidance note 3)</u>					
Mon								
Tue								
Wed						<u>State any seasonal variations for the performance of live music (please read guidance note 4)</u>		
Thur								
Fri						<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
Sat								
Sun								

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	x			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here (please read guidance note 3)</u> The playing of background music will be used, not as a feature, but as a tool for creating ambience. It will be at a conversational volume of background music sourced through an online system. The music will be of a jazz lounge style in line with the music found in chic European café bars.					
Mon	10.00	0000						
Tue	1000	0000						
Wed	1000	0000				<u>State any seasonal variations for the playing of recorded music (please read guidance note 4)</u> Recorded Music would be used to 0100 on 24 th December, 26 th December & to 0000 on Bank Holiday Sundays		
Thur	1000	0000						
Fri	1000	0100				<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
Sat	1000	0100						
Sun	1200	2200						

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><u>Please give further details here</u> (please read guidance note 3)</p>		
Wed					
Thur			<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)</p>		
Fri					
Sat			<p><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)</p>		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	x
Day	Start	Finish		Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	1000	0000	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 4) Supply of Alcohol would be used to 0100 on 24 th December, 26 th December & to 0000 on Bank Holiday Sundays		
Tue	1000	0000			
Wed	1000	0000			
Thur	1000	0000		<u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Fri	1000	0100			
Sat	1000	0100			
Sun	1200	2200			

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

There will be no uses of the business to concern the safety of children or late night entertainment.

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4) The business would be open to 0130 on 24 th December, 26 th December & to 0030 on Bank Holiday Sundays
Day	Start	Finish	
Mon	1000	0030	
Tue	1000	0030	
Wed	1000	0030	
Thur	1000	0030	
Fri	1000	0130	
Sat	1000	0130	
Sun	1200	2230	
			Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.
 No conditions currently attached are of concern.

Please tick as appropriate

- I have enclosed the premises licence x
- I have enclosed the relevant part of the premises licence x

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

The venue has recently been ran as a late night entertainment venue with no issues or concerns raised from local residents or crime and disorder problems. The knowledge of this, along with the style of venue and the lack of regulated entertainment means the business is actually targeted at being a low key, low impact, business aimed at adults. The volumes of business and size of venue mean its impact is so limited that it is not noticeable in the town so can not contribute to crime and disorder, public nuisance, public safety or do any harm to children.

Their will always be a personal licence holder on site, extensive training benefitting from over a decades licensed experience. CCTV, challenge 21 and professional door hosts will control the environment.

b) The prevention of crime and disorder

Bon Vivant would in no way increase the current levels, which are very minimal, of crime and disorder. The limited numbers and small size of the venue would limit any opportunity for crime and disorder. The limited numbers of people will be using the bar as individuals and couples, highly unlikely to be the source of any disruption often accredited to when large numbers of younger revellers spill out on to streets at the same time. The relaxed atmosphere, lack of televisions, sport and dance floor entertainment would contribute to the chilled atmosphere and positively affect the lack of crime and disorder. However, standard professional measures would be in place inclusive of cctv to the interior of the venue, the outside is currently very well covered via Waitrose professional cctv. On any evening where there would be potential for increased volume, eg the weekends, a professional door person / host would be employed to make sure people treat the area with respect in relation to volume and manner. In addition to this and as a further nod to the style of venue, waitress service would be the normal akin to being seated in a restaurant. This would stop any potential flash points of a crowded bar and queuing which is often the source of problems with other venues.

The limited numbers and nature of the business does not lend itself to disorder problems associated with other licensed venues as come the terminal hour, we will not be turning hundreds of people out on to a residential street. The business is in a pedestrian commercial area so noise pollution would be extremely limited and the limited numbers that would exit at the same time is likely to be no more than 20-30 at any given peak. As such, the crime and disorder levels contributed to the street would be no different to that of Prezzo or Prego who are situated very closely and have residential properties nearby.

Staff and doorman / host will be trained in engaging with our mature customer base and our levels of expectancy to the respect of the neighbours and town. However, as police statistics will prove, disorder and crime are not consistent with the customer base I am targeting and will be attracting.

It is also of note that current weekend trading figures at 13 and other town centre establishments have a degree of variance within the 100's in terms of volume of people using licensed facilities in the town. This is linked to weather, external events, payday cycles. The addition of Bon Vivants extended hours makes such a tiny degree of variance in comparison with other external factors that the addition would go completely unnoticed by residents or authorities.

c) Public safety

CCTV both externally and internally will be in full operation. The staff will be fully professional bartenders who will not be targeted to move large volumes of alcohol. They are targeted on quality and limited service, this of course does not lend itself to deep discounting and binge drinking associated with public safety. A relaxed atmosphere, waitress service, no draught beer on tap and no discounting are the key to public safety in a licensed environment along with extensive training, awareness, experience of the staff.

d) The prevention of public nuisance

As addressed with the crime and disorder section, police statistics will confirm that a limited number venue targeting mature, middle class customers, away from deep discounting and dance floors will simply not create a public nuisance. High control on volume, numbers in the premises, type of service all contain the venue within its boundaries. Noise pollution is non-existent, people spilling on to the street is impossible, noisy crowds will not be welcomed or tolerated or catered for. On exit, the trickle of mature customers are highly unlikely to cause any more disruption than from when they leave Prezzo an hour or so before and that has never been a public nuisance issue.

Obviously the staff training, ectv, doorman/host will be controlling the environment and containing the venue. People will not be able to walk off with drinks, shout in the street or upset local residents as the opportunity is simply not there. We will be looking to be very proactive with our neighbours and provide the kind of venue and entertainment the very people who complain about "pubs" to the council about will welcome on their doorsteps.

e) The protection of children from harm

Children will not be allowed on the premises and our hours of operation will not, unless exceptional circumstances, allow for children to be on the site.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee. x
- I have sent copies of this application and the plan to responsible authorities and others where applicable. x
- I understand that I must now advertise my application. x
- I have enclosed the premises licence or relevant part of it or explanation. x
- I understand that if I do not comply with the above requirements my application will be rejected. x

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 11). **If signing on behalf of the applicant, please state in what capacity.**

Signature		
Date		
Capacity		

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Data Protection

AVDC is a Data Controller under the Data Protection Act 1998. We hold information for the purposes specified in our notification to the Information Commissioner and may use this information for any of them. We may receive information about you from other organisations, or we may give information to them. If we do it will only be as the law permits, to check the accuracy of information, to prevent fraud or detect crime, or to protect public funds.

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

Appendix 2

	Supply of Alcohol (On the premises)			
	Existing		Proposed	
	From	To	From	To
Monday	10 00	23 00	10 00	00 00
Tuesday	10 00	23 00	10 00	00 00
Wednesday	10 00	23 00	10 00	00 00
Thursday	10 00	23 00	10 00	00 00
Friday	10 00	23 30	10 00	01 00
Saturday	10 00	23 30	10 00	01 00
Sunday	12 00	22 00	12 00	22 00

	Late Night Refreshment (Indoors)			
	Existing		Proposed	
	From	To	From	To
Monday	N/A	N/A	N/A	N/A
Tuesday	N/A	N/A	N/A	N/A
Wednesday	N/A	N/A	N/A	N/A
Thursday	N/A	N/A	N/A	N/A
Friday	23 00	23 30	N/A	N/A
Saturday	23 00	23 30	N/A	N/A
Sunday	N/A	N/A	N/A	N/A

	Recorded Music (Indoors only)			
	Existing		Proposed	
	From	To	From	To
Monday	12 00	23 00	10 00	00 00
Tuesday	12 00	23 00	10 00	00 00
Wednesday	12 00	23 00	10 00	00 00
Thursday	12 00	23 00	10 00	00 00
Friday	12 00	23 00	10 00	01 00
Saturday	12 00	23 00	10 00	01 00
Sunday	12 00	21 00	12 00	22 00

	Hours premises open to the public			
	Existing		Proposed	
	From	To	From	To
Monday	12 00	23 00	10 00	00 30
Tuesday	12 00	23 00	10 00	00 30
Wednesday	12 00	23 00	10 00	00 30
Thursday	12 00	23 00	10 00	00 30
Friday	12 00	23 30	10 00	01 30
Saturday	12 00	23 30	10 00	01 30
Sunday	12 00	22 00	12 00	22 30

Non Standard Timings (alcohol and recorded music / opening hours)

24th December until 0100 / 0130

26th December until 0000 / 0030

Bank Holiday Sundays until 0000 / 0030

Trevor Hooper
Licensing Officer
Aylesbury/chiltern

Aylesbury Police Station
Walton Grove
Wendover Road, Aylesbury
BUCKS, HP12 7LA

Tel: 01296 396034

Fax:

trevor.hooper@thamesvalley.pnn.police.uk
www.thamesvalley.police.uk

28 April 2016

Dear Mr Seal

Application to vary the hours and licensable activities' for premises known as Bon Vivant

Thames Valley Police are in receipt of an application to extend the hours of operation and licensable activities' for the above premises.

The premises has traded under a number of different names the latest being Cocktails and Cuticles which operated as a pop up bar over the Christmas and New year.

The licence at present has the following times and activities'

Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities

Sale by Retail of Alcohol Monday to Thursday 10:00 – 23:00

Sale by Retail of Alcohol Friday and Saturday 10:00 – 23:30

Sale by Retail of Alcohol Sunday 12:00 – 22:00

Playing of Recorded Music Monday to Saturday 12:00 - 23:00

Playing of Recorded Music Sunday 12:00 - 21:00

Late Night Refreshment Friday to Saturday 23:00 – 23:30

The opening hours of the premises

Opening Hours Monday to Thursday 12:00 - 23:00

Opening Hours Friday to Saturday 12:00 – 23:30

Opening Hours Sunday 12:00 – 22:00

The applicant in the application would ask the committee to extend the following=

Sale by Retail of Alcohol Monday to Thursday 10:00 – 00:00

Sale by Retail of Alcohol Friday and Saturday 10:00 – 01:00

Sale by Retail of Alcohol Sunday 12:00 – 22:00

Playing of Recorded Music Monday to Thursday 10:00 - 00:00

Playing of recorded music Friday and Saturday 10.00-01.00
Playing of Recorded Music Sunday 12:00 - 22:00

In addition the applicant would ask that the opening hours be changed to=

Opening Hours Monday to Thursday 10:00 – 00.30
Opening Hours Friday to Saturday 10:00 – 01.30
Opening Hours Sunday 12:00 – 22:30

The premises are situated within Cornwall's Place, Buckingham. And will be next to and opposite food outlets it is also near a number of restaurants situated in the High Street.

The premises itself is small compared to other premises and at any one time could not cater for many more than 60 persons.

The scope of the licence is also small with no regulated entertainment with recorded music only supplying background music.

The police having due regard to AVDC Licensing Policy statement in particular the hours policy for Buckingham Town as it has done with all other applications looked to see if the scope of the application would impact on any of the licensing objectives and we believe taking into consideration the nature and size of the application including the size of the premises and offered conditions we believe it will have a zero or a negligible impact on those objectives. We believe in this case it would be wrong to invoke the hours policy.

The applicant has offered a number of conditions within the licensing objectives namely=

A personal licence holder will be on site.

CCTV

Challenge 21.

Professional door staff/ hosts.

Waitress service.

No draught beer on tap.

No discounting

No children on site unless exceptional circumstances.

From: James
Sent: 10 May 2016 12:10:21 +0100
To: Licensing Mailbox; Environmental Health Mailbox; trevor.hooper@thamesvalley.pnn.police.uk
Cc: Seal, Peter
Subject: Licensing Application Objection: Bon Vivant (License number PR1210), 4 Cornwalls Centre, Buckingham

Dear Licensing and Environmental Health,

I write with concern to the proposed extension of licensing hours to the property known as Bon Vivant (License number PR1210), 4 Cornwalls Centre, Buckingham.

Historically this venue has been a food led business serving alcohol, when it was a Tapas bar, and the proposal is that it will now be predominantly an alcohol led offering.

I do not object to this property being re-opened for business, as a number of attempts to relaunch it have failed over the last year or so, however previously the license was based on it being a food led business serving alcohol and not a late night drinking establishment.

My main concerns are about proposed late night opening until midnight during the week and until 1am-1.30am on a Friday and Saturday night. My biggest worry is that it will be a public nuisance to me and my family in terms of noise. The property is directly opposite my house through an archway, I can see the premises from my living room and bedroom window.

My concern about public nuisance and noise late into the night from this proposal are as follows:

1. The noise from customers during late night opening hours (particularly from smokers who will have to be outside).
2. The noise that ensues when customers leave the premises late at night.
3. Music noise from the Premises during operation. (This is based on previous experience of the same landlord who runs 'Thirteen' on the High Street).

The venue is itself is quite small and has no outdoor space.

When you consider this application I would request that you specifically address the following issues and incorporate them into the terms of the license:

1. As there is no outdoor space with the property, and drinking on the pavement/streets in Buckingham is banned, drinks must only be consumed inside. This will meet the licensing objective to protect children from harm.
2. On Friday and Saturday nights a door supervisor should be present to ensure underage drinking does not take place. . This will also meet the licensing objective to protect children from harm.

3. Smokers should not congregate in the archway next to the convenience store near the property, and a smoking area should NOT be provided in front of the Fireside Café next door.
4. No drinks should be served outside from any type of outdoor bar.
5. Doors and windows should be kept closed if music is played in the evenings/early hours.
6. CCTV should be installed to prevent crime and disorder.
7. The use of Temporary Event Notices to extend the opening hours even later should not be considered

Yours faithfully

James Lowe

Member of the Neighbourhood Action Group



From:Peter Thirlby

Sent:10 May 2016 14:03:13 +0100

To:Licensing Mailbox;trevor.hooper@thamesvalley.pnn.police.uk;Environmental Health Mailbox

Cc:Seal, Peter

Subject:Licensing Application Objection: Bon Vivant (License number PR1210), 4 Cornwalls Centre, Buckingham

Dear Licensing and Environmental Health,

I write regarding to the proposed extension of licensing hours to the property known as Bon Vivant (License number PR1210), 4 Cornwalls Centre, Buckingham.

This is an unsuitable venue for a late night drinking establishment. It has limited outside space, essentially a one meter strip when tables may be placed.

Previously, it had functioned as a Tapas bar and various other failed ventures.

The premises are situated in a predominantly retail area. It is inevitable that patrons will spill out side to smoke and leave cigarette butts etc. in the planted areas and on the ground. As a tenant of Unit 9 Cornwall Place I pay for the cleaning and upkeep of this area through our service charge as it is - I believe private land.

We are concerned that at night the venue will present a noise, litter and security hazard. Currently, we suffer from the alcoholic excesses of of patrons of 13 High Street and other licensed venues in the form of litter, vomit and vandalism. This situation would be exacerbated by the presence of a drinking establishment in our midst.

If there were suitable restrictions placed upon the landlord that would mitigate our concerns, then such a venue might be a welcome addition to Cornwall Place.

e.g. A doorman, age restrictions, limiting the use of the outdoor area to certain times, banning the consumption of alcohol outside the premises after, say, 9pm.

Therefore, we urge you to consider carefully all of the above.

Peter Thirlby





Premises Licence

Premises Licence Number

16/00994/LAPRE (PR1210)

Date Issued

14 April 2016

Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

Bon Vivant
4 Cornwalls Centre
High Street
Buckingham
MK18 1SB

Telephone number 01280 822355

Where the licence is time limited the dates

Not applicable.

Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities

Sale by Retail of Alcohol	Monday to Thursday	10:00 – 23:00
Sale by Retail of Alcohol	Friday and Saturday	10:00 – 23.30
Sale by Retail of Alcohol	Sunday	12:00 – 22:00
Playing of Recorded Music	Monday to Saturday	12:00 - 23:00
Playing of Recorded Music	Sunday	12:00 - 21:00
Late Night Refreshment	Friday to Saturday	23:00 – 23:30

The opening hours of the premises

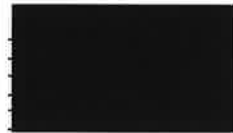
Opening Hours	Monday to Thursday	12:00 - 23:00
Opening Hours	Friday to Saturday	12:00 - 23:30
Opening Hours	Sunday	12:00 - 22:00

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

Supply of alcohol from these premises is authorised for consumption both on and off the premises

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

Mr Ashley Brown



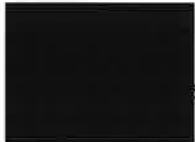
Tel - 01280 822533

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

Company Number Not applicable

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

Mr Ashley Brown



Tel - 01280 822355

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



Annex 1 – Mandatory conditions

Applicable to consumption of alcohol where on and both has been ticked:

For the purposes of this schedule

"the Act" means the Licensing Act 2003;

"Anti-Social Behaviour" has the meaning given in section 36 of the Anti-social Behaviour Act 2003;

"Disability" has the meaning given in section 1 of the Disability Discrimination Act 1995;

"Relevant Premises" has the meaning given in paragraphs (a) and (b) of the definition in section 159 of the Act;

"Responsible Person" has the meaning given in paragraphs (a) and (b) of the definition in section 153(4) of the Act (the relevant parts of which are attached to this licence).

Mandatory Condition - s19 of the Licensing Act 2003 - Supply of Alcohol

No supply of alcohol may be made under the premises licence:

- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made authorised by a person who holds a personal licence

MANDATORY CONDITIONS SPECIFIED BY THE LICENSING ACT 2003 (MANDATORY LICENSING CONDITIONS) ORDER 2010 AS AMENDED BY THE LICENSING ACT 2003 (MANDATORY LICENSING CONDITIONS)(AMENDMENT) ORDER 2014:

Mandatory Condition 1

- (1) 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.
- (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:-
 - (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 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; .
- (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).

Mandatory Condition 2

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

Mandatory Condition 3

- (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) 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.
- (3) 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) a holographic mark, or .

- (b) an ultraviolet feature.

Mandatory Condition 4

The responsible person must 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; .
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and .
- (c) where 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."

MANDATORY CONDITIONS SPECIFIED BY THE LICENSING ACT 2013 (MANDATORY CONDITIONS) ORDER 2014:

Mandatory Condition 5

1. 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.
2. For the purposes of the condition set out in paragraph 1:-
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) "permitted price" is the price found by applying the formula:-

$$P = D + (D \times V)$$

Where:-

- (i) P is the permitted price,
- (ii) D is the amount 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
- (iii) 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;

- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence:-
- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 –Conditions consistent with the operating schedule

General Licensing Objectives

- a) Always someone on premises who holds a personal licence
- b) Challenge 21 policy to be adapted together with pub watch
- c) Annual fire safety, health and safety checks together with regular environmental health inspections
- d) Restrictions on children sitting at bar area
- e) All staff to be fully trained on policies
- f) CCTV in place outside premises

The prevention of crime and disorder

- a) Closing at 11.00 pm is designed to minimise the impact on the town's resources, such as taxi firms
- b) No one who appears drunk will be served and the restaurant will be monitored regularly to ensure no one attempts to buy a drink on behalf of a drunk person.
- c) Any individual who appears to be drunk will be asked to leave the premises
- d) Refusals book will be set up and used for those attempting to buy alcohol, underage or drunk
- e) CCTV installed in precinct

Public Safety

- a) Minimising capacity to a maximum of 65 inside, and 12 outside
- b) Fire safety consultation due to be done and appropriate fire safety equipment, emergency exits etc will be used and reviewed annually.
- c) Annual equipment testing to be undertaken, along with the appropriate environmental health visits.
- d) Toughened wine glasses and fire retardant materials to be used for soft furnishings.
- e) All staff to be trained on fire safety procedures

The prevention of public nuisance

- a) The premises are not close to a residential area with existing restaurants opposite and to the side.
- b) Food will not be sold to takeaway therefore limiting any litter issue.
- c) The noise from the restaurant is expected to be minimal outside with the exception of 12 outside covers
- d) Ventilation is proposed out of the rear of the building into an alleyway with existing ventilation units
- e) With the exception of sign lighting, existing lighting in the arcade is to be used

The protection of children from harm

- a) No children will be allowed to sit at the bar whether accompanied by an adult or not
- b) No children allowed on the premises unless accompanied by an adult
- c) Challenge 21 to be adopted
- d) Accompanied children envisaged to be eating a meal with adults

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

Not applicable.

Annex 4 – Plans



Bon Vivant 4 Cornwalls Centre Buckingham MK18 1SB



1:1,000

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