

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/We Sally Terry of The Wonder Rooms Ltd

(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
16/00511/LAPRE (PR1454)

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description

The Garage Restaurant
3 Well Street

Post town	Buckingham	Postcode	MK18 1EW
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Telephone number at premises (if any)	
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Non-domestic rateable value of premises	
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Part 2 – Applicant details

Daytime contact telephone number	
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E-mail address (optional)	
---------------------------	--

Current postal address if different from premises address	
---	--

Post town		Postcode	
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Part 3 - Variation

Please tick as appropriate

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

 Yes
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 1)

The Garage Restaurant has been open and trading for 14 months now and in response to customer demand I would like to extend both my licensing hours and opening hours. On week nights I am looking to extend my licensing hours from 22:45 to 23:00 with a closing time of 23:30 to allow a drinking up time of 30 minutes. On Friday and Saturday nights I would like to extend my licensing hours to midnight with a closing time of 00:30 to allow a drinking up time of 30 minutes.

There will be no changes to our offering/setup - we remain a Restaurant with full table service.

My two nearest competitors in Buckingham, The White Hart (approx. 50 metres away) and The Woolpack (approx. 50 metres away) both have late licences on Fridays and Saturdays and we would like to be able to offer our customers the same facility for enjoying our Restaurant a little later into the evenings on Weekend nights.

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 checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input checked="" type="checkbox"/> |
| 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"/> |

Provision of late night refreshment (if ticking yes, fill in box I)

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play 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					
			State any seasonal variations for performing plays (please read guidance note 4)		
Tue					
			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)		
Wed					
Thur					
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films 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 exhibition of films (please read guidance note 4)		
Wed					
Thur			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)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 4)
Wed			
Thur			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 (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment 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 boxing or wrestling entertainment (please read guidance note 4)</u>		
Thur					
Fri			<u>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)</u>		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	09:00	23:30	Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	09:00	23:30			
Wed	09:00	23:30	State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur	09:00	23:30			
Fri	09:00	00:30	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)		
Sat	09:00	00:30			
Sun	09:00	23:30			

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 3)					
Mon	09:00	23:30						
Tue	09:00	23:30						
Wed	09:00	23:30				State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur	09:00	23:30						
Fri	09:00	00:30	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)					
Sat	09:00	00:30						
Sun	09:00	23:30						

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"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 3)					
Mon								
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 checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	09:00	23:00	Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	09:00	23:00			
Wed	09:00	23:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	09:00	23:00			
Fri	09:00	00:00	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)		
Sat	09:00	00:00			
Sun	09:00	23:00			

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	<input checked="" type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)					
Mon	09:00	23:00						
Tue	09:00	23:00						
Wed	09:00	23:00						
Thur	09:00	23:00				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 (please read guidance note 5)		
Fri	09:00	00:00						
Sat	09:00	00:00						
Sun	09:00	23:00						

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).

I.

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)
Day	Start	Finish	
Mon	09:00	23:30	<p><u>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)</u></p>
Tue	09:00	23:30	
Wed	09:00	23:30	
Thur	09:00	23:30	
Fri	09:00	00:30	
Sat	09:00	00:30	
Sun	09:00	23:30	

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.

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)

We will continue to be a responsible venue as demonstrated over the last 14 months. During the last 14 months we have never had any trouble of any kind and have not received any complaints from any of the responsible authorities or any local residents. We operate a rigorous Challenge 25 Policy and all the staff are trained to be aware of and adhere to the four licensing objectives.

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

Please tick as appropriate

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

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.

Checklist:

Please tick to indicate agreement

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

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)			

Appendix 2

Supply of Alcohol (On the premises)				
	Existing		Proposed	
	From	To	From	To
Monday	09 00	22 45	09 00	23 00
Tuesday	09 00	22 45	09 00	23 00
Wednesday	09 00	22 45	09 00	23 00
Thursday	09 00	22 45	09 00	23 00
Friday	09 00	22 45	09 00	00 00
Saturday	09 00	22 45	09 00	00 00
Sunday	09 00	22 45	09 00	23 00

Live Music (Indoors)				
	Existing		Proposed	
	From	To	From	To
Monday	09 00	23 00	09 00	23 30
Tuesday	09 00	23 00	09 00	23 30
Wednesday	09 00	23 00	09 00	23 30
Thursday	09 00	23 00	09 00	23 30
Friday	09 00	23 00	09 00	00 30
Saturday	09 00	23 00	09 00	00 30
Sunday	09 00	23 00	09 00	23 30

Recorded Music (Indoors)				
	Existing		Proposed	
	From	To	From	To
Monday	09 00	23 00	09 00	23 30
Tuesday	09 00	23 00	09 00	23 30
Wednesday	09 00	23 00	09 00	23 30
Thursday	09 00	23 00	09 00	23 30
Friday	09 00	23 00	09 00	00 30
Saturday	09 00	23 00	09 00	00 30
Sunday	09 00	23 00	09 00	23 30

Late Night Refreshment				
	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	N/A	N/A	23 00	00 00
Saturday	N/A	N/A	23 00	00 00
Sunday	N/A	N/A	N/A	N/A

Appendix 2

	Hours premises open to the public			
	Existing		Proposed	
	From	To	From	To
Monday	09 00	23 00	09 00	23 30
Tuesday	09 00	23 00	09 00	23 30
Wednesday	09 00	23 00	09 00	23 30
Thursday	09 00	23 00	09 00	23 30
Friday	09 00	23 00	09 00	00 30
Saturday	09 00	23 00	09 00	00 30
Sunday	09 00	23 00	09 00	23 30

Ashton, Kerryann

From: LES BROOKS [REDACTED]
Sent: 07 November 2017 11:49
To: Licensing Mailbox
Subject: For the attention of Usma/ comments on application 17/03107/LAPRE

Categories: Kerryann, LA2003 Representations

Hi Usma

As discussed currently we cannot get our comments through the public access system due to a systems error. Please confirm receipt of this objection Email. Our details are shown at the bottom of this document

Here are our comments.

Application 17/03107/LAPRE
Premises The Garage 3 Well Street Buckingham MK18 1EW.
Grounds for comment Public nuisance

COMMENTS

We are very strongly opposed to this application to extend the licensing hours of the Garage Restaurant on the grounds of the detrimental affect it would have on the quality of life of the residents of Well Street.

The Garage currently operates as a restaurant /bar, closing when the demand for food tails off. Extending their licensing hours would change its use to a late night drinking place. Customers would be leaving the premises in the early hours of the morning with all the noise this would entail including the comings and goings and the inevitable slamming of doors of cars and taxis. This would constitute a public nuisance and greatly affect the quality of life of the residents, several of which are young children.

The Garage applied for a license in the early part of 2016. We opposed that application on public nuisance grounds. We attended the licensing application meeting and stated our case. The Garage had applied for licensing hours from 09.00hrs to 23.00hrs. The chairman of the Licensing Committee granted the Garage a licence but in response to our concerns curtailed the licensing hours to 22.45hrs in recognition of the need to protect the local residents from public nuisance late at night. Nothing has changed since that meeting so the new hours applied for by the Garage should not be granted.

During the planning application process the plans produced by the owner of the Garage and used for the application showed a smoking area at the back of the restaurant. However this area was fully roofed over and the Garage has no designated smoking area within the boundaries of the property. Smokers congregate outside on the public pavement at the front of the restaurant. Currently we have Garage customers smoking in the street and noisily using their mobile phones well into the late evening. This problem will be exacerbated by any increase in licensing hours and will be of particular nuisance to the people living either side of the Garage and in the immediate vicinity. Again this must constitute a public nuisance.

When the Garage first opened the owners provided an ice bucket full of sand outside the front door for use as an ashtray by their customers smoking in the street. The ice bucket disappeared some time ago and the pavement became the ashtray. See attached photo. Littering is illegal and a public nuisance. The Garage owners must take responsibility for this. Longer licensing hours would make things worse.

The Garage has no outside rubbish area, again due to the back yard being fully enclosed. The rubbish is transported by hand to the Buckingham Opportunities Centre where the Garage's bins are stored. Heavy items, bottles etc have to be wheeled 50 metres along the road. Currently this is done using a very noisy plastic tote. Longer licensing hours would cause more rubbish and more nuisance for the residents

The Woolpack Pub on the corner of Well Street and Ford Street applied for a licence for their function room bar (the Cote) to serve alcohol up to midnight at the weekends. The licensing meeting turned down the application and limited their license to 23.00 hrs. I assume this action was a result of the local residents complaining about public nuisance. By the same rules the Garage's application should be refused. If the Garage were granted an extension to their

current licensing time the Woolpack, I am sure, will reapply for their license times to be extended. It would be difficult for the licensing authority to refuse this application so the residents of Well Street would have further public nuisance.

It should be borne in mind that we had lived a relatively peaceful life in Well Street for nearly 23 years before the disruption and nuisance caused to us by the Garage. It would be totally unfair to inflict further disruption on us by allowing later opening times. Please turn down the Garage's application.

Les and Pauline Brooks

~~2012/12/12~~

~~Well Street~~

~~Reading Row~~

~~Reading~~

~~01234 5678901234567890~~



Ashton, Kerryann

From: Tony Seaton [REDACTED]
Sent: 12 November 2017 19:39
To: Ashton, Kerryann
Subject: Licensing Application : Garage Restaurant

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms Ashton,

I am writing in regard to the late licence being sought by the Garage Restaurant in Well Street, Buckingham.

I have heard of this with sinking spirits as a resident since 2002 of [REDACTED] since the restaurant and is round the corner from my street and also backs on to my garden. Earlier this year I had to get involved in protesting at the air expulsion system the restaurant had installed which was deafening for anyone sitting in my garden. Mercifully the Council helped to get them to install a different system which has vastly reduced the noise.

This latest proposal to gain a late licence is dire news. Why does the town need yet another late night drinking extension? And why in this part of town? Castle Street and Well Street are the main feeder roads to the Garage and the other central eating and drinking premises that have grown up in Buckingham in my time, and thus entry and exit streets for drinkers and eaters from town and gown. We now have restaurants and fast food to our right, to our left, up the hill and down the hill. Over the years my house in Castle Street has increasingly come to get bottles left on steps and window ledges, takeaway remains thrown down on the pavement, and above all *noisy exits and returns from nights out in pubs, clubs and restaurants that goes on well into the early hours at weekends*. Granting the Garage a late licence is going to add even more to the crowds of late night walkers and car starters in the small hours outside my house. I can't count the number of times I have been awoken, after going to bed, by loud street conversations, arguments, and laughter along the street and under my bedroom window after midnight and into the small hours. It must be just as bad in Well Street. Why should we be under siege from noise at disruption due to this constant expansion of night time hospitality businesses demanding late licences.

The problem is, I feel, that the Council examines each request for food and drink licence permission **on its own merits**, which sounds reasonable, but makes no assessment of the **CUMULATIVE EFFECT** on the character of the town, and the conservation area around Castle and Well Street each with its several listed, residential houses. I moved to Trolly Hall because it retained attractive features in a historic market town. Like Buckingham itself, the street is increasingly, becoming changed and besieged by the effects of hospitality businesses. The multiplication of food and drink outlets has been exponential. The town is on the way to looking like Brick Lane in the East End, a locality given over to eating, drinking and constant, late night disruption.

Buckingham does not need any more late night licences with these knock-on effects. Please refuse this one as the start of a more nuanced awareness of the big picture – not just resident despair and resentment – but the declining character of Buckingham as an attractive country town which has been going on at a pace over the last five years.

Yours sincerely,

Tony Seaton (Prof)

1000

1000

Comments for Licensing Application 17/03107/LAPRE

Application Summary

Application Number: 17/03107/LAPRE

Address: 3 Well Street Buckingham Buckinghamshire MK18 1EW

Proposal: Premises Licence

Case Officer: Kerryann Ashton

Customer Details

Name: Mr Patrick Bannerman

Address: Not Available

Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Licensing Application

Comment Reasons:

- Prevention of public nuisance

Comment: 11:52 AM on 14 Nov 2017 I object to the application for extended licensing hours for the above premises on the following grounds:

1. The business in question is a restaurant in a mainly residential area of Well Street. Extending the licensing hours would mean that the inevitable noise of people leaving, taking cabs etc. would be extended later and would cause further noise and disruption.
2. Litter. The premises has no provision for smokers, so they congregate outside on the pavement, causing litter and noise, which if the licensing hours were extended would last longer into the night.
3. An application for a late license by The Woolpack Pub, also in Well Street and within 100 metres of the Garage was refused. If this application were allowed, it would create a precedent, and further increase the nuisance of late night noise in this residential area.
4. This business applied for its initial license in early 2016, asking for licensing hours from 0900 to 2300. At that time the Licensing Committee decided on a license only up to 2245, in order to protect local residents from late night noise. I would submit that nothing has changed in this matter, and therefor the licensing hours should not be changed.

Ashton, Kerryann

From: ~~Pat Bannerman <pbannerman@amfcreed.com>~~
Sent: 15 November 2017 11:40
To: Ashton, Kerryann
Cc: Les Brooks
Subject: Planning Hearing 5th Dec

Follow Up Flag: Follow up
Flag Status: Flagged

I have received your mail concerning the Planning hearing on 5th December regarding The Garage, Well Street, Buckingham, and I will attend.

Mr & Mrs Brooks will be abroad on that day, and have asked me to represent them. What, if any, notice or conformation do you need in order for me to do this?

Thank you for your help,
I look forward to hearing from you.
Pat Bannerman

Ashton, Kerryann

From: Les Brooks [REDACTED]
Sent: 16 November 2017 00:27
To: Ashton, Kerryann; Ginny Bannerman
Subject: Re: Notice of hearing - The Garage 3 Well Street, Buckingham, Buckinghamshire, MK18 1EW

Hi Kerryann

I am out of the country when the meeting is on and therefore would like to nominate Mr Pat Bannerman as my representative. I have seen the email Pat sent you so I assume you have all his details if not contact me and I will arrange whatever is required.

Les Brooks

Sent from my Supercomputer Big-X.

On 14 Nov 2017, at 23:44, Ashton, Kerryann <KAshton@aylesburyvaledc.gov.uk> wrote:

Dear Mr & Mrs Brooks

Licensing Act 2003
Notice of Hearing
The Garage, 3 Well Street, Buckingham, Buckinghamshire, MK18 1EW

Further to your e-mail I write to inform you that where a relevant representation is received we are duty bound to hold a hearing to consider it.

I would therefore inform you that at 10.00 a.m. on the 5 December 2017 at The Gateway, Gatehouse Road, Aylesbury, HP19 8FF there will be a hearing before the Licensing Sub-committee to determine the application.

The procedure for hearings is governed by regulations and all parties have to follow them. The attached document 'Licensing Act 2003 – The Procedure to be followed at Hearings' sets out important information which you need to read carefully. I would draw your particular attention to the underlined text and the section headed 'What you must do'. In determining the application, the Sub-committee will decide whether to grant the application as applied for, refuse the application, reduce the scope of the application or impose additional conditions. Your representation will be passed to the applicant to allow them the opportunity of addressing your concerns. A copy of the application can be viewed on our website <https://publicaccess.aylesburyvaledc.gov.uk/online-applications/>

As a person with a right to attend the hearing, you must let us know whether you intend to attend or be represented at the hearing or whether you consider the hearing to be unnecessary. If you fail to do so, the applicant may argue that your representation should be disregarded or that you should not be allowed to participate in the hearing.

If you wish to submit further information in support of your representation (eg you could suggest further conditions) I would be grateful if you would let us know as soon as possible and in any event no later than 5 working days before the hearing date. This is so that in the interest of fairness the other parties can have advance warning of the further information you intend to rely on and are not taken by surprise.

If you wish me to clarify anything, please contact us using the details below.

Yours sincerely

Kerryann Ashton

Kerryann Ashton

Licensing Officer
Environmental Health and Licensing
Aylesbury Vale District Council
The Gateway
Gatehouse Road
Aylesbury
Buckinghamshire
HP19 8FF

kashton@aylesburyvaledc.gov.uk or licensing@aylesburyvaledc.gov.uk
T: 01296 585 560



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<HearingProcedureNotes Version2 23Jan07.pdf>

Ashton, Kerryann

From: Les Brooks [REDACTED]
Sent: 21 November 2017 04:52
To: Ashton, Kerryann
Subject: Re: Notice of hearing - The Garage 3 Well Street, Buckingham, Buckinghamshire, MK18 1EW

Dear Kerryann

Thank you for your email.

We would like to submit the following in support of our representation.

FURTHER INFORMATION RE THE GARAGE, 3 WELL ST

Prior to the meeting on 5 December we would like the committee to be aware that there have been many complaints made by the residents in and around Well Street about the Garage, both during the fitting out works and since it opened. The situation will only get worse if the opening hours are extended

The two areas which are the subject of most of the complaints are

1 The extractor system. The noise and smells nuisance inflicted on the residents of Well Street and surrounding areas resulted in AVDC Environmental health department issuing an abatement order against the Garage for public nuisance in September 2016

2 The collection of the Garage's commercial waste at unreasonable hours

EXtractor System

We attended the original Licensing Meeting for the Garage because one of our concerns was the potential public nuisance from noise and food odour from the extractor system. We were informed at that meeting by the owner that we had nothing to worry about as state of the art equipment was being installed with the extractor going through the roof of the Garage, well away from our property. In reality the extractor turned out to be a hole in the rear wall of the Garage with louvres. The noise and smells were unbearable and an abatement order was issued by AVDC against the Garage. The owner was forced to instal a new extraction system but it was not in accordance with the original drawing for which planning consent had been given. This abatement order remains in force.

Waste Collection

The Garage's commercial waste bins are stored in the car park of the Buckingham Oppprtunities Centre on Well Street. When the Garage first opened, their bins were being collected as early as 0600 hrs on most days. This is totally unacceptable in what at that time of day is a totally residential area. The huge waste lorries make a terrible racket and this happens about 5-10 metre from our property. Several of the residents of Well Street complained to both the owner of the Garage and the manager of BOC. Nothing was done until we contacted the owner's contractors ourselves. Now the bins are collected at 0700 hrs, still early but we are told this is in keeping with AVDC's bye laws. We keep a constant eye on this and report any early collections. Longer opening hours will result in more waste and more disruption for the residents.

We have already said in our previous comments that we are very concerned about the disruption which will be caused to the residents by the late opening hours. We have not complained so far about the noise because the Garage closes at a reasonable time.

We would like to reiterate that the current licensing hours were set as a result of the licensing committee curtailing the licensing hours requested by the applicant. This was decided so as to reduce potential late night public nuisance to the residents. Nothing has changed since that decision was made.

In conclusion, the owners of the Garage have no interest in the well being of local residents. They do not live in the area so do not experience any of the problems they cause. There is no doubt that longer opening hours will severely impact on the quality of life of the residents of Well Street and the surrounding area and for this reason the application should be refused.

Les and Pauline Brooks
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Kind regards

Les and Pauline

Sent from my iPad

On 16 Nov 2017, at 18:06, Ashton, Kerryann <KAshton@aylesburyvaledc.gov.uk> wrote:

Dear Mr Brooks

Thank you for your e-mail, the content of which has been noted.

Kind regards,

Kerryann

Kerryann Ashton
Licensing Officer
Environmental Health and Licensing
Aylesbury Vale District Council
The Gateway
Gatehouse Road
Aylesbury
Buckinghamshire
HP19 8FF

kashton@aylesburyvaledc.gov.uk or licensing@aylesburyvaledc.gov.uk

T: 01296 585 560

From: Les Brooks [REDACTED]
Sent: 16 November 2017 00:27
To: Ashton, Kerryann; [REDACTED]
Subject: Re: Noticeof hearing - The Garage 3 Well Street, Buckingham, Buckinghamshire, MK18 1EW

Hi Kerryann

I am out of the country when the meeting is on and therefore would like to nominate Mr Pat Bannerman as my representative. I have seen the email Pat sent you so I assume you have all his details if not contact me and I will arrange whatever is required.

AYLESBURY VALE DISTRICT COUNCIL
Environmental Health and Licensing



Premises Licence

Premises Licence Number

16/00511/LAPRE (PR1454)

Date Issued

18th May 2016

Premises Details

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

The Garage
3 Well Street
Buckingham
Buckinghamshire
MK18 1EW

Telephone number Not stated

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	Every Day	09:00 - 22:45
Performance of Live Music	Every Day	09:00 - 23:00
Playing of Recorded Music	Every Day	09:00 - 23:00

The opening hours of the premises

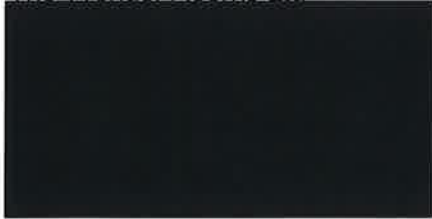
Monday	09:00 - 23:00
Tuesday	09:00 - 23:00
Wednesday	09:00 - 23:00
Thursday	09:00 - 23:00
Friday	09:00 - 23:00
Saturday	09:00 - 23:00
Sunday	09:00 - 23:00

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 on the premises only.

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

The Wonder Rooms Ltd



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

Company Number

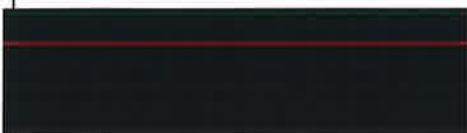


Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Sally Terry



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

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) As the owner of the business and also the Personal Licence Holder and designated Premises Supervisor I will ensure that all staff are aware of and understand our responsibilities under the License Act 2003.
- b) It is my intention to have a second Personal Licence Holder as part of the team and training will be carefully planned, monitored and maintained for all staff.
- c) All staff will also need to acknowledge their responsibilities in writing as part of their induction programme and in advance of being allowed to serve alcohol.

The prevention of crime and disorder

- a) Security systems will be installed within the building to protect it when the venue is closed and CCTV will be operational when we are open.
- b) Staff will be trained in the maintenance and operation of these systems.
- c) Premises License hours will also be clearly displayed on the outside of the premises. Staff will be trained and aware of their responsibilities under The Licensing Act 2003 and will be given the knowledge and confidence to recognise cut-off points for serving customers who show any signs of being drunk . All training in this respect will be monitored, documented and when necessary updated.

Public Safety

- a) Full drawings showing proposed safety features within the building have been prepared by the Architect and accompany this application.
- b) These precautions will identify any potential hazards and manage these hazards.
- c) There will a qualified first aider on site at all times and all staff will be trained to a basic first aid level.
- d) Once again, training will play a significant role in ensuring that all staff are aware of our responsibilities with regard to Health and Safety requirements and what our responsibilities are in the event of an accident or emergency.
- e) In addition, all equipment will be regularly checked and maintained and a record kept of the dates and findings of these checks.
- f) A zero tolerance policy will be adopted with regards to drugs and anyone showing signs of drug use will be refused entry.
- g) Once the refurbishment has been completed, a full risk assessment will be conducted in order to identify any potential hazards to staff and customers and precautions outlined to manage these hazards.

The prevention of public nuisance

- a) As the surrounding area is a mixed residential and commercial area we will be working hard to ensure that our residential neighbours are not adversely affected by our venue.
- b) There will be clear and prominent notices displayed at the exit asking customers to respect local residents by leaving quickly and quietly.
- c) Windows and doors will be kept closed when the premises licence is in use in order to prevent noise breakout.
- d) A contact number will be made available to local residents in order to report any noise disturbance to a responsible person at the venue should they occur.
- e) Commercial deliveries, collections and storage/disposal of waste will be restricted to normal working hours between 8am and 6pm Monday to Friday.
- f) Also, because of the location, we will request wherever possible that only small vans make these deliveries and collections although in respect of refuse collection we accept that this may not be practical.

The protection of children from harm

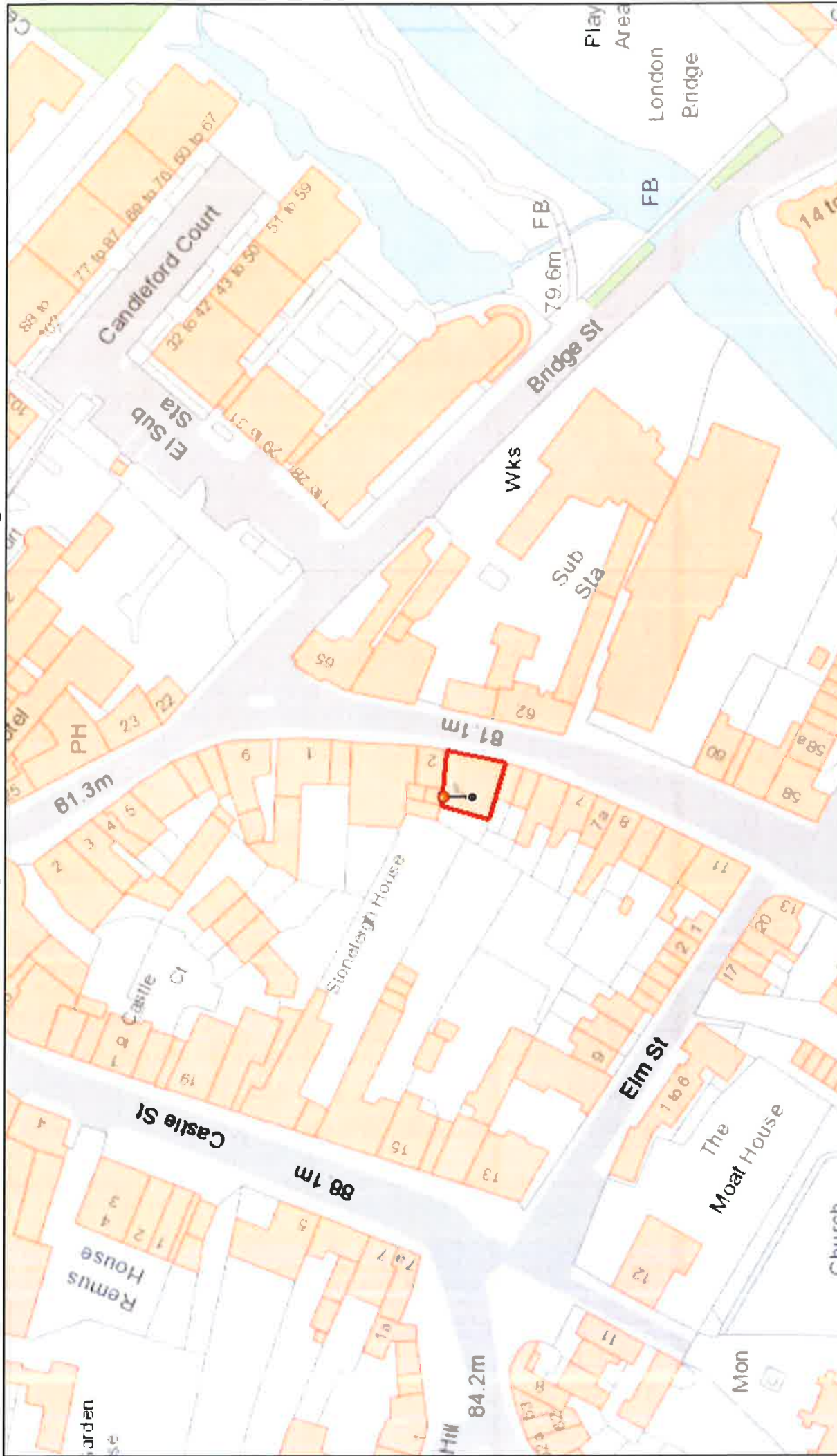
- a) There will be a strict and documented policy with regard to children accessing licensed premises.
- b) All staff will be trained on this policy and will be asked to document in writing that they are aware of and understand this policy.
- c) We will operate a strict 'No ID - No Sale' policy and the 'Challenge 25' scheme will be in operation in order to give staff the support and encouragement to ask for ID from any person appearing to be under 25.
- d) This scheme will be prominently advertised in the building.
- e) It will be made clear that only Passports, Driving Licenses and PASS cards (all with photographic identity) will be accepted as suitable ID.
- f) If EU National ID cards are offered, then they can only be accepted if they bear a photograph, date of birth and holographic mark.
- g) 16 and 17 year olds will only be allowed to drink wine, beer or cider with a table meal if the drink has been bought by an adult and if they are accompanied by an adult.

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

Not applicable.

Annex 4 – Plans

The Garage, 3 Well Street, Buckingham



November 22, 2017

1:1,000

0 0.0075 0.015 0.03 km
0 0.0075 0.015 0.03 mi

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