

LICENSING AND GAMBLING ACTS SUB-COMMITTEE HEARING

Members' Record of Determination

RE: Sally Terry of the The Wonder Rooms Ltd.

The Garage Restaurant, 3 Well Street, Buckingham, MK18 1EW

Application to vary a Premises Licence under s.34 of the Licensing Act 2003

Date: 5th December 2017 at 10.00 am in the Olympic Room at the Gateway

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

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| Legal Advisor: | Ifty Ali |
| Democratic Services: | Chris Ward |
| Licensing Officer: | Ms Kerryann Ashton and Mr Peter Seal |
| Applicant: | Ms Sally Terry of the Wonder Rooms Ltd. |
| Relevant Authority: | Aylesbury Vale District Council |
| Interested Parties: | Pat Bannerman |
| Members of the Public: | None |
| Documentation: | No additional documentation other than Report and application |
| Apologies: | None |
| Disclosures of Interest: | None |

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FINDINGS OF FACT

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

1. This hearing relates to an application to vary premises licence in respect of The Garage Restaurant, 3 Well Street, Buckingham. The premises has been open and trading for approximately 14 months.
2. The application is to extend existing licensing hours and opening hours. The extension is for an additional 30 minutes Sunday to Thursday and additional 1hr 30 minutes Friday and Saturday at the end of the existing hours in respect of Live Music ;Recorded Music and the opening times. In regard to Late Night refreshment the application is for an additional terminal hour Friday and Saturday. In respect of the Sale and Supply of Alcohol an additional 15 minutes plus 30 minutes drinking up time is requested Sunday to Thursday and an additional 1 hour 15 minutes Friday and Saturday.
3. There were no representations made by any of the Responsible Authorities. However, clarification sought from Environmental Health regarding the 7th October 2016 Abatement Notice (served in respect of noise and odour from the premises) confirmed compliance with the Abatement Notice, and that there were no further complaints.
4. The applicant confirmed that al customers are presently served by way of table service and the premises has not yet had any live music performances.
5. Three representations of objection were received as part of the licensing process. The representations relate to concerns around :

noise nuisance from patrons smoking or leaving the premises. There were also concerns raised regarding potential food smells, ventilation noise and refuse collection/disposal noise , parking and litter. The litter was directly related to cigarette stubs outside the premises.
6. There is a Restraint Policy in respect of terminal hours and there is a discretion to be exercised in respect of timings before 1.30am which would normally be refused.

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

RESOLVED

Application granted as applied for subject to the following additional conditions in summary below:

1. Any disposal of waste or bottles from the premises to be delivered after 10am the following day to the waste receptacles at the Buckingham Opportunities Centre Site for collection.
2. All drinks to be served by way of table service only.
3. A cigarette receptacle to be maintained outside the premises at all opening times. The receptacle to remain inside the premises during hours of closure.

REASONS FOR DECISION

There has to be a balance between business activity and the residents of the area. In carrying out that balancing exercise the Sub-Committee took into account all the representations made orally and in writing and is satisfied that the applicant has done all that can be done at this stage to mitigate the concerns raised by those representations.

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

The premises licence holder is to be reminded that there should be clear and prominent notices displayed at exits asking customers to respect local residents by leaving quickly and quietly.

RIGHT OF APPEAL

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

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

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