

Public Document Pack



AYLESBURY VALE DISTRICT COUNCIL Democratic Services

Please ask for: Chris Ward, cward@aylesburyvaledc.gov.uk
Switchboard: 01296 585858
Text Relay Prefix your telephone number with 18001

21 February 2019

LICENSING AND GAMBLING ACTS SUB COMMITTEE

A meeting of the **Licensing and Gambling Acts Sub Committee** will be held at **10.00 am** on **Tuesday 5 March 2019** in **The Olympic Room, Aylesbury Vale District Council, The Gateway, Gatehouse Road, Aylesbury, HP19 8FF**, when your attendance is requested.

Contact Officer for meeting arrangements: Chris Ward, cward@aylesburyvaledc.gov.uk

Membership: Councillors: J Brandis, T Mills and S Morgan

AGENDA

1. APOLOGIES

2. DECLARATIONS OF INTEREST

Members to declare any interests.

3. KINGSBURY NEWSAGENTS, 10 KINGSBURY, AYLESBURY, BUCKINGHAMSHIRE, HP20 2HT (Pages 3 - 38)

To consider the following application.

Contact officer: Kerryann Ashton 01296 585560



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REPORT ON APPLICATION FROM KINGSBURY SQUARE NEWSAGENTS AYLESBURY UNDER THE LICENSING ACT 2003 FOR A PREMISES LICENCE TO BE GRANTED

1. THE APPLICATION

Applicant(s): Miss Kala l'Anson

Premises: Kingsbury Newsagents, 10 Kingsbury, Aylesbury,
Buckinghamshire, HP20 2HT

1.1 New Application

The application is for a new Premises Licence under section 17 of the Act. The detail in respect to the hours and activities applied for are set out in the application form, attached as Appendix 1.

The steps the applicant intends to take to promote the licensing objectives are set out in the operating schedule (see appendix 1, Part P of application form).

In an effort to clarify the proposed permissions these are set out in Appendix 2. A plan of the premises is attached as Appendix 9 and a location plan is attached as Appendix 10.

2. RELEVANT REPRESENTATIONS

2.1 Responsible Authorities

Thames Valley Police – During the consultation period additional conditions were agreed with Thames Valley Police. A copy of the letter is attached as Appendix 3.

Licensing Authority – A representation from the Licensing Authority was submitted during the consultation period. A copy of the representation is attached as Appendix 4.

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 one representation during the consultation period from other parties. A copy of the representation is attached as Appendix 5.

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.

The further submissions that have been received to date following service of the Notice of Hearing are attached. Appendix 6 is a e-mail from the applicants legal representative. Appendix 7 is a draft revised operating schedule from the applicant and Appendix 8 is the Principle Licensing Officers response. 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

Kerryann Ashton 01296 585560

**Application for a premises licence to be granted
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 KALA JANSON
(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
KINGSBURY NENSAGENTS 10 KINGSBURY AYLESBURY			
Post town	BUCICS	Postcode	MP20 2HT
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£ 18,000	

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
- i as a limited company/limited liability partnership please complete section (B)
- ii as a partnership (other than limited liability) please complete section (B)
- iii as an unincorporated association or please complete section (B)
- iv other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)

- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a statutory function or
- a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input checked="" type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname JANSON			First names KARA		
Date of birth		I am 18 years old or over <input checked="" type="checkbox"/>		Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please give a general description of the premises (please read guidance note 1)

NENSAGENTS,

SELLING EUROPEAN FOODS

CONFECTIONERY / CRISPS

HOUSEHOLD GOODS.

SOFT DRINKS, NEWSPAPERS

LOTTERY, CIGARETTES & TABACCO.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

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

Date of birth		I am 18 years old or over <input type="checkbox"/> Please tick yes	
Nationality			
Current postal address if different from premises address			
Post town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Thur					
Fri			<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</u> (please read guidance note 6)		
Sat					
Sun					

Supply of alcohol (if ticking yes, fill in box J)



In all cases complete boxes K, L and M

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
Wed					
			State any seasonal variations for the exhibition of films (please read guidance note 5)		
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 6)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
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 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)		
Wed					
Thur			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 6)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue			State any seasonal variations for the performance of live music (please read guidance note 5)		
Wed					
Thur			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 6)		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
Wed					
Thur			<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</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Wed					
Thur			<u>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</u> (please read guidance note 6)		
Fri					
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 7)</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 3)</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 4)</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 5)</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 6)</p>		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Thur					
Fri			<u>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</u> (please read guidance note 6)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>			
				Off the premises	<input checked="" type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)					
Mon	7am	11pm						
Tue	7am	11pm						
Wed	7am	11pm						
Thur	7am	11pm				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 6)		
Fri	7am	11pm						
Sat	8am	11pm						
Sun	8am	10pm						

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name	[REDACTED]
Date of birth	[REDACTED]
Address	[REDACTED]
Postcode	[REDACTED]
Personal licence number (if known)	[REDACTED]
Issuing licensing authority (if known)	[REDACTED]

□□□□

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 9).

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5)
Day	Start	Finish	
Mon	6am	11pm	<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</u> (please read guidance note 6)</p>
Tue	6am	11pm	
Wed	6am	11pm	
Thur	6am	11pm	
Fri	6am	11pm	
Sat	8am	11pm	
Sun	8am	10pm	

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

[Empty box for general licensing objectives]

b) The prevention of crime and disorder

MY PREMISES HAS CCTV AT ALL ANGLES OF THE SHOP WHICH GIVES FULL VISABILITY FOR STAFF TO SEE NHAT IS GOING ON. CCTV CAMERA IS ALSO LIVE ON MOBILE DEVICES SO CAN BE WATCHED 24/7. THE PREMISES IS ALARMED & SPIRITS & HIGH VALUED ITEMS WILL BE BEHIND THE COUNTER.

c) Public safety

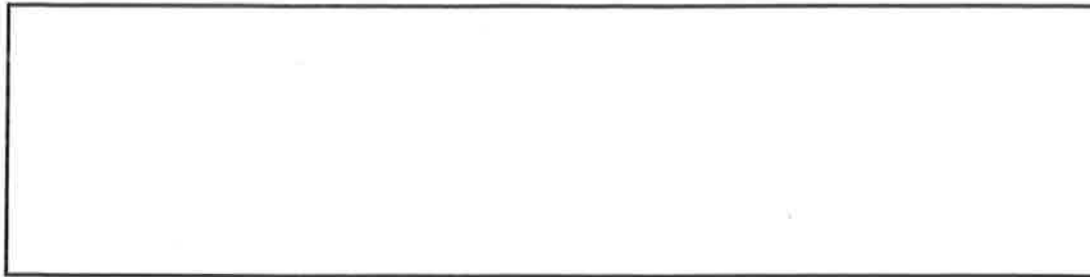
THE PREMISES IS GROUND FLOOR & MEANS OF ESCAPE WILL BE THE FRONT DOOR. FIRE PROTECTION EXTINGUISHERS ARE IN PLACE. TORCHES WILL BE ON HAND IF NEEDED.

d) The prevention of public nuisance

ALTHOUGH MY PROPERTY IS IN THE TOWN CENTER & NEXT TO A NIGHTCLUB & HAVE TWO PUBLIC HOUSES NEARBY, I WILL ENSURE LITTER IS NOT NEAR THE SHOP. MY SHOP HAS LIGHTING ON THE FRONT OF THE SHOP & WHERE THE SIGNAGE IS. THERE WILL BE NO LOUD MUSIC. WILL FULLY RESPECT NEIGHBOURS EVEN THOUGH THERE IS A NIGHTCLUB NEXT DOOR.

e) The protection of children from harm

CHALLENGE 25 WILL BE PUT INTO PLACE AND WILL BE STRICTLY ADHERED TOO. AN AGE RECOGNITION POLICY WILL BE PUT UP. I ATTACH A COPY FOR YOUR RECORDS. STAFF WILL BE TRAINED ON HOW TO CHECK AGE ID CORRECTLY HE WILL BE SELLING ALCOHOL IN THE SHOP ONLY, NO DELIVERIES @ HOME OR INTERNET DELIVERIES. ~~I AM ALSO TRAINING A LICENSEE TO TAKE DELIVERIES FOR ME~~ ~~CONDUCTED BY A COMPANY CALLED DAVE BROWN LTD.~~



Checklist:

Please tick to indicate agreement


- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	
Date	8/1/19
Capacity	LICENCE HOLDER

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

- 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.
- In terms of specific regulated entertainments please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.

Appendix 2

The application relates to the sale of alcohol

	Sale of Alcohol (Off the premises only)			
	Existing		Proposed	
	From	To	From	To
Monday	N/A	N/A	07 00	23 00
Tuesday	N/A	N/A	07 00	23 00
Wednesday	N/A	N/A	07 00	23 00
Thursday	N/A	N/A	07 00	23 00
Friday	N/A	N/A	07 00	23 00
Saturday	N/A	N/A	08 00	23 00
Sunday	N/A	N/A	08 00	22 00

	Open to the Public			
	Existing		Proposed	
	From	To	From	To
Monday	N/A	N/A	06 00	23 00
Tuesday	N/A	N/A	06 00	23 00
Wednesday	N/A	N/A	06 00	23 00
Thursday	N/A	N/A	06 00	23 00
Friday	N/A	N/A	06 00	23 00
Saturday	N/A	N/A	08 00	23 00
Sunday	N/A	N/A	08 00	22 00

AYLESBURY VALE DISTRICT COUNCIL

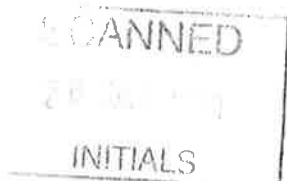
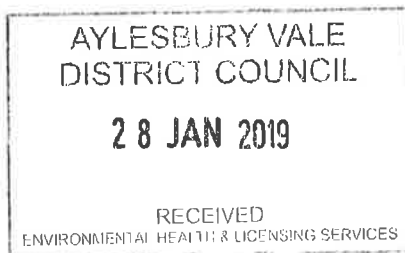
Environmental Health and Licensing

Please ask for: Stacey Bella
 Direct Line: 01296 585605
 Switchboard: 01296 585858
 Text Relay: prefix telephone number with 18001
 Email: licensing@aylesburyvaledc.gov.uk
 Our Ref: LC201901-32255
 Your Ref:



22nd January 2019

Kala I'Anson



Dear Kala

Licensing Act 2003
Kingsbury Newsagents, 10 Kingsbury, Aylesbury, HP20 2HT

As per the recommendation from Thames Valley Police I understand that you are willing to amend your application for your premises licence to include the following conditions. If you agree with these amendments please sign and return the enclosed copy of this letter within 7 days.


- Keep a refusals log.
- Staff trained to operated CCTV with personal immediate access.

Should you wish to discuss any matters raised in this letter, or have any queries, please do not hesitate to contact me.

Yours sincerely

Stacey Bella
 Licensing Caseworker

I confirm that I agree with the above mentioned amendments being made to the above application, and that I am authorised to do so.

Signature: 
 Print Name: KALA I'ANSON
 Position in Company: MANAGER
 Date: MONDAY 28 TH JANUARY 2019



Environmental Health and Licensing

Please ask for: Licensing
Direct Line: 01296 585083
Switchboard: 01296 585858
Text Relay: prefix telephone number with 18001
Email: sgallacher@aylesburyvaledc.gov.uk
Our Ref: PR201901-204963
Your Ref:



4 February 2019

Licensing Service
Aylesbury Vale District Council
The Gateway, Gatehouse Road
Aylesbury
Buckinghamshire
HP19 8FF

Dear Sir/Madam

**Licensing Act 2003 – Representing from the Licensing Authority
Premises: Kingsbury Newsagent, 10 Kingsbury, Aylesbury HP20 2HT**

I am submitting this representation on behalf of the Licensing Authority in respect of this application for a new Premises Licence.

The application is to permit the sale of alcohol, for consumption off the premises, between 07:00 and 23:00 on Mondays to Fridays, between 08:00 and 23:00 on Saturdays, and between 08:00 and 22:00 on Sundays. The applicant has proposed a number of measures in their operating schedule to address the promotion of the licensing objectives. Unfortunately we do not believe that these matters are sufficient to adequately promote the licensing objectives.

In accordance with Secretary of State statutory guidance (Section 182 Guidance), paragraph 8.41, "In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. ... applicants are also expected to undertake their own enquiries about the area in which the premises are situated to inform the content of the application." The guidance goes on to explain that applicants are expected to demonstrate that they understand the local area in which they intend to operate, the risks their proposed activities pose to the local area, and any local initiatives.

While it is not referenced in the application, this premises is located within the Aylesbury Town Centre, Special Saturation Policy Area. The Saturation Policy area classes off-licence premises "high risk" if there is evidence that they may in the future contribute to harm to the licensing objectives. While the proposed hours are outside the applicable policy hours, i.e. before 12 midnight for high risk premises, in accordance with the policy (paragraph 5.1(4)) "Applications within the above hours will be considered on their merits. However, the fact that the premises lies within a Special Saturation Area will be taken into account and special consideration will be given to the impact of the proposal on the licensing objectives."

It is noted that the application describes the premises as a "newsagents selling European foods,

Confectionary/crisps, household goods, soft drinks, newspapers, lottery, cigarettes and tobacco". However it also noted from the licence plans that the intention appears to stock a significant amount of alcohol on public display, with almost the entire right side wall assigned for the storage and display of alcohol. Based on the information supplied it would appear that the sale of alcohol, if not the primary activity, is intended to be a significant part of the business.

In recent months the Licensing Service has received reports from both Aylesbury's Town Centre Team and the local Police about the impact of street drinking in the Aylesbury Town Centre area. Specifically street drinking has reportedly been associated with anti-social, offensive and intimidating behaviour. As a consequence the Licensing Service has visited the current 'off-licence' premises within the Kingsbury area to carryout licence inspections and provide advice to licence holders. In addition Aylesbury Town Centre is subject to a Public Space Protection Order (PSPO), and before this a Designated Public Place Order since October 2016. These orders were brought in as a means of controlling the problematic consumption of alcohol within the town centre area.

We are concerned that the availability of alcohol at the applicant's premises will be attractive to those associated with the anti-social behaviour referenced above. The applicant has failed to acknowledge or address this issue in their application.

The premises is located near to a number of late licensed pubs, bars and nightclubs within Aylesbury Town Centre. We are concerned that the location of these premises, and the proposed hours of operation, will be attractive to those persons visiting Aylesbury in the evening, who will take advantage of the availability of lower priced alcohol to engage in "pre-loading" alcohol prior to attending one of the late licensed venues. The phenomenon of pre-loading alcohol presents additional risk to the licensing objectives, leading to an increase in crime and disorder and public nuisance both on the street and at the existing licensed premises. Again the applicant has failed to acknowledge or address this issue in their application.

The applicant has offered no evidence to demonstrate an understanding of the potential impact of their proposal on the local area or consideration of the licensing policy. The proposals included with the application do not address concerns associated with the current street drinking situation or the perceived increase in street drinking associated with "pre-loading". The licensing policy provides not only general guidance and advice but also suggested conditions that may help address the Licensing Authorities concerns, however this guidance and advice does not appear to have been considered by the applicant. It is recommended that this application be refused in its entirety for the reasons given to best ensure the promotion of the licensing objectives.

Yours sincerely

Simon Gallacher
Principal Licensing Officer

Ashton, Kerryann

From: Ashton, Kerryann
Sent: 30 January 2019 16:54
To: Licensing Mailbox
Subject: FW: Licence application - 10 Kingsbury

For the file

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: Fawcett, Diana
Sent: 30 January 2019 14:11
To: Ashton, Kerryann
Cc: Mix 96 - Max Hailey
Subject: Licence application - 10 Kingsbury

Hello Kerryann,

Please accept this email as a formally lodged complaint about the alcoholic license for the new newsagent in Kingsbury.

I fully support the opening of the newsagent and welcome them to the town. However I do not wish to support their application for an alcoholic license:

- The prevention of crime and disorder – Kingsbury has an ongoing problem with anti-social and public drinking in the Square. We have been working closely with the alcoholic providers in the Square to reduce this but it is an ongoing battle. We have had various complaints from visitors who do not currently feel safe in the Square and businesses who want to move out due to the number of people public drinking in the Square. They congregate outside the existing off licences and to introduce a further alcoholic premise will worsen the problem and add to concerns about public safety.
- The prevention of public nuisance: We have identified Kingsbury as an area that requires regeneration and a key focus is to attract more children to the space with activities for them. I am concerned that a further alcoholic premise in this area will increase public nuisance and does not meet the aspirations of the Town centre Plan which AVDC have adopted as the Strategy for the town centre.
- We have a saturation policy in the town to manage the number of drink led establishments in the town and this newly proposed off licence is going in to premises that previously did not sell alcohol so circumvent our position of avoiding alcohol led premises.


Furthermore, there is no need for a further off licence in this area – we already have one in the square and Sainsbury's around the corner, these create enough challenges in managing public nuisance. I have copied in the Chair of the Partnership as he may also wish to make representation.

With thanks
Diana

Diana Fawcett
Aylesbury Town Centre & Regeneration Manager
Associate of the Institute of Place Management
Association of Town and City Management member

Telephone: 01296 585880 / 07738 314082
E-mail: dfawcett@aylesburyvaledc.gov.uk
Tower House, High Street, Aylesbury, Bucks. HP20 1ST

Aylesbury Town Centre Partnership: creating a town where shopping, living, working and socialising is an enjoyable experience. Visit www.visitaylesbury.co.uk for more information.

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The views expressed within this message are those of the individual sender and not necessarily those of Aylesbury Vale District Council.

The anti-virus software used by Aylesbury Vale District Council is updated regularly in an effort to minimise the possibility of viruses infecting our systems. This footnote confirms that this email message has been swept for the presence of computer viruses.

Ashton, Kerryann

From: Gallacher, Simon
Sent: 20 February 2019 09:17
To: Bella, Stacey
Cc: Ashton, Kerryann
Subject: FW: Kingsbury Newsagent, 10 Kingsbury, Aylesbury HP20 2HT
Attachments: Revised operating schedule [Licensing Lawyers 2019].pdf

Hi Stacey

Can you please add this response to the file.

Thanks

Simon

Simon Gallacher
 Principal Licensing Officer
 Aylesbury Vale District Council
 The Gateway
 Gatehouse Road
 Aylesbury
 HP19 8FF
 Tel: 01296 585083
 E-mail: sgallacher@aylesburyvalecd.gov.uk

From: Jon Payne [mailto:jp@licensinglawyers.co.uk]
Sent: 07 February 2019 13:44
To: Gallacher, Simon
Subject: Kingsbury Newsagent, 10 Kingsbury, Aylesbury HP20 2HT

You colleague has kindly forwarded me a copy of your representation in relation to the above, as we have been instructed to represent the applicant.

Having looked through the application that was deposited, I can understand some of your concerns and would suggest that this can be resolved by having some better conditions in place. The applicant is entirely aware of the issues of alcohol, as she currently work for HM Prison and Probation Service and has to deal with them on a daily basis. The aim at this premises is primarily to sell Romanian beverages, so aimed at a particular market and not the general street-dinking/pre-loading one.

Perhaps you could consider whether your representation would be satisfied by a change to the operating schedule of the application in accordance with the attached ? If there is something in particular that you would like added, then please can you let me know ?

On the question of pre-loading, this is obviously quite a difficult issue to grasp. The LGA have done some survey and policy work on this but I am not aware of any 'pool' condition that has been drafted, as the preference has been more towards education than licensing controls.

I would of course be very happy to discuss the application with you, but thought that it would be best for you to receive this proposal first, in case it is sufficient

Regards,

Jon Payne

BSc(Hons), Dip HSW, CMS, MCIEH, FRIPH, MIOL, CMIOSH,
Barrister (Non-practising), Solicitor

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1. No single cans or bottles of beer or cider of a capacity of up to 440ml with an alcohol content above 6% ABV will be sold except for 'premium' or 'craft' products.
2. Alcohol shall not be sold to any person who is reasonably expected to consume it on the street in the vicinity of the premises or who appears to be purchasing for the purposes of consumption immediately prior to visiting another licensed premises.
3. Alcohol shall not be sold to customers in an open container.
4. A refusals register shall be created and maintained which records all sales of alcohol refused by the premises. The register shall be retained for inspection at the premises whilst it is open for licensable activities for a period of no less than 6 months from the date of the last entry in the register being made
5. A closed circuit television system shall be maintained in all internal areas of the premises where alcohol is kept for selection and purchase by the public as well as all public entrances and exits.
 - a) The system shall be capable of recording images of sufficient quality to enable facial recognition and shall record continuously with a date and time stamp applied to the recording to show when the recording was made. All recordings shall be retained for a period of no less than 31 days from the date of recording and the system shall be capable of producing copies of the recordings in a format that can be viewed on domestic-grade reproduction equipment of a computer.
 - b) A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested, subject to the tests contained within the Data Protection Act.
6. A challenge 25 scheme will be adopted in compliance with the age verification condition. Customers who appear to be under 25 years of

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age will be required to prove their age when purchasing alcohol. Suitable forms of identification will be a passport, Holographic 'PASS' scheme card or other identification recognised by the licensing authority in its statement of licensing policy. Challenge 25 posters shall be displayed at the premises.

7. Copies of receipts of all alcohol and tobacco products purchased from suppliers will be retained and maintained for inspection for a period of at least 12 months from the date of purchase.
8. Staff engaged in the service of customers at the premises shall be trained in the promotion of the licensing objectives as are commensurate with their duties. The training shall be recorded in a training record which shall not be removed from the premises, except in case of emergency or for the purposes of copying, until a period of 12 months has expired since the last entry that has been recorded. The training record shall be made available to Police and authorised council officers on request.
9. All alcohol sold from the premises will be marked in a way that can be used to identify that the alcohol has been purchased from the shop.
10. Signage shall be displayed at the public exit to the premises reminding customers of the presence of the Public Space Protection Order in force [whilst any such order remains in force]
11. Educational literature in relation to pre-loading, where available from local health protection agencies or the local authority, shall be displayed at the premises.
12. Where available and eligible, the premises will participate in any local Scheme Link arrangement that is in place and will consider publicly-available information relevant to the area that is provided through the local pubwatch scheme.

Ashton, Kerryann

From: Gallacher, Simon
Sent: 20 February 2019 09:18
To: Bella, Stacey
Cc: Ashton, Kerryann
Subject: FW: Kingsbury Newsagent, 10 Kingsbury, Aylesbury HP20 2HT

Hi Stacey

Can you add my response to the file please.

Thanks

Simon

From: Gallacher, Simon
Sent: 20 February 2019 09:15
To: 'jp@licensinglawyers.co.uk'
Subject: RE: Kingsbury Newsagent, 10 Kingsbury, Aylesbury HP20 2HT

Dear Jon

Thank you for your reply and additional proposals.

I have given the matter further consideration and unfortunately I am still not of the view that this proposal is conducive to the promotion of the licensing objectives. My view is that the application should be given further scrutiny by the licensing committee so the issues of concern can be considered more fully. For example it is stated that the aim is to sell Romanian beverages aimed at a particular market, what is this market? The licence plan shows a significant amount of the floor space dedicated to alcohol sales, which implies alcohol sales are intended to be a significant part of the offering at these premises. I am not entirely clear on the connection between working for the prison service and the issues concern raised in my representation. I feel a hearing would be a good opportunity for your client to expand on this and explain to the licensing committee how in practical terms they intend to manage these premises to ensure the promotion of the licensing objectives.

Kind regards

Simon

Simon Gallacher
Principal Licensing Officer
Aylesbury Vale District Council
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E-mail: sgallacher@aylesburyvaledc.gov.uk

From: Jon Payne [mailto:jp@licensinglawyers.co.uk]
Sent: 19 February 2019 13:36

To: Gallacher, Simon

Subject: Re: Kingsbury Newsagent, 10 Kingsbury, Aylesbury HP20 2HT

Dear Simon

I hope that you have had a good holiday. Could you let me know if you have now had time to consider the proposal? Apologies for pressing on this, but I am conscious of the impending hearing. If you want to discuss on the telephone, please let me know.

Regards,

Jon Payne

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On 8 Feb 2019, at 12:05, Gallacher, Simon <sgallacher@aylesburyvaledc.gov.uk> wrote:

Dear Jon

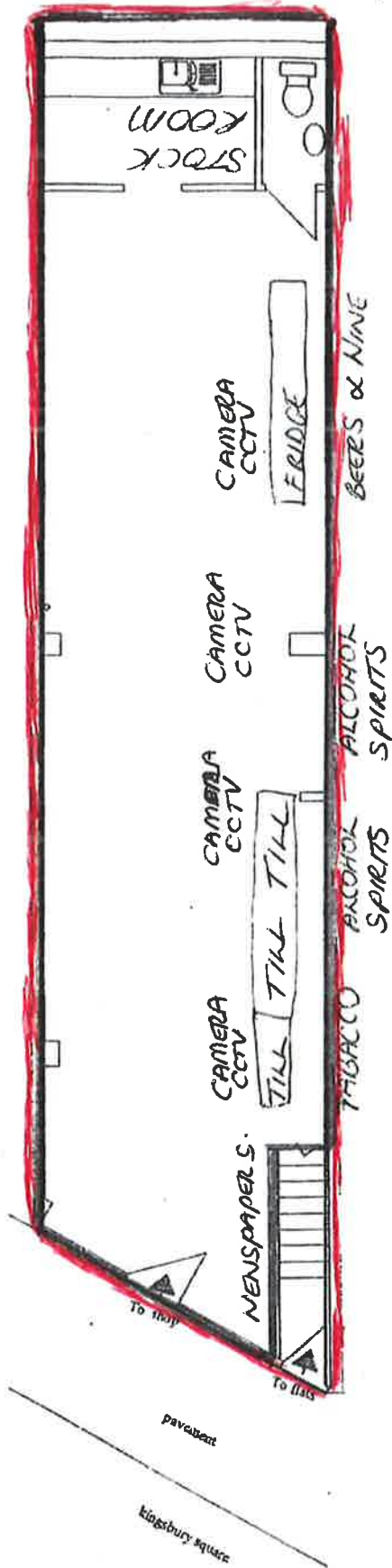
Thank you for your email. Unfortunately I am not going to have time to respond before I go on leave today. I will come back to you on my return, w/c 18 February.

Kind regards

Simon

Fwy

GROUND FLOOR



= EXTENT OF DEMISED PREMISES

Scale
1:100

10 KINGSBURY SQUARE
AYLESBURY

Kingsbury Newsagents, 10 Kingsbury, Aylesbury

