

## LICENSING SUB-COMMITTEE

Meeting - 11 December 2013

Present: Mr D Smith (Chairman)  
Mr Denyer and Mr Pepler

2. **APPLICATION FOR A VARIATION OF A PREMISES LICENCE AT THE BEECH HOUSE, 17 PENN ROAD, BEACONSFIELD, BUCKINGHAMSHIRE, HP9 2NN**

Following introductions by all parties present, the Sub-Committee considered a report of the Director of Services on an application to vary the existing Premises Licence reference number 12/00570/LAPRE for the Beech House, 17 Penn Road, Beaconsfield, Bucks, HP9 2NN. The Variations sought can be summarised as seeking permission for an increase in the opening hours and the hours for the sale of alcohol on a Thursday to Saturday inclusive.

All parties had received prior to the hearing a copy of the Agenda, including a copy of the application and appendices and the Council's adopted Hearings Procedure. A copy of the Premises Licence Layout Plan was also tabled by the Applicant's Representative.

The Sub-Committee conducted the Hearing in accordance with its adopted procedure. It was noted that the objections and representations received are listed in the Report at paragraph 5 - consisting of responses from the Chief Officer of Police, the Local Authority (Head of Environment); the Local Planning Authority (Head of Sustainable Development) and the Fire and Rescue Authority - none of which raised any objection and five letters of objection from individuals who did not attend the Hearing (Mr Samuels objection being withdrawn prior to the Hearing). A copy of these objections was appended to the Report at Appendix 4. The written objections related mainly to the view that if the application was granted it would lead to an increase in public nuisance, especially in noise and anti-social behaviour.

The Council's Licensing Officer addressed the Hearing, summarising the report presented and the options available to the Sub-Committee to determine an application. The Licensing Officer also referred to administrative errors regarding off sales of alcohol and also to the non-standard timings for New Year's Eve and New Year's Day being at odds with the hours applied for.

The Licensing Officer concluded by stating that the Council's Licensing Policy had recently been reviewed and an updated policy had been approved and adopted by the Council at its meeting on 10th December 2013. The Licensing Officer advised that there had been no fundamental changes to the policy which affected this application.

Mr Jeremy Bark, representing the applicant, attended and addressed the Hearing. He was supported by Mr Peter PBorg-Neal (the Managing Director) and Mr Jack Ashmore (the Premises Manager) representing the Applicant Company. Mr Bark outlined the reasons for the application explaining the administrative errors confirming that the Applicant agreed to the extra hours for the sale of alcohol if permitted being subject to on-sales only and asked members to use their discretion regarding the hours for New Year's Eve and New Year's Day in light of them being at odds with the hours applied for.

Mr Bark responded to the points raised by the objectors and referred to the reputation of the premises as a good neighbour, the premises being part of a chain of ten restaurants/bars. Mr Bark confirmed numbers of staff as 3 managers, 6 kitchen staff and 12 bar and waiting staff in order to provide customer service and supervision. Mr Bark pointed out the measures that had been taken, and would continue to be taken, to ensure that this reputation was maintained. Mr Bark concluded by stating that there was no evidence to suggest that there would be an increase in public nuisance if the application for the variation was to be granted, that the objections were based on the "fear" of what might arise referring to the Home Office Guidance at paragraph 9.39 - decisions needed to be evidence based and that reviews were a safe guard if necessary and that none of the Responsible Authorities including the Police and Environmental Health had raised any objection to the application.

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The parties were given the opportunity to ask and be asked questions including questions about the presence of a licensed kebab van which attracted people and the Licensing Officer confirmed that it was only Mr Samuels's objection which had been withdrawn prior to the Hearing and that the rest of the objections as set out in Appendix 4 of the report were still valid.

The Sub Committee were advised by the Licensing Officer that the applicant had not proposed any additional special conditions for inclusion in the Premises Licence as part of the variation application operating schedule, but confirmed that there were already eight conditions specified on the existing licence granted in January 2013, as set out in Appendix 2, that were consistent with the operating schedule of the application and did not recommend any further conditions.

The parties were given the opportunity to make closing submissions which Mr Bark and the Licensing officer briefly made and then the Sub-Committee retired to make its decision.

After considering all the evidence, the Sub Committee:-

RESOLVED that the application to further vary the existing Premise Licence (12/00570/LAPRE) for the Beech House 17 Penn Road, Beaconsfield, Bucks, HP9 2NN be allowed in full, subject to the existing Special and the Mandatory Conditions which are imposed on the Premises Licence, as set out in in full in the Decision Notice attached to and forming part of these minutes.

The meeting terminated at 10.23 am

**APPLICATION BY: OAKMAN INNS & RESTAURANTS LIMITED.**  
**FOR A FURTHER VARIATION OF A PREMISES LICENCE**

**DECISION OF THE LICENSING SUB-COMMITTEE SITTING ON 11<sup>TH</sup> DECEMBER 2013.**

The Licensing Sub-Committee has before it an application from Oakman Inns & Restaurants Limited to further vary the existing Premises Licence reference number 12/00570/LAPRE for the Beech House 17 Penn Road, Beaconsfield, Bucks, HP9 2NN.

The Variations applied for are as set out in the Application Form appended to the Licensing Officer's report at Appendix 3 ("the Report") a copy of which all the Sub-Committee Members and Relevant Parties have received.

The Variations sought can be summarised as seeking permission for an increase in the opening hours and the hours for the sale of alcohol on a Thursday to Saturday inclusive.

No other variation to the existing Premises Licence is sought.

The Sub-Committee has listened to all the evidence, submissions and responses thereto and has read all the material before it including the Report and a copy of the Premises Licence Layout Plan tabled by the Applicant's Solicitor.

The objections and representations received are listed in the Report at paragraph 5 - these consist of responses from the Chief Officer of Police, the Local Authority (Head of Environment); the Local Planning Authority (Head of Sustainable Development) and the Fire and Rescue Authority - none of which raise any objection and five letters of objection from individuals who did not attend the Hearing (Mr Samuels objection being withdrawn prior to the Hearing). A copy of these objections is appended to the Report at Appendix 4.

The Licensing Sub-Committee is satisfied on balance that in all the circumstances and for the Reasons given below that this Application should be:

**Allowed in full as follows -**

**Supply of alcohol - On and Off the Premises except between the hours of 11pm and 00.30am the following morning on Thursdays to Saturdays inclusive - On the premises only.**

Sunday to Wednesday inclusive - 10am to 11pm.

Thursday to Saturday inclusive - 10am to 00.30am the following morning.

Start of the hours on New Year's Eve to the start of the Hours on New Year's day.

**Hours premises are open to the public -**

Sunday to Wednesday inclusive - 8am to 11.30pm.

Thursday to Saturday inclusive - 8am to 01.00am the following morning.

Start of the hours on New Year's Eve to the start of the Hours on New Year's day.

**Subject to the existing Special and the Mandatory Conditions which are imposed on the Premises Licence.**

## Minute Item 2

**This decision is considered to be justified as being appropriate for the promotion of the following Licensing Objectives**

- Prevention of Crime and Disorder
- Prevention of Public Nuisance

**and proportionate in consideration of representations made, the operating schedule submitted and matters heard today.**

### **REASONS.**

The Licensing Sub-Committee has considered very carefully the Objectors representations and concerns regarding the application to extend the current hours relating to opening and the sale of alcohol. However, it also took into consideration that no representations had been made by any of the Responsible Authorities and in particular by the Chief Officer of Police or Environmental Health in respect of this application and this premises generally.

Having listened to the Applicant and taking into consideration all the representations received, the Licensing Sub-Committee felt on balance that the hours applied for were reasonable for this type of premises in this location and that the Mandatory and Special Conditions imposed on the Premises Licence would be sufficient and appropriate measures if properly implemented to address the licensing objectives and the Objectors concerns.

On hearing representations from the Applicants Solicitors regarding the completion of the application form the Members granted On Sales for the extra hours permitted on a Thursday to Saturday inclusive and also confirmed the hours for New Year's Eve and New Year's Day which the Members considered were appropriate and proportionate.

The Licensing Sub-Committee, whilst making this decision, also took into account the ability of the Objectors to make representations in the future which will lead, where evidence shows the premises is the cause of public nuisance and/or noise, to a review of the Premises Licence where steps could be taken to address the issues. Accordingly the objectors should be reassured that the Licensing Authority does have significant powers when dealing with a premises on review if appropriate and proportionate in all circumstances.

I also confirm that the Licensing Sub-Committee has had regard to

National Guidance;  
The Council's Licensing Policy;  
The Human Rights Act 1998, as amended and  
The individual merits of this case

before reaching this decision.

The Rights of Appeal will be sent out with the Decision Notice.

**DATED 11<sup>th</sup> DECEMBER 2013.**

Cllr Duncan Smith - Chair; Cllr Matt Denyer; Cllr David Pepler.