



Buckinghamshire Council

Licensing Sub-Panel 1

Agenda

Date: Tuesday 28 April 2020

Time: 10.00 am

Venue:

Membership: T Green, C Harriss (Chairman) and A Turner

Agenda Item	Page No
1 Introductory remarks by the Chairman	
2 Apologies for absence	
3 Declarations of interest To receive any disclosure of disclosable pecuniary interests by Members relating to any items on the agenda. If any Member is uncertain as to whether an interest should be disclosed, he or she is asked if possible to contact the District Solicitor prior to the meeting. Members are reminded that if they are declaring an interest, they should state the nature of that interest whether or not they are required to withdraw from the meeting.	
4 Fox Country Hotel, Ibstone Road, Ibstone, HP14 3XT To consider an application under s.34 of the Licensing Act 2003 to amend the terms and conditions of the Licence in respect of the Fox Country Hotel, Ibstone Road, Ibstone, HP14 3XT (report and application attached).	3 - 48

If you would like to attend a meeting, but need extra help to do so, for example because of a disability, please contact us as early as possible, so that we can try to put the right support in place.

For further information please contact: Liz Hornby on 01494 421261 or at liz.hornby@buckinghamshire.gov.uk

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Licensing Panel Hearing
28 April 2020 at 10:00
Remote hearing via Microsoft Team

Applicant(s): Fox Country Inn Ltd

Premises: The Fox Country Hotel, Ibstone Road, Ibstone, HP14 3XT

Ward affected: Hambleden Valley

DETAILS OF APPLICATION:

Premises History

The premise is a public house and hotel that has its origins back into the 1700's and which is situated in a rural location surrounded by woodland and countryside. The premises have traded for many years with an alcohol licence.

The licence was successfully converted during the transitional period in 2005. At this time an application was made to extend the provision of regulated entertainment until 0100 hours Monday to Saturday and until 0030 hours Sunday. No application was made at this time to extend the sale by retail of alcohol which remains under grandfather rights from the 1964 Licensing Act being Monday to Saturday 1100 to 2300 hours, Sunday 1200 to 2230 hours. Given that no representations were received in relation to this application the licence was granted on 19th October 2005 as required by section 18(2) of the Licensing Act 2003.

The Premises Licence transferred to the current owners in February 2011.

In December 2011, an application was made to vary the terms of the Premises Licence to extend the times for licensable activities and to amend conditions. Following representations from the Control of Pollution Unit and local residents a hearing of the Licensing Sub-Committee determined that the application be granted with conditions.

Following a complaint regarding noise from a local resident, a formal warning was issued to the licence holder on the 30th September 2013 regarding a breach of licence conditions, **Appendix A**.

Further to the above warning, in November 2013 a minor variation application was received to extend the deadline by which the applicant was to remove gravel from the car park by 12 months. Given no objection from the Noise Pollution department (as the relevant responsible authority), the application was granted and the condition was amended.

In October 2014 a minor variation application was received to extend the deadline by which the applicant was to remove gravel from the car park by 12 months. Given no objection from the Noise Pollution department (as the relevant responsible authority), the application was again granted and the condition was amended.

In October 2015 a third application was made in respect to car park condition. A minor variation application sought to remove the condition to replace the gravel carpark with tarmac. The application was granted.

On Saturday 30 September 2017 the police and licensing team undertook a joint enforcement operation across the district. This was a test purchasing operation in relation to child sexual exploitation and/or young persons at risk. The aim of the operation was to test premises by using a plain clothes police officer accompanied by a young person who attempted to obtain a room in a hotel and/or purchase alcohol.

Alcohol was sold to the underage police cadet, aged 16, at the premises. Licensing Officers and police found the premises to be poorly managed with no apparent person in management control. The barman that undertook the sale of alcohol to the police cadet received a formal caution and subsequent formal warning having admitted to the offence. His statement was that he had only been at the premises for a few days, had received no formal training and had no prior experience of working behind a bar.

After some time officers were able to speak by phone to the Designated Premises Supervisor (DPS), named at that time on the licence as the person responsible for authorising the retail sale of alcohol. The DPS stated that he had left the business in June 2017 and that the owners knew this. He was advised to formally resign the position of DPS in accordance with Section 41 of the Licensing Act 2003 if he wished to be removed from this position. This position was formally resigned the same day, **Appendix B**.

Under section 136(1)(a) of the Licensing Act 2003 no sale by retail of alcohol can legally take place without a DPS. The premises were verbally advised of this on the 30th September 2017 and formally in writing on the 6th October 2017.

On the 12th October 2017 the police submitted a valid application under Section 51 to review the premises licence, **Appendix C**.

A formal warning was issued to the licence holder on the 18th October 2017 in respect of the offences witnessed on the 30th September, **Appendix D**.

Following the sale of alcohol to an underage person, Thames Valley Police applied for a Review of the premises Licence In October 2017. Following a hearing of the Licensing Sub-Committee the conditions attached to the licence were amended, **Appendix E**.

There have been applications to change the Designated Premises Supervisor (DPS) since this date, although no further applications have been received to amend the terms of the premises licence until this current application. There have been no further complaints made to the Licensing Unit and consequently there are no further warning on file.

Application to Vary a Premises Licence

The applicant has applied under s.34 of the Licensing Act 2003 to amend the terms and conditions of the licence, **Appendix F**. The application was served on responsible authorities and the licence holder as required and it was advertised both at the premises itself and at the local press for the required 28 day consultation period.

In summary the application is for the extension of times for licensable activities as follows:

Retail sale of alcohol:	Mondays – Thursday	09:00 - 01:00
	Friday – Sunday	09:00 - 02:00

Performance of dance & performance of live music:
Monday – Thursday 23:00 - 01:00
Friday – Sunday 23:00 - 02:00

The hour's premises open to the public:
Monday – Thursday 07:00 - 01:00
Friday – Sunday 07:00 - 02:00

NOTE: Live and recorded music is not a licensable activity between the hours of 0800 – 2300 and therefore falls outside the jurisdiction of The Licensing Act 2003.

A copy of the current licence is attached, **Appendix G**.

RELEVANT REPRESENTATIONS

Responsible authorities:

Police: No objection to the application received
Fire Officer: No representations received
Health and Safety: No representations received
Control of Pollution: No objection to the application received
Child Protection: No representations received
Health Trust: No representations received
Planning: No representations received
Trading Standards: No representations received
Interested Parties: Seven representations from local residents with respect to noise nuisance, **Appendix H**.

RELEVANT PARTS OF THE COUNCIL'S LICENSING POLICY AND THE NATIONAL GUIDANCE ISSUED UNDER S.182 OF THE ACT

In relation to prevention of public nuisance the guidance states (p.13)

2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

- 2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.
- 2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.
- 2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

In relation to the prevention of public nuisance the policy states (p.10)

- 3.16 The Council wishes to protect the amenity of residents and businesses in the immediate area surrounding the licensed premises. Applications should demonstrate that public nuisance will not increase as a result of the application being granted.
- 3.17 The Authority will particularly take into account the following:
- The measures proposed to prevent noise and vibration escaping from the premises. Such measures may include installation of sound insulation and sound limitation devices;

- Measures proposed to prevent public nuisance from use of outside areas, including smoking areas and outdoor events;
- The measures proposed to prevent disturbance by customers arriving at or leaving the premises, in particular after 11pm, for example appropriate signage at exits and in car parks, parking provision, the provision of door supervisors, use of “quiet last half hour” at dance venues and provision and availability of safe transport home;
- The measures proposed to prevent light pollution from external lighting, including security lighting;
- The measures proposed for refuse storage or disposal and management of any additional litter;
- Representations by Control of Pollution, Thames Valley Police and Environmental Health;
- Representations by local residents in the vicinity of the premises;
- Representations by Parish and Town Councils.

OBSERVATIONS

The Panel is obliged to determine this application with a view to promoting the licensing objectives which are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

In making its decision, the Panel is also obliged to have regard to national guidance and the Council’s Licensing Policy. Should the Panel depart from either it must specify its reasons for doing so. The Panel must also take into consideration all of the representations made and the evidence submitted, both written and orally at the hearing.

In promoting the licensing objectives the Panel may take any of the following decisions in relation to the application:

- Grant the application as asked
- Grant the application, subject to any appropriate conditions
- Reject all or part of the application

The Panel should also consider its responsibilities under the Human Rights Act when considering the fair balance between the interests of the applicant and the rights of local residents.

Any decision taken must be appropriate and proportionate to the objective being pursued. In particular the following should be taken onto consideration:

Article 6 - the right to a fair hearing

Article 8 - respect for private and family life

Article 1, First Protocol - peaceful enjoyment of possessions (which can include the possession of a licence)

The plan of the premises and current licence is attached **Appendix J**.



Environment Services

Caroline Hughes – Head of Environment

Queen Victoria Road
 High Wycombe
 Bucks HP11 1BB
 Tel: 01494 461000
 DX 4411 High Wycombe –1

www.wycombe.gov.uk

Fox Country Inn Ltd
 Fox Country Inn
 Ibstone Road
 Ibstone
 High Wycombe
 Bucks
 HP14 3XT

Your Ref:
 Our Ref:
 Enquiries to: Brian Whittall
 Direct Line: (01494) 421346
 Fax No: (01494) 421791
 Email: brian_whittall@wycombe.gov.uk
 Minicom No: (01494) 413131
 Date: 30 September 2013

Dear Sir/Madam,

Licensing Act 2003 – Premises Licence
Re: Breach of Section 136
Fox Country Inn, Ibstone Road, Ibstone, HP14 3XT

Following a compliant and recent correspondence from TPArchitects, investigations would indicate that possible breach of the Licensing Act 2003 has occurred at the above named premises.

At a hearing of the Licensing Sub-Committee on the 9th January 2012 the following licence condition was placed on the premises licence for the above named premises:

*The gravel surfacing of the car park shall be replaced with a tarmac surface or equivalent hard surfacing and advice in respect of this shall be sought from the Council's Control of Pollution Unit to mitigate noise. Such work to be completed, subject to planning permission as soon as possible, **but no later than 1st October 2012**. If these works cannot be completed by this timeframe then the prior written agreement of the Licensing Authority must be sought with a new mutually agreed deadline binding upon the licence*

It is a requirement of the Licensing Act that the licence holder must comply at all times with the terms and condition of any authorisation issued to it. This means all conditions on the premises licence must be complied with at all times, including the above condition with respect to the car park. Not to comply with the above condition on the premises licence for The Fox Inn is an offence.

Section 136 of the Licensing Act 2003 states:

- (1) A person commits an offence if—
- (a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or
 - (b) he knowingly allows a licensable activity to be so carried on.



(4) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £20,000, or to both.

The specific wording of the condition states that, “*If these works cannot be completed by this timeframe then the prior written agreement of the Licensing Authority must be sought with a new mutually agreed deadline binding upon the licence*”. As the works have not been completed I would advise that you formally write to the Licensing Unit with a new mutually agreeable deadline so that you can comply with this licence condition. Should you not do so, then technically you shall be in breach of your licence and committing an offence under s.136 of the Licensing Act.

I am obliged to notify you that should the premises be considering any licensable activity, for which it is not authorised, then I would advise that this activity does not take place. Should an activity be required by the premises then the Licensing Act makes provision for the current licence to be amended or for a Temporary Event Notice to be applied for.

I would advise that if you are engaged in any unauthorised licensable activity that you cease immediately as you would be committing an offence under s.136 of the Licensing Act.

This notice is a formal warning to you not to allow unlicensed activity to take place from the above named premises. Following this warning, you shall comply with the requirements of your licence conditions before the **4th October 2013**. After this time should evidence of further breaches of the Licensing Act be witnessed then a prosecution under s136 of the Licensing Act shall be considered.

If you have any questions relating to this letter, please call the Licensing Authority on the above number.

Yours faithfully,



*Brian Whittall
Licensing Officer*

Cc Mark Bumpstead, Control of Pollution
David Westendorp, Thames Valley Police

Brian Whitta

From: formpost@contensis.co.uk
 Sent: 30 September 2017 20:46
 To: Licensing
 Subject: Licensing contact form (from new website)

Follow Up Flag: Follow up
 Flag Status: Completed

Contensis Email Notification

Project - Website

<https://cms-wycombedc.cloud.contensis.com/>

A new form post has been received.



Posted on: 30/09/2017 20:45:53

Posted from: <https://www.wycombe.gov.uk/pages/About-the-council/Contact-forms/Contact-licensing.aspx>

Form Post

Please provide as much details as possible, including any reference numbers:

Fox Country Inn - Request to be removed as designated premises supervisor To whom it may concern, I, Marian Arpentin would like to be removed as designated supervisor. I finished my employment with Fox Country Inn 3 months ago. My last day was 30th of June Repeatedly, I asked to appoint a different person as a licence holder for the sale of alcohol. The owner told me that they will appoint a new person. Two weeks ago ,they send general manager to the course, so i was sure that they had removed me from DPS responsibilities . Please do not hesitate to get in touch with me if you have any questions . Kind Regards, Marian Arpentin 07742943841

Your name: Marian Arpentin

How would you like us to contact you?: Email

Email: arpentinm@yahoo.com

Properties

Form Reference: FRM18191

Posted by: Mr Public User (publicuser@contensis.co.uk)

IP Address: 10.65.17.8

Posted on: 30/09/2017 20:45:53

Posted from: <https://www.wycombe.gov.uk/pages/About-the-council/Contact-forms/Contact-licensing.aspx>

Marked as Read: No ([Mark this post as read](#))

Form template: /SiteElements/forms/Contact-licensing.frm

Enquiries to: Brian Whittall
Email: brian.whittall@wycombe.gov.uk
Direct line: (01494) 421346
Our ref: 15/01942/LAMINV
Your ref: 216/PREM
Date: 18 October 2017



Fox Country Inn Ltd
Fox Country Inn
Ibstone Road
Ibstone
High Wycombe
Bucks
HP14 3XT

Dear Sir / Madam,

Licensing Act 2003 – Premises Licence
Re: Breach of Section 136
Fox Country Inn, Ibstone, HP14 3XT

On Saturday 30th September 2017 a joint enforcement operation took place between Wycombe District Council and Thames Valley Police. Also participating was a 14 year old female police cadet, who accompanied by a plain clothes police officer undertook a test purchase operation at the main bar at the above named premises.

At approximately 17:10 hours a barman named Mr Romans Paskovs committed an offence under section 146 of the Licensing Act 2003, selling alcohol to a person under the age of 18 years. At 17:20 hours he was formally cautioned in accordance with Code of Practice C, Police & Criminal Evidence Act 1984.

Under caution he confirmed that he had previously been working in London as a welder. He was unable or unwilling to provide officers with a current residential address. A director of The Fox Country Hotel Limited (The Licence Holder), Ms Olesia Chernova later explained that he was resident in a company residence based at 2 Green Street, Stokenchurch, HP14 3TU.

Mr Paskovs confirmed he had only been working at the premises for 2 days and that he had not received any training. Mr Paskovs stated he did not look at the girl when providing her with a vodka and coke. He stated he did not know of the penalties for selling alcohol to any person under 18 years of age.

Eventually I was able to speak with the Designated Premises Supervisor (DPS) Mr Marian Georgievich Arpentin on his mobile phone. He confirmed that he had left the company in June 2017 and that the owners know this. Mr Arpentin was advised to formally surrender his responsibilities as DPS in writing to Wycombe District Council otherwise he was to remain legally liable for alcohol sales. He confirmed verbally he has resigned this position and that he would email formal notice immediately.

(Signature of Brian Whittall)

Wycombe District Council, Queen Victoria Road, High Wycombe, Bucks HP11 1BB
Tel: 01494 461000 DX 4411 High Wycombe +1 www.wycombe.gov.uk Twitter: @wycombedc

The mandatory conditions require a personal licence holder to be appointed onto the licence in the position of DPS, otherwise the retail sale of alcohol cannot lawfully take place otherwise an offence is committed under section 136 of the Licensing Act. All staff present, including Ms Chernova were advised that should the sale of alcohol take place then an offence would be committed.

Section 136 of the Licensing Act 2003 states:

- (1) A person commits an offence if—*
 - (a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or*
 - (b) he knowingly allows a licensable activity to be so carried on.*
- (4) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to an unlimited fine, or to both.*

Ms Chernova was on the premises at the time of this visit and she has undertaken and passed BIIAB level 2 training for personal licence holders. Even with training in basic licensing law I observed minimal involvement from Ms Chernova. No management control was observed on the premises and staff appeared to officers to be transient. They had only worked there for a few days.

Given the statement of Mr Arpentin, the Directors of the company, which includes Ms Chernova, understood that the premises were operating without a DPS since June 2017. This is a section 136 offence. It is a further offence under this section to not comply with mandatory conditions which state:

- (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

The barman Mr Paskovs has admitted to an offence under section 146. The sale of alcohol to children. Can Fox Country Inn Ltd please provide a written statement as to what steps had been taken by you to avoid this sale of alcohol to a 14 year old girl? This statement shall be provided to the Licensing Unit before the **26th October 2017**.

The selling of alcohol to persons under 18 years is a serious offence. Additionally, there are mandatory conditions attached to your licence that have been breached. These conditions require identification checks to be undertaken for any person that appears to be under 18 years of age. None of these checks are apparent on the premises.

We would advise that additional training takes place at these premises in this regard. Should further enforcement visits find further breaches of the legislation and/or a breach of the authorisation issued to you then additional appropriate action will be considered.

Given the sale of alcohol to a person under age, and the perceived lack of management control to ensure the promotion of the licensing objectives, this letter is a **formal warning** not to allow unlicensed activities to take place from the premises.

If you wish to make any additional comments concerning this matter, then please submit these in writing within 14 days.

Yours sincerely,

Brian Whittall
Licensing Officer

Cc Licensing, Thames Valley Police

LICENSING ACT 2003

Sections 51 & 52 Licensing Act 2003

NOTIFICATION OF DECISION FOLLOWING REVIEW OF A PREMISES LICENCE
WHERE A VALID APPLICATION FOR REVIEW HAS BEEN MADE

PREMISES: The Fox Country Hotel, Ibstone Road, Ibstone HP14 3XT

To:

The Applicant
The Premises

Take Notice

THAT following a review hearing of the Licensing Sub-Committee

ON 6th December 2017

WYCOMBE DISTRICT COUNCIL as the Licensing Authority for the Premises

RESOLVED TO MODIFY THE CONDITIONS OF THE PREMISES LICENCE.

THE PREMISES LICENCE IS MODIFIED TO TAKE EFFECT FROM THE END OF
THE PERIOD GIVEN FOR APPEALING THIS DECISION OR IF THE DECISION IS
APPEALED AGAINST, THE DATE THE APPEAL IS DISPOSED OF.

SCHEDULE 1

Mandatory Conditions contained on an existing Premises Licence

SCHEDULE 2

Conditions contained on existing Premises Licence

SCHEDULE 3

Conditions necessary to promote the Licensing objectives and agreed in
response to a review of the Premises Licence

Prevention of Crime & Disorder

- No supply of alcohol may be made under the Premises Licence unless a Personal Licence Holder is present on the Premises at all times.

Reasons for the Panel's Decision

The panel heard the representation from the police and noted the current management issues at the premises. They were made aware that there was no current Designated Premises Supervisor at the premises and alcohol was not being sold at the premises. The panel agreed with the concerns raised by the police and felt that although the licence holder had taken steps to improve staff training, it was important that a personal licence holder was present at all times on the premises when alcohol was being sold.

In making their decision, the panel also took into account all the evidence at the panel hearing, the legislation, the statutory guidance and the Council's own licensing policy.

The panel also took into account the relevant provisions of the Human Rights Act 1998, namely:

- Article 6 – the right to a fair hearing
- Article 8 – respect for private and family life
- Article 1, First Protocol – peaceful enjoyment of possessions.

Any Party aggrieved by the Decision given in this Notice may make a written Appeal within 21 days to the Clerk to the Justices, Wycombe and Beaconsfield Magistrates Court, Milton Keynes Magistrates Court, 301 Silbury Boulevard, Milton Keynes, Buckinghamshire MK9 2AJ.



Clerk to the Licensing Sub-Committee

Date: 14/12/17

Section 1 of 18

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

Applying as a business or organisation, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

VAT number

Legal status

If your business is registered, use its registered name.
Put "none" if you are not registered for VAT.

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 18

APPLICATION DETAILS

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

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable value of premises (£)

23,800

Section 3 of 18

VARIATION

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

Yes No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

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

Describe Briefly The Nature Of The Proposed Variation

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.

HOTEL FOR GUESTS LODGING WITH RESTAURANT AND BAR SERVICES. EVENTS CAN BE CARRIED OUT AT THE OPEN SPACE BEHIND THE BUILDING AFTER THE CONFERENCE HALL.
THE PROPOSED VARIATION IS : (1) THE RETAIL SALE OF ALCOHOL : MONDS - THURS, 09:00 - 01:00 HRS, FRID - SUNDS, 09:00 - 02:00 HRS. (2) PERFORMANCE OF DANCE, PERFORMANCE OF LIVE MUSIC: MONDS - THURS, 23:00 - 01:00 HRS, FRID - SUNDS, 23:00 - 02:00 HRS.

Section 4 of 18

PROVISION OF PLAYS

See guidance on regulated entertainment

Will the schedule to provide plays be subject to change if this application to vary is successful?

Yes No

Section 5 of 18

PROVISION OF FILMS

See guidance on regulated entertainment

Will the schedule to provide films be subject to change if this application to vary is successful?

Yes No

Section 6 of 18

PROVISION OF INDOOR SPORTING EVENTS

Continued from previous page...

See guidance on regulated entertainment

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

Yes No

Section 7 of 18

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

Yes No

Section 8 of 18

PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will the schedule to provide live music be subject to change if this application to vary is successful?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the performance of live music take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

AMPLIFIED AND NON-AMPLIFIED MUSIC SHALL BE PLAYED THROUGH A NOISE LIMITING DEVICE

State any seasonal variations for the performance of live music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed, above below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

AS IT IS ON THE EXISTING PREMISES LICENCE

Section 9 of 18

PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

- Yes No

Section 10 of 18

PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

- Yes No

Standard Days And Timings

Continued from previous page...

MONDAY

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the performance of dance take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

AMPLIFIED AND NON-AMPLIFIED MUSIC SHALL BE PLAYED THROUGH NOISE LIMITING DEVICE

State any seasonal variations for the performance of dance.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

NOT APPLICABLE

Continued from previous page...

Non-standard timings. Where the premises will be used for the performance of dance at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

SAME AS ON THE EXISTING PREMISES LICENCE

Section 11 of 18

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

Yes No

Section 12 of 18

PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

Continued from previous page...

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the provision of late night refreshment take place indoors or outdoors or both?

Indoors Outdoors Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

SAME AS EARLIER STATED

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where the premises will be used for the provision of late night refreshment at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

SAME AS IN THE EXISTING LICENCE

Section 13 of 18

SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

Yes No

Continued from previous page...

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption?

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Continued from previous page...

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

SAME AS ON THE EXISTING PREMISES LICENCE

Section 14 of 18

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

NOT APPLICABLE

Section 15 of 18

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start 08:00

End 00:00

Start

End

SUNDAY

Start 08:00

End 22:00

Start

End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

FRIDAYS 07:00 - 23:00 Hours

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

SAME AS IN THE EXISTING PREMISES LICENCE

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

NONE

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

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

Section 16 of 18

LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

Continued from previous page...

All staff who have not already completed a personal licence training course will be trained in responsible sale of alcohol. Ensure that no members of the public are admitted to the premises after 23:30 hours, save for re-admission of customers who have temporarily left the premises to smoke.

Ensure that non-alcoholic drinks are available for retail sales at all times when the sale of alcohol is authorised at the premises by the Premises Licence

No supply of alcohol may be made under the Premises Licence unless a Personal Licence Holder is present on the premises

An operational CCTV System shall be maintained covering the entrance and licensed areas premises. Recordings from the CCTV System shall be retained for a minimum of 31 days shall be made available to an authorised officer of the Licensing Authority, a Police Officer or Police Licensing Officer together with facilities for viewing.

b) The prevention of crime and disorder

Door Supervisors registered with the SIA will be on duty during party events with more than 100 customers attending. The premises shall maintain a CCTV System, covering the entrances and licensed areas of the premises and recordings for a minimum of 31 days shall be available to the Police or Council Officers on request.

The Designated Premises Supervisor will give written authority to bar staff involved in alcohol sales and clear guidance on whom alcohol may be sold to.

c) Public safety

A Fire Risk Assessment shall be maintained in accordance to the Regulatory Reform order 2005.

The management shall be fully aware of their responsibilities under the health and safety legislation.

d) The prevention of public nuisance

The smoking area at the front of the premises shall not be used after 23:00 hours and shall be moved to the rear of the premises adjacent to the doors of the conference room.

All music, recorded or live music shall be played through a noise limiting device set in conjunction with the Council's Control of Pollution Team.

All doors and windows of the premises shall be kept closed and shut at all times there is any music, live or recorded other than for entry or egress of customers.

Notices shall be placed at each exit requesting customers to leave quietly and Door Supervisors or staff members shall supervise the car park as customers leave to minimise any disturbance.

Any final orders for drinks prior to the termination times set for the sale of alcohol will be limited to one alcohol drink per customer.

e) The protection of children from harm

The Licence holder shall ensure that a 'Challenge 25' Policy is operated at the premises with appropriate signage displayed inside the venue to prevent the sale of alcohol to any person under the age of 18 years.

No person under the age of 18 years shall be permitted onto the premises without being under the supervision of an appropriate adult.

Section 17 of 18

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

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:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o 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.
 - o 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.
 - o 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.
 - o 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:
 - o 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.
 - o 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.
 - o 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.

Continued from previous page...

- 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.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 18 of 18

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £8700	£315.00
Band D - £87001 to £12500	£450.00*
Band E - £125001 and over	£635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then your are required to pay a higher fee

Band D - £87001 to £12500	£900.00
Band E - £125001 and over	£1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39000	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

* Fee amount (£)

DECLARATION

I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the

Continued from previous page...

* licensing act 2003, to make a false statement in or in connection with this application.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

* Date / /
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/wycombe/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

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.

OFFICE USE ONLY

Applicant reference number

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

Error message

Is Digitally signed

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [Next >](#)

From: Dean De Beer [REDACTED]
Sent: 26 March 2020 10:20
To: Brian Whittal
Subject: [EXTERNAL] Reference: 20/00433/LAPREV The Fox Country Inn Ltd
Attachments: Fox - Objection to Licensing Application.docx

Follow Up Flag: Follow up
Flag Status: Completed

[Please note this has been sent from an external source - treat with caution and do not open attachments / use links until you are sure this is a trusted communication see intranet/IT for advice.]

Dear Mr Whittal

I refer to above mentioned licensing application. I am a neighbour of the Fox and have tried on numerous occasions to submit an objection on line. Each time I get a system error message. I have therefore attached my objection, which I would appreciate you taking into consideration when you review the case.

[REDACTED]

Kind regards

Dean De Beer
[REDACTED]

Reference: 20/00433/LAPREV The Fox Country Inn Ltd

I strongly object to the application to amend licensing hours on the following grounds:

The Fox is located in the quiet family orientated village of Ibstone with a population of only 250 residents. It is bordered on either side, and in close proximity, by family homes. The noise from people talking, especially while smoking outdoors, car doors slamming, engines starting/revving and tyres on gravel is already a disturbance to neighbours. This will undoubtedly become even more of a public nuisance if the hours are extended.

The Inn has an outdoor garden and we can already hear the noise from patrons using it on summer evenings. If licensing hours are extended this will be very disturbing to me and my family late at night while we are trying to sleep.

Extended opening hours, by their nature, attract a late-night drinking crowd who are likely to become noisier and more raucous the more intoxicated they become. This in turn means they could become an increased public nuisance, especially as noise travels a long way in a quiet village.

The extended hours could also potentially attract an unsavoury clientele which in turn increases the risk of crime and disorder, whether that be vandalism, opportunistic theft or confrontations with residents annoyed with noisy disruption.

The only access to the Inn at night is by car along narrow unlit country roads. Extended hours must significantly increase the risk of drink driving as there are very few taxis in the area, especially at that time of night. In addition, there will be an increase in noise disturbance as cars enter and leave the village at a late hour. If people attempt to walk to/from the Inn it is extremely dangerous on the narrow roads and will take at least twenty minutes to get to the nearest town of Stokenchurch.

There is limited parking at the Inn and if patrons are forced to park on the road this will firstly cause even more noise disturbance for residents and secondly raises potential public safety issues with cars parked on a dark, narrow unlit road.

The changes to some of the proposed policing rules at the Inn are a public safety issue. There is no local police station and one security guard per 100 guests will not in any way be able to safely manage any anti-social behaviour, fights or confrontations.

Dean De Beer


Brian Whittall

From: Jon Fletcher <[REDACTED]>
Sent: 26 March 2020 10:37
To: Brian Whittall
Subject: [EXTERNAL] Reference: 20/00433/LAPREV The Fox Country Inn Ltd
Attachments: I2000433LAPREV The Fox Country Inn Ltd.docx

[Please note this has been sent from an **external** source - treat with caution and **do not open** attachments / use links until you are sure this is a trusted communication see intranet/IT for advice.]

Dear Mr Whittall

I refer to above mentioned licensing application. I live next to the the Fox Country Pub and have tried on multiple occasions to submit an objection on line. I seem to be getting a number of issues and errors when submitting. With the deadline being tomorrow I want to attached my objection to the above, which I would appreciate you taking into consideration when you review the case.

[REDACTED]

Kind regards
Jonathan Fletcher & Julia Evans

[REDACTED]



Date: Thursday 26th March 2020

To whom it may concern,

I strongly object to the application to amend licensing hours and additional changes on the following grounds:

- There will be an increase in public nuisance with the additional sound of people smoking outdoors at a later hour, car doors slamming and engines starting/running as they leave the Inn.
- Public nuisance would also increase as the Inn has an outdoor garden, and the noise from patrons using it in the summer late at night will also be a disturbance to my family and me trying to sleep, especially during the week when we have work and schools.
- There is a concern for public safety with the increase in the number of cars that these changes could bring aligned to the lack of parking spaces, would mean people will park on the road. This will cause unnecessary traffic disputation along a road which already struggles with speeding motorists, does not have roadside lighting or pavements. Furthermore, this will could also increase the theft rate, with cars on an unlit road attracting break-ins.
- With the changes in hours, there is a massively increased of people consuming more alcohol. We have a significant concern that this will increase anti-social behaviour and crime by intoxicated individual damaging local properties, cars and wildlife in addition to causing public nuisances.
- The changes to hours during the week are that of a nightclub. Further concerns over the increase in hours, means residences of the pub (who are staying over) may drink into the early hours, become heavily intoxicated and then be drink driving when leaving early in the morning go to their job (as there is a B&B on-premise).
- I have a concern to the public safety of the villages, which the majority are retired. With intoxicated or late-night disturbances from individuals, villagers may come under attack from said individuals directly (from asking them to keep quiet) or indirectly (by abuse being shouted at houses).
- From a public safety perspective, and to the best of my knowledge, very few pubs or hotels in the area have a 1:00 am/02:00 am license. There is a significant risk that if these opening hours are granted, the Inn will adjust from a quiet country pub into a late-night drinking establishment - only increasing the above issues.

Brian Whittall

From: idoxsoftware@wycombe.gov.uk
Sent: 26 March 2020 17:19
To: Brian Whittall
Subject: Comments for Licensing Application 20/00433/LAPREV

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 5:19 PM on 26 Mar 2020 from Mrs Penny Martin-Fagg.

Application Summary

Address: The Fox Ibstone Road Ibstone Buckinghamshire HP14
3XT

Proposal: Variation Premises Licence

Case Officer: Mr Brian Whittall

[Click for further information](#)

Customer Details

Name: Mrs Penny Martin-Fagg

Email: [REDACTED]

Address: [REDACTED]

Comments Details

Commenter Type: Neighbour

Stance: Customer objects to the Licensing Application

Reasons for comment:

Comments: 5:19 PM on 26 Mar 2020 We strongly object to this application on the grounds that the current opening hours appear to be quite sufficient for the business the proprietors wish to conduct, and any extension in licensed hours will have a detrimental effect on neighbours in terms of noise nuisance late at night in this rural environment. It should also be noted that as well as the nuisance of noisy intoxicated guests in the early hours of the morning, there have been frequent violations of licensing conditions in the past, such as windows left open when music was played and noisy exits from the car park.
Roger and Penny Martin-Fagg

Brian Whittall

From: Tracey Clinton [REDACTED]
Sent: 26 March 2020 17:41
To: Brian Whittall
Subject: [EXTERNAL] 20/00433/LAPREV The Fox Country Inn Ltd

Dear Mr Whittall

I refer to above mentioned licensing application. I am a neighbour of the Fox and have tried on numerous occasions to submit an objection on line. Each time I get a system error message. I have therefore detailed below my objection, which I would appreciate you taking into consideration when you review the case.

Reference: 20/00433/LAPREV The Fox Country Inn Ltd

I strongly object to the application to amend licensing hours on the following grounds:

The Fox is located in the quiet family orientated village of Ibstone with a population of only 250 residents. It is bordered on either side, and in close proximity, by family homes. The noise from people talking, especially while smoking outdoors, car doors slamming, engines starting/revving and tyres on gravel is already a disturbance to neighbours. This will undoubtedly become even more of a public nuisance if the hours are extended.

Extended opening hours, by their nature, attract a late-night drinking crowd who are likely to become noisier and more raucous the more intoxicated they become. This in turn means they could become an increased public nuisance, especially as noise travels a long way in a quiet village.

The extended hours could also potentially attract an unsavoury clientele which in turn increases the risk of crime and disorder, whether that be vandalism, opportunistic theft or confrontations with residents annoyed with noisy disruption.

The only access to the Inn at night is by car along narrow unlit country roads. Extended hours must significantly increase the risk of drink driving as there are very few taxis in the area, especially at that time of night. In addition, there will be an increase in noise disturbance as cars enter and leave the village at a late hour. If people attempt to walk to/from the Inn it is extremely dangerous on the narrow roads and will take at least twenty minutes to get to the nearest town of Stokenchurch.

There is limited parking at the Inn and if patrons are forced to park on the road this will firstly cause even more noise disturbance for residents and secondly raises potential public safety issues with cars parked on a dark, narrow unlit road.

The changes to some of the proposed policing rules at the Inn are a public safety issue. There is no local police station and one security guard per 100 guests will not in any way be able to safely manage any anti-social behaviour, fights or confrontations.

Brian Whittal

From: Jenny Jones <[REDACTED]>
Sent: 26 March 2020 18:35
To: Brian Whittal
Subject: [EXTERNAL] Reference: 20/00433/LAPREV The Fox Country Inn Ltd

I strongly object to the application to amend licensing hours on the following grounds:

Firstly the Fox is situated in a beautiful quiet friendly village with family homes positioned either side .

I am in my mid sixties and live alone and I am concerned that the extended opening hours will encourage people to drink more than is necessary which will inevitably lead to them becoming extremely loud , in some cases using bad language which I have heard from my house and more importantly drink driving through our village on dark unlit narrow roads. There are very few taxis and it is a good 20 min. walk to Stokenchurch.

I believe there is no local police station so who is going to police this?!

When there is an incident ? As we all know there will be ! One security guard will certainly not be enough to safely manage the car park arrivals and very late departures on gravel let alone the bad behaviour that will go with late /early morning drinking.

The Inn has an outdoor garden and we can already hear noise so music and large numbers of clients would affect most of the village as the noise will certainly travel in this quiet beautiful village.

Jennifer Leach
[REDACTED]

Sent from my iPad

Brian Whittall

From: CJ <[REDACTED]>
Sent: 27 March 2020 16:53
To: Brian Whittall
Subject: [EXTERNAL] The Fox - Ref20/00433

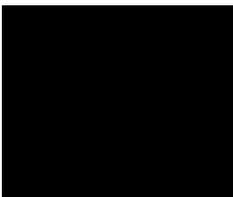
Dear Mr Whittall

I'm an 83 year old woman who lives on my own in a house close to The Fox. I would like to object to the application for an extension in licensing hours for the following reasons:

1. I am a light sleeper at the best of times and I do not want to be disturbed by the sounds of cars and people talking in the middle of the night. It will worry me that something is happening and I know I will then struggle to get back to sleep.
2. My house borders the big field like the Fox does and I worry that people may go to smoke in the new designated smoking area and then go out into the field and walk past my house. It doesn't make me feel very safe because you don't know what they might try and do, especially as my house is quite open to the field.
3. How will one security guard manage one hundred guests if they start causing trouble and it cascades onto the road or field near my house?

Yours sincerely

Ann Farmer



Brian Whittal

From: Paul and Kendra [REDACTED]
Sent: 27 March 2020 20:07
To: Brian Whittal
Subject: [EXTERNAL] Reference: 20/00433/LAPREV The Fox Country Inn Ltd

I'd like to make an objection in reference to the application by The Fox Country Inn, Ibstone Road, Ibstone to extend the opening hours and sell alcohol between the hours of

Monday to Thursday	09:00 AM
Friday Saturday Sunday	09:00 AM

The Fox Country Inn, as its name suggests is located in a small village in the COUNTRY in an Area of Outstanding Natural Beauty. The pub is situated in a small village that has no street lights, no pavements and no means of access through public transport. The only way to visit the pub is via taxi, private hire vehicle or driving in a car. The reason for being in Ibstone is because it is quiet and tranquil, not because a pub is open and hosting live entertainment until 2.00am.

An extension to the hours which the pub can serve alcohol could have a significant impact on the residents of the village for a number of reasons:

Public nuisance:

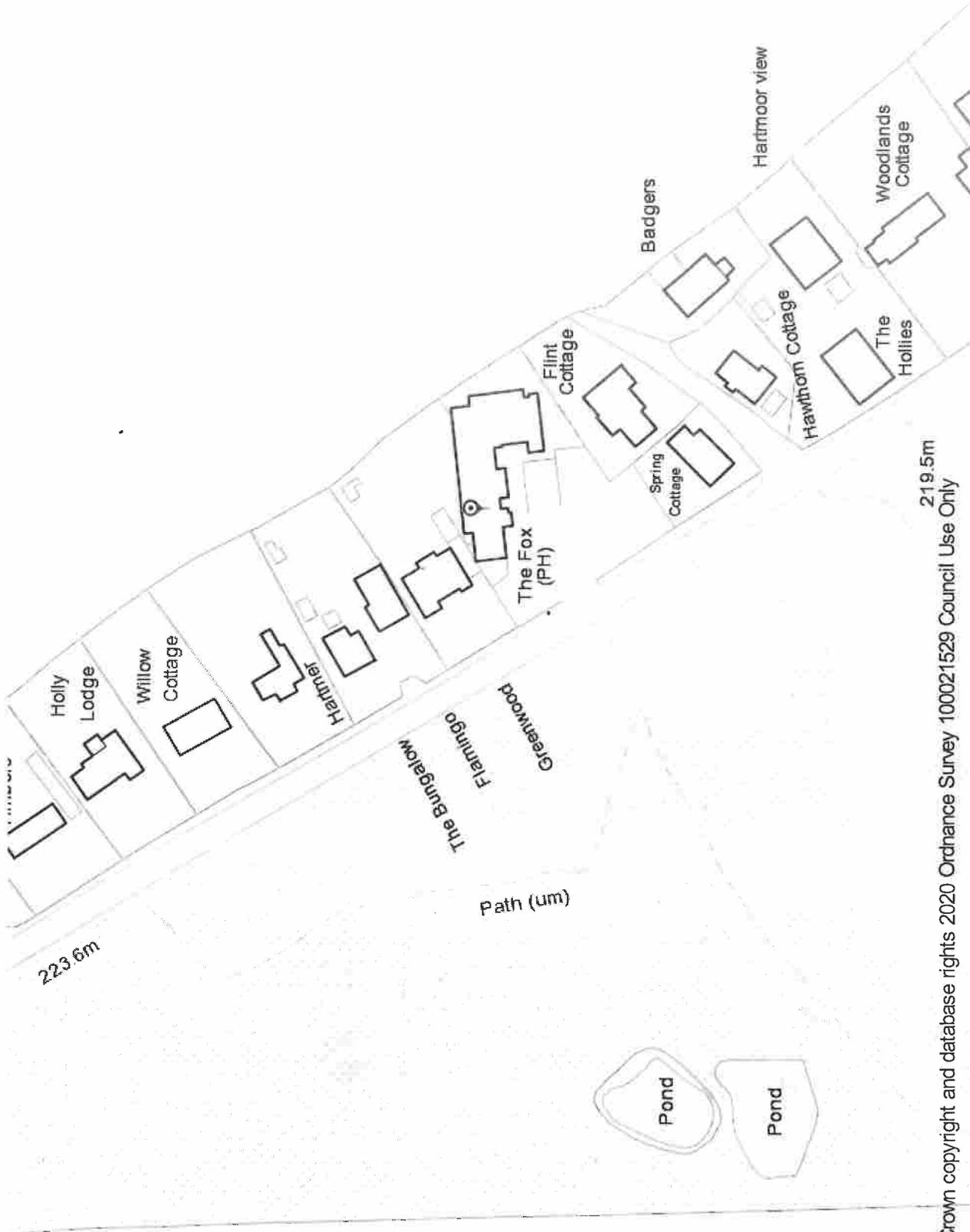
Potential for increase to noise and public nuisance. Increasing the hours for consumption of alcohol without constraints on the number of people allowed to access the pub could have a significant impact on this small rural community. We have no details on what the Fox plan to do with the extension of their licensing hours. The pub is located in the country, there is no means of access other than through, cars, taxis or potentially buses. In a worst case scenario, given access to the M40 and its remote location, bus loads of revellers could be brought into the village for events lasting until 2.00am.

In order to take advantage of the increase in hours, the pub will need to increase the non-resident traffic this will increase in noise and disorderly behaviour, Not only as people arrive and particularly depart the premises but also with people wanting to access the outdoors to take in the scenery, eat outdoors and also smoke.

An extension of hours could also lead to more regulated and potentially unregulated entertainment leading to a further noise nuisance.

Road safety

As a result of taking advantage of the extension of hours, it is likely that more traffic will need to travel down the unlit Ibstone road, increasing the risk to residents including children. In addition, there will potentially be an increase in volume of traffic. Finally, the car park at the Fox is very small, so traffic will need to park on the Ibstone road. This in itself will also increase the risk of harm to residents.



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Reference Number

20/00323/LAPRED

Premises Licence Number

216/PREM

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

The Fox Country Hotel
Ibstone Road
Ibstone
Buckinghamshire
HP14 3XT

Telephone number

01491 639333

Licensable activities authorised by the licence

Sale by Retail of Alcohol	Performance of Dance
Performance of Live Music	Playing of Recorded Music
Provision of Late Night Refreshment	

All Licensable activities are restricted to internal areas

Times the licence authorises the carrying out of licensable activities

For Performance of Dance, Performance of Live Music the following times apply:

Sunday	12:00 - 00:30
Monday - Saturday	12:00 - 01:00

Playing of Recorded Music	Unrestricted
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Sale by Retail of Alcohol	
Sunday - Wednesday	11:00 - 00:00
Thursday - Saturday	11:00 - 01:00

On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day

Retail Sale of Alcohol is permitted 24 hours a day for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied

Late Night Refreshment	Every Day	23:00 - 01:00
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The opening hours of the premises

At the discretion of the Licence Holder

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

The Licence authorises the supply of alcohol for consumption both on and off the premises

Name and (registered) address of premises licence holder

Fox Country Inn Limited
Ibstone Road
Ibstone
High Wycombe
Bucks
HP14 3XT

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

7920654

Name and address of designated premises supervisor where the premises licence authorises the supply of alcohol

Victoria Gutsul
Riverside
Hunton Bridge
Old Mill Street
Kings Langley
Hertsfordshire
WD4 8QT

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

Reference: 20/00002/LAPER

Licensing Authority: Three Rivers District Council

Date: 13th February 2020

Signed: 

Authorised Officer

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

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 on the premises is carried out 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(a);
- (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(b)

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 start, or the period of 14 days beginning on the second day

Annex 2 – Conditions consistent with the Operating Schedule

General

- All staff who have not already completed a personal licence training course will be trained in the responsible sale of alcohol
- Ensure that no members of the public are admitted to the premises after 2330 hours, save for the re-admission of customers who have temporarily left the premises to smoke
- Ensure that non-alcoholic drinks are available for retail sales at all times when the sale of alcohol is authorised at the premises by the Premises Licence

The prevention of crime and disorder

- Door supervisors registered with the SIA will be on duty during party events with more than 100 customers attending
- The premises shall maintain a CCTV system, covering the entrances and licensed areas of the premises and recordings for a minimum of 31 days shall be available to the Police or Council Officers on request
- The Designated Premises Supervisor will give written authority to bar staff involved in alcohol sales and clear guidance on whom alcohol may be sold to

Public safety

- A fire risk assessment will be maintained in accordance to the Regulatory Reform Order 2005
- The management are fully aware of their responsibilities under Health and Safety legislation

The prevention of public nuisance

- The smoking area at the front of the premises will not be used after 2200 hours and will be moved to the rear of the premises adjacent to the doors to the conference room
- All music, recorded or live will be played through a noise limiting device set in conjunction with the Council pollution team
- Doors and windows of the premises will remain closed at all times there is any music, live or recorded other than for the entry or egress of customers
- Notices will be placed at each exit requesting customers to leave quietly and door supervisors or staff members will supervise the car park as customers leave to minimise any disturbance

The protection of children from harm

- Ensure that a challenge 25 policy is operated at the premises with appropriate signage displayed inside the venue to prevent the sale of alcohol to any person under the age of 18 years
- No person under the age of 18 years will be permitted onto the premises without being under the supervision of an appropriate adult

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

General

- All staff who have not already completed a personal licence training course shall be trained in the responsible sale of alcohol
- Ensure that no members of the public are admitted to the premises after 23:30 hrs, save for the re-admission of customers who have temporarily left the premises to smoke
- Ensure that non-alcoholic drinks are available for retail sales at all times when the sale of alcohol is authorised at the premises by the Premises Licence

Prevention of Crime & Disorder

- Door supervisors registered with the SIA shall be on duty during party events with more than 50 customers attending

- An operational CCTV system shall be maintained covering the entrance and licensed area of the premises. Recordings from the CCTV system shall be retained for a minimum of 30 days and be made immediately available to an authorised officer of the Licensing Authority, a Police Officer or Police Licensing Officer together with facilities for viewing
- The DPS shall give written authority to Bar staff involved in alcohol sales and clear guidance on whom alcohol may be sold to
- No supply of alcohol may be made under the Premises licence unless a Personal Licence Holder is present on the premises.

Public Safety

- A fire safety risk assessment shall be maintained in accordance to the Regulatory Reform Order 2005
- The management shall be fully aware of their responsibilities under the health and safety legislation

Protection of Children from Harm

- The Licence holder shall ensure that a Challenge 25 policy is operated at the premises with appropriate signage displayed inside the venue to prevent the sale of alcohol to any person under the age of 18 years
- No person under the age of 18 years shall be permitted onto the premises without being under the supervision of an appropriate adult

Prevention of Public Nuisance

- The smoking area at the front of the premises shall not be used after 10.00pm and shall be moved to the rear of the premises adjacent to the doors of the conference room
- All music, recorded or live music shall be played through a noise limiting device set in conjunction with the Council's Control of Pollution team
- All doors and windows of the premises shall be kept closed and shut at all times there is any music, live or recorded other than for entry or egress of customers
- Notices shall be placed at each exit requesting customers to leave quietly and Door supervisors or staff members shall supervise the car park as customers leave to minimise any disturbance
- Any final orders for drinks prior to the termination times set for the sale of alcohol will be limited to one alcohol drink per customer

Annex 4 – Plans

See plan attached with reference # 11/02482/LAPREV

