



Licensing Sub-Committee agenda

Date: Tuesday 14 July 2020

Time: 10.00 am

Venue: via Video Conference

Membership:

S Renshell (Chairman), G Powell and Sir B Stanier Bt

Webcasting notice

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If you have any queries regarding this, please contact the monitoring officer at monitoringofficer@buckinghamshire.gov.uk.

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 to contact the Legal Advisor prior to the meeting.	

- | | | |
|----------|---|----------------|
| 4 | Hearing Procedure Rules
To note the hearing procedure rules and virtual licensing sub-committee procedural rules. | 3 - 16 |
| 5 | Application for a new Premises Licence - Wing Supermarket, 16 Stewkley Road, Buckinghamshire LU7 0NE | 17 - 54 |

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: Leslie Ashton on 01895 837227, email democracy@buckinghamshire.gov.uk.

BUCKINGHAMSHIRE COUNCIL

LICENSING SUB-COMMITTEE HEARING PROCEDURE

Procedure at Hearings before the Licensing Sub-Committee in relation to matters mainly under the Licensing Act 2003 as amended (“The 2003 Act”) **except** Interim Hearings (Summary Review of a Premises Licence) conducted pursuant to Section 53B of the Licensing Act 2003, as amended (separate Procedure).

Hearings for Gambling Premises are dealt with under the Gambling Act 2005 as amended.

ADMINISTRATION IN RELATION TO A HEARING

1. Prior written notice of the Hearing will have been given to the interested/relevant parties.
 - (a) Where a party has informed the Council that they will not be attending or represented the Hearing may proceed in their absence.
 - (b) Where a party has not replied to the notice, does not attend and is not represented then the Sub-Committee may proceed with the Hearing in that party’s absence or adjourn the Hearing if it is considered necessary in the public interest to do so.
 - (c) If a party has indicated they will attend but does not appear, that party must inform the Council of any delay – with reasons - and in consideration thereof the Sub-Committee can decide to proceed with the Hearing or adjourn to later the same day or another time. If a party is more than 15 minutes late and has not contacted the Council with details of any delay – the Sub-Committee can decide to proceed with the Hearing or adjourn to later the same day or to another time.

If the Hearing is held in a party’s absence, the Sub-Committee will still consider the application, representation or notice made by that party.

2. A Hearing can be dispensed with if all parties give notice that they consider a hearing unnecessary. If this is the case the application/notice will still be determined by the Sub-Committee in public – unless it is considered to be in the public interest that the determination should be in private - on the basis of the advance papers provided, with the Licensing Officer introducing his/her report and answering any queries the Sub-Committee may have before they make their determination.
3. Representations can be withdrawn by prior notice 1 working day before the Hearing or orally at the Hearing.
4. Hearings shall take place in public **except where** the Council considers that the public interest in excluding the public from all or part of the Hearing outweighs the public interest in it remaining public. The Council considers it to be in the public interest to exclude the public, including all parties, when the Sub-Committee are deliberating in order to reach their decision. Where facilities permit, public hearings will be available to be viewed and participated in online using the Councils webcast service. Members of the public who wish to record, photograph, film and report on public hearings are asked to advise the

Democratic Services Officers before the Hearing so that where possible all necessary practical arrangement can be made.

5. At the Hearing any party can be assisted or represented by any person whether or not that person is legally qualified.
6. The Hearing will be before the Licensing Sub-Committee which will be made up of three Members of the Buckinghamshire Council's Licensing Committee who will at the beginning of the session agree and identify which of them is to act as Chairman for the Hearing. Each matter/application will be dealt with individually and three Members **must** be able to participate in relation to each application for the Hearing to proceed and remain until the subject application/notice is determined.
7. The Chairman will address any issues of interests under the Council's Member Code of Conduct at the Hearing after the introductions have been made
8. Members of the Licensing Sub-Committee must consider beforehand if they need to declare any personal interests and whether their personal interest is also a prejudicial interest in which case they will not be able to attend the Hearing. Members who have any Disclosable Pecuniary Interests will not be able to attend the Hearing either. Members should also consider beforehand if they have or would be considered to have predetermined the matter in which case they should also distance themselves from the determination of the matter and not attend the Hearing.
9. Members of the Licensing Sub-Committee will have received in advance (5 clear days) in relation to each application/notice to be considered, the Licensing Officer's Report and associated papers and will come to the Hearing having read those papers.
10. Account can be taken of documentary or other information produced by a party in support of their application, representation or notice (as applicable) either 1 working day before the Hearing or - with the consent of all other parties - at the Hearing, in which case sufficient copies are required to be provided for all relevant parties. Any party wishing to call another person (other than a person representing them) to make oral representations must provide details of this to the Council within the time stated in the Notice of Hearing which the Council will serve on the Parties. At the beginning of the Hearing the Sub-Committee will consider any such requests and confirm whether permission is granted for that person to speak.
11. The Sub-Committee may disregard any information which is not considered relevant to the application/representation/notice and the promotion of the licensing objectives.
12. The purpose of a Hearing is to enable those with a right to appear to amplify their written application or representation and to test the case of their opponents. It is also to assist the Sub-Committee to gather evidence and understand the relevant issues. The parties (including other persons on their behalf) will be allowed an equal reasonable period of time to address the Hearing and ask questions – the Chairman may set such maximum period of time in the interests of the progress of the Hearing in the public interest. Where the representations made relate to the same or similar issues, a spokesperson should be

appointed where possible to speak on behalf of any person who has made a written representation.

13. Parties can ask questions of other parties in accordance with the procedure below. The Chairman can stop a party asking questions if they feel the questions are unnecessary. Parties are expected to treat other parties with respect and any form of harassment or excessive questioning will not be tolerated. In such cases the Chairman will ask the party to discontinue that type of questioning. The Chairman can require any person (including any of the parties) who is disrupting the proceedings to leave the Hearing.
14. The Decision of the Licensing Sub Committee will be made after the close of the Hearing for that matter and confirmed in writing to the Applicant and all parties who submitted relevant representations together with details of the right of appeal within the time limits set out in Legislation and Regulations. The date of formal notification for the purposes of any appeal against the Licensing Sub-Committee's decision will be the date the letter from the Licensing Officer enclosing the Decision Notice and confirming the rights of appeal and the timescales involved is deemed to have been served on the parties.
15. The Sub-Committee may depart from this procedure (as varied/amended from time to time based on changes to law and practice) if it considers it necessary and/or equitable to do so.

AT THE HEARING

1. The Chairman will open the Hearing and start the introductions of the Sub-Committee and Officers and ask each party to introduce themselves. The Chairman will confirm that if a party is not present their representations/application will have been read and will be considered in reaching the decision.
2. The Chairman will address any interest arising under the Code of Conduct.
3. The Chairman will consider any submitted requests from a party for permission for another person to appear at the Hearing. If necessary, the sub-committee will retire to deliberate before making a decision.
4. The Chairman will confirm that the Hearing will take the form of a round the table discussion led by the Sub-Committee in accordance with this procedure. If all parties present confirm that they have seen and understand the procedure to be followed at the Hearing and agree they are ready to proceed then the Hearing **shall commence as set out from para 9 below.**
5. The Chairman will remind everyone that the purpose of the Hearing should be borne in mind at all times i.e.
 - to enable those with a right to appear to advance their point of view and concerns and to test the case of their opponents and
 - to assist the Sub-Committee to gather evidence and understand the relevant issues.

6. The Chairman will confirm what advance papers have been received and that these have been read and therefore there is no need to repeat these matters.
7. The Chairman will make clear that parties should only address the Sub-Committee in relation to matters previously raised/submitted. Late evidence to be submitted at the Hearing will only be considered by the Licensing Sub-Committee with the consent of all parties present.
8. The Chairman will then outline the procedure to be followed by reading out points 9 to 15 below **unless** all parties present have confirmed that they have seen and understood the procedure and are ready to proceed with the Hearing.
9. The Chairman will ask the Applicants whether they wish to make any amendments to their application with a view to addressing issues raised by the representations.

10. ORDER OF ORAL PRESENTATIONS

- a. The Licensing Officer will present their report outlining the details of the application/notice and representations received.
- b. Any party may question the Licensing Officer.
- c. The Members may question the Licensing Officer.
- d. The Responsible Authorities will present their case and call their witnesses*.
- e. Any other party may question the Responsible Authorities.
- f. The Members may question the Responsible Authorities.
- g. Each Interested Party will present their case in turn and call their witnesses*.
- h. Any other party may question the Interested Party.
- i. The Members may question the Interested Parties.
- j. The Applicant/Licence Holder will present their case and call their witnesses*.
- k. The other parties may question the Applicant/Licence Holder.
- l. The Licensing Officer may question the Applicant/Licence Holder.
- m. The Members may question the Applicant/Licence Holder.

* If permission has been given to do so.

11. Before moving onto the next party, the Chairman will check there are no further points the current party wishes to make or any further questions that need to be put to that party.
12. On a without prejudice basis, the Licensing Officer will present the schedule of proposed non mandatory Conditions to be imposed of any Licence if granted as set out in their report. Each party will be asked to address/give their views on those proposed conditions and suggest any other appropriate conditions to assist the Sub-Committee. If possible an agreed schedule of conditions will result. It will remain however for the Sub-Committee to determine what conditions will apply should the application be successful.
13. Each party will be invited to make closing submissions in the following order
 - a. Licensing Officer
 - b. Responsible Authorities
 - c. Interested Parties

d. the Applicant

14. The Chairman will then close the Hearing and the Sub-Committee will retire together with the Committee Clerk and the Sub-Committee Legal Advisor for the matter to be determined.

15. The Sub-Committee will come to a decision which will be sent to the Applicant and all other parties' who submitted relevant representations within the time limits set out in Regulations together with details of the right of appeal.

NOTE

IN PRODUCING THIS PROCEDURE, THE FOLLOWING HAVE BEEN CONSIDERED: -

- Licensing Act 2003 *as amended* - and Explanatory Notes
- National Guidance
- The Licensing Act 2003 (Hearings) Regulations 2005 as amended
- The Human Rights Act 1998.
- Local Government Act 1972 as amended.

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Licensing and Regulatory Sub-Committee Virtual Procedural Rules

Introduction

The Secretary of State for Housing, Communities and Local Government made [Regulations](#) (The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020) to ensure local authorities can conduct business during the current public health emergency and this legislation was passed on 4 April 2020. The Regulations will apply to local authority meetings (full council, executive, joint committee, committee or sub-committee) held before 7 May 2021 from 4 April 2020. Councils can make standing orders in respect of virtual meetings, and will not be constrained by any existing restrictions. The Licensing Act 2003 and the Licensing Act 2003 (Hearing) Regulations 2005 provide flexibility to Licensing Authorities in determining their own hearing procedures.

Councils can make standing orders in respect of virtual meetings, and will not be constrained by any existing restrictions.

Before the Hearing

Access to Information

The Council can hold and alter the frequency and occurrence of meetings without requirement for further notice.

The new 2020 Regulations make provision for local authority members and officers, and the public, to have access to documents without attending council buildings and it will be sufficient for local authorities to publish the documents on their website. This includes notices, agendas, reports, background papers and minutes. The Proper Officer will give the requisite notice to the public of the time of the meeting, and the agenda, together with details of how to join the meeting which will be available on the website.

The obligation under the old Regulations (Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012) to supply copies of such documents in response to requests made by members of the public and on behalf of newspapers is disapplied.

The requirement in England for 5 clear days' notice to be given of principal council meetings, including annual meetings, still applies however notice can now be given on the council's website. However, it should be noted that Licensing is not subject to this but is bound by the Licensing Act 2003 and there may be occasional times when these requirements cannot be met.

Time and Place of Meetings

Meetings can be held remotely, including by (but not limited to) telephone conferencing, video conferencing, live webcast, and live interactive streaming even if particular members of the public cannot access them. This Council will use Microsoft Teams to hold virtual

meetings and will invite external participants to virtual meetings, if any, via email or telephone. Where possible, virtual meetings will be webcast where the Hearing is held in public via a link published on the meeting webpage.

The Constitution states that when reasonably practical, a sub-committee meeting should be held at the Council facility which is closest to the premises or issue that is the subject of the meeting. However, this requirement cannot be met during this current period.

During the Hearing

It is a requirement for such hearings that:

- a) proper notice is given, with all papers served timeously on the authority and published online;
- b) the actual parties to the hearing are able to participate;
- c) any member of the public can see or hear, albeit not participate in, the hearing.

Although held in a virtual format, Hearings dealing with new licences or variations to existing licences will follow the standard procedure. Panel Members may ask questions of any party at any time. Questions are usually taken after each person has spoken. It is helpful to undertake a document check at the start of the Hearing.

In terms of issues that may arise during the Hearing the following rules apply:-

Quorum for Meetings

The rules for quorum will still apply. This is 3 Councillors for a licensing or regulatory sub-committee. It is also considered good practice to have a reserve member, in case of interests. The constitution states that if a quorum is not present within 10 minutes of the scheduled start of the meeting or such longer time as allowed by the Chairman, the business of the meeting will be adjourned. The Chairman may allow for flexibility around the start time of the meeting where there are any technical issues.

In the event of any apparent failure of the technology the Chairman should immediately determine if the meeting is still quorate. The Chairman could adjourn for 10-15 minutes to allow the connection to be re-established. If an individual remote participation fails the Chairman may call a short adjournment. As the hearing must have 3 members present, the meeting will be reliant on the lost connection being re-established to ensure all members are present for the entire discussion in order to hear all of the facts and vote on the matter.

You can only have 3 members on the Licensing and Regulatory Sub-Committees (LSC) for each Hearing (as per Section 9 of the Licensing Act 2003 and the Constitution Terms of Reference for the LSC). The reserve member is only there in case an interest rises at the beginning of the Hearing or one of the 3 members identified as being on the LSC fails to turn up to the virtual meeting. It is only those 3 members who have been identified as being on the LSC for that Hearing who can ask questions of the other parties. A reserve member would not be able to participate if the technology fails for one of the members present as whilst they would be listening they will not have taken an active role nor been included in the process/asked to see if they have any questions etc.

Attendance at meetings and webcasting

Once everyone is present at the start of the Hearing the 'room can be locked' unless the Chairman/Democratic Services Officer believe that additional persons need to be included during the Hearing.

A roll call or introductions will be made at the start of the meeting to record those present. There is no requirement for councillors to sign their names on the attendance sheets when attending a virtual meeting. The Democratic Services Officer will maintain a list of attendance throughout the meeting.

To be classified as a 'member in attendance' and attend a meeting remotely, the following conditions must be satisfied;

a) councillors must be able to hear and (where practicable) see and be heard and (where practicable) be seen by other councillors in attendance at the meeting. This full requirement also extends to members of the public attending to exercise a right to speak at the meeting

b). All other members of the public must as a minimum be able to hear (but if practicable be seen as well)

In practice this means that if councillors and speaking members of the public can be heard and hear each other and other members of the public not speaking can hear, this would fulfil the requirements of holding a virtual meeting.

Members of the press and public may only be excluded from a meeting in accordance with the Access to Information Rules.

The Regulations state that meetings being open to the public include access by remote means. Such access includes (but not limited to) video conferencing, live webcast, and live interactive streaming and where a meeting is accessible to the public through such remote means the meeting is open to the public whether or not members of the public are able to attend the meeting in person. For clarity, a meeting recorded and then posted online after the event would not satisfy this requirement.

The people on the Teams call who are present throughout the meeting are the Members 'round the table' and any officer supporting the meeting. The public gallery, where Members can sit and observe the meeting alongside members of the public, is the webcast version. It is important to keep numbers in the meeting (except for those allowed to be present as Members) to a minimum to enable the proper flow of the virtual meeting.

Conflicts of interest

Councillors should consider if they have an interest, and, if required, seek advice from the Monitoring Office, or their deputy, before the meeting starts. If a Councillor appointed to a licensing hearing considers that their interest is prejudicial they should notify Democratic Services as soon as possible so that an alternative councillor can be appointed to the licensing hearing. Where a councillor has an interest they must declare their interest and

the nature of it at the start of the meeting. If the interest is 'personal' having declared a personal interest the councillor may continue to speak and vote on the item of business concerned. If the councillor has a prejudicial interest they will not be able to take part in the discussion or decision and must leave the meeting. A reserve councillor, if available, will then be called upon to serve on the hearing in their absence.

Minutes of meetings

The Minutes of meetings will be signed and kept by the Chairman until government guidance allows councillors and officers to return the signed copy to the office.

Questions

Questions will be asked in the normal way as set out in the Constitution.

Order of business (as normal)

1. The Chairman will open the Hearing and start the introductions of the Sub-Committee and Officers and ask each party to introduce themselves. The Chairman will confirm that if a party is not present their representations/application will have been read and will be considered in reaching the decision.
2. The Chairman will address any interest arising under the Code of Conduct.
3. The Chairman will consider any submitted requests from a party for permission for another person to appear at the virtual Hearing. If necessary, the sub-committee will retire to deliberate before making a decision.
4. The Chairman will confirm that the Hearing will take the form of a virtual round the table discussion led by the Sub-Committee in accordance with this procedure. If all parties present confirm that they have seen and understand the procedure to be followed at the virtual Hearing and agree they are ready to proceed then the Hearing **shall commence as set out from para 9 below.**
5. The Chairman will remind everyone that the purpose of the virtual Hearing should be borne in mind at all times i.e.
 - to enable those with a right to appear at the virtual meeting to advance their point of view and concerns and to test the case of their opponents and
 - to assist the Sub-Committee to gather evidence and understand the relevant issues.
6. The Chairman will confirm what advance papers have been received and that these have been read and therefore there is no need to repeat these matters.
7. The Chairman will make clear that parties should only address the Sub-Committee in relation to matters previously raised/submitted. Late evidence to be submitted at the Hearing will only be considered by the Licensing Sub-Committee with the consent of all parties present.

8. The Chairman will then outline the procedure to be followed by reading out the order of oral presentations **unless** all parties present have confirmed that they have seen and understood the procedure and are ready to proceed with the virtual Hearing.
9. The Chairman will ask the Applicants whether they wish to make any amendments to their application with a view to addressing issues raised by the representations.
10. Order of oral presentations
 - a. The Licensing Officer will present their report outlining the details of the application/notice and representations received.
 - b. Any party may question the Licensing Officer.
 - c. The Members may question the Licensing Officer.
 - d. The Responsible Authorities will present their case and call their witnesses*.
 - e. Any other party may question the Responsible Authorities.
 - f. The Members may question the Responsible Authorities.
 - g. Each Interested Party will present their case in turn and call their witnesses*.
 - h. Any other party may question the Interested Party.
 - i. The Members may question the Interested Parties.
 - j. The Applicant/Licence Holder will present their case and call their witnesses*.
 - k. The other parties may question the Applicant/Licence Holder.
 - l. The Licensing Officer may question the Applicant/Licence Holder.
 - m. The Members may question the Applicant/Licence Holder.

* If permission has been given to do so.

Once they have made their representations under the requirements of the constitution they will need to switch off their microphone and not participate any further in the meeting unless they are asking any questions or wish to sum up. No speaking is timed.

11. Before moving onto the next party, the Chairman will check there are no further points the current party wishes to make or any further questions that need to be put to that party.
12. On a without prejudice basis, the Licensing Officer will present the schedule of proposed non mandatory Conditions to be imposed of any Licence if granted as set out in their report. Each party will be asked to address/give their views on those proposed conditions and suggest any other appropriate conditions to assist the Sub-Committee. If possible an agreed schedule of conditions will result. It will remain however for the Sub-Committee to determine what conditions will apply should the application be successful.

13. Each party will be invited to make closing submissions in the following order

- a. Licensing Officer
- b. Responsible Authorities
- c. Interested Parties
- d. the Applicant

14. The Chairman will then close the Hearing and the Sub-Committee will meet virtually together with the Committee Clerk and the Sub-Committee Legal Advisor for the matter to be determined.

15. The Sub-Committee will come to a decision which will be sent to the Applicant and all other parties' who submitted relevant representations within the time limits set out in Regulations together with details of the right of appeal.

When can the Chairman be interrupted ?

There are circumstances allowed for in the Constitution where the Chairman can be interrupted such as:-

- Technology is not working effectively
- Officer needs to provide advice
- Point of order or personal explanation

or any other area where the Constitution or Chairman allows.

Disturbance during proceedings

The Constitution states that if anyone interrupts proceedings the Chairman will warn the person concerned and if they continue to interrupt the Chairman will order their removal from the virtual meeting room. There may be circumstances where the person needs to be removed immediately for example if they are being inappropriate and the Chairman can do this by muting their microphone. If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as they consider necessary.

Adjournments

People will remain on the call with mics muted and cameras off until the meeting starts again. The Chairman may also want to consider having a comfort (screen) break for longer meetings. If there is a problem with the technology the Chairman should adjourn the meeting. However, this does not stop a meeting going ahead because a person does not have access to the required technology in the first place. If technology fails for a wholly remote meeting, and the meeting is no longer open to the public, any decisions made could be challenged as unlawful which renders the whole meeting incapable of proceeding and therefore the Chairman should adjourn until the remote meeting can be restored within a reasonable period, or at a time and date fixed by the Chairman or until the next ordinary meeting. Any interested party eligible to speak who attends to exercise their right to speak

and is unable to do so renders only their item incapable of proceeding unless they are happy to submit their comments through a written representation.

The Council will try and achieve the best possible outcome.

Deliberations and Exclusion of the Press and the Public

Under Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005 the licensing authority may exclude the public from all or part of the hearing where it considers that the public interest in doing so outweighs the public interest in the Hearing or part of that Hearing taking place in public. In addition there may be information in the agenda pack pertaining to the hearing be exempt from publication or discussion in public under Schedule 12A of The Local Government Act 1972 as amended. In these circumstances the public will be excluded from part or the whole of the Hearing as appropriate.

At the conclusion of the Hearing, the Sub-Committee together with the Democratic Services Officer and Legal Advisor, will remain in a private virtual meeting in order to deliberate on the decision. Interested parties will then be notified of the outcome of the hearing in writing after the meeting in accordance with required timescales.

Each Member in remote attendance must ensure and verbally declare that there are no other persons present who are not entitled to be (either hearing or seeing) consideration of such items, and/or recording the proceedings.

The Sub-Committee may depart from this procedure (as varied/amended from time to time based on changes to law and practice) if it considers it necessary and/or equitable to do so.

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Buckinghamshire Council

Licensing Sub-Committee Hearing
Date: 14 July 2020

SUBJECT:	APPLICATION FOR A NEW PREMISES LICENCE at: Wing Supermarket, 16 Stewkley Road, Buckinghamshire, LU7 ONE
Report Author	Kerryann Ashton - Licensing Officer
Ward/s Affected	Wing

1. Purpose of Report

To provide Members with information enabling the determination of an application for a new Premises Licence, in respect of which relevant representations have been received. The Application has been submitted by Mr. Sethjit Singh (“the applicant”) in respect of Wing Supermarket at 16 Stewkley Road, Bucks LU7 ONE (“the premises”).

2. Background

- 2.1 The premises consist of a retail premises and an adjacent piece of land.
- 2.2 The premises is situated *a short distance from the busy A418 road at the end of a small parade of other business premises. The area is however predominantly residential, with residential dwellings to the immediate north, south and west of the premises. The premises is not located within a cumulative impact policy area.*

A location plan showing the premises location is attached to this report marked Appendix 1 and a layout plan of the interior of the premises is attached as Appendix 2.

3. The Application

- 3.1 This application is for a new Premises Licence to commence on 1 August 2020. A copy of the application is attached to this Report marked Appendix 3.

3.2 The licensable activities sought are as follows:

<u>Proposed activity</u>	<u>Proposed hours</u>
<p><i>Supply of alcohol (Off the premises)</i></p> <p><i>Standard days and timings:</i></p>	<p>7 am -10 pm Monday to Friday 10 am - 10pm Saturday and Sunday</p>
<p><i>Hours premises are open to the public</i></p> <p><i>Standard days and timings:</i></p>	<p>7 am -10 pm Monday to Sunday inclusive</p>

4. Relevant Representations

4.1 Responsible Authorities:

- 4.1.1 **The Chief Officer of Police:** Response received - *no objection*
- 4.1.2 **The Licensing Authority:** Response received - Objections received copy attached to this Report marked Appendix 4. This objection will be addressed by an agreed amendment of the application by the applicants by additional conditions being attached to the Premises Licence if granted.
- 4.1.3 **The Fire and Rescue Authority:** Response received - *no objection*
- 4.1.4 **The Local Planning Authority (Head of Sustainable Development):** Response received - *no comment*
- 4.1.5 **The Local Environmental Health Authority (Head of Environmental Health):** Response received - *no comment*
- 4.1.6 **Weights and Measures Authority (Trading Standards Officer):** Response received - *no comment*
- 4.1.7 **The Safeguarding and Child Protection Unit:** Response received - *no comment*
- 4.1.8 **The Primary Care Trust:** Response received - *no comment*
- 4.1.9 No responses were received from any other Responsible Authority.

4.2 **Any other persons:** *3 objections were received during the 28 day consultation period which ended on 17 June 2020 a copy of which are attached marked Appendix 5.*

4.3 A further 8 representations were received but not deemed relevant under S(18)(6)(a) of the Licensing Act 2003 as amended as they did not concern the likely effect of the grant of the premises licence on the promotion of the licensing objectives

4.4 No letters of support were received.

5. Licensing Officer's Observations:

5.1 The Relevant Representations received raise the follows issues:

- *Public Safety*
Public Safety concerns are mentioned in several of the objections, however these relate to parking and highways concerns.
- *The prevention of public nuisance*
Two of the representations state that Anti- social behaviour already exists around the shop.

Objectors state that providing a liqueur licence (premises licence) to run from 07:00 - 22:00 7 days a week will cause a public nuisance on the grounds of noise and unsavoury behaviour in what is a residential area. There will be the inevitable clashes between residents and the groups hanging round the shop late into the evening.

Another objector also states the opening hours are of concern because selling until 10pm is likely to result in noise disturbance late at night. And also feel that the licence will cause an increase in revellers hanging around the premises and causing a disturbance and antisocial behaviour.

5.2 The Mandatory Conditions, together with the Conditions proposed by the applicant and the Responsible Authority set out in The Schedule to this report are considered appropriate for recommendation to the Licensing Sub-Committee to address concerns raised in the objections if a Premises Licence is granted.

6. Policy Considerations

6.1 Regard must be had to the Council's adopted Licensing Policy published November 2015 when determining this application. Of particular relevance (but not limited to) is section 4.7, which details the Council's approach to licensing hours.

Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.

- 6.2 Regard must also be had to the national Guidance issued by the Home Office under Section 182 of the Licensing Act 2003, as amended. Of particular relevance is section 10.15 Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours

7. Links to Council Policy Objectives

- 7.1 Licensing contributes to the Council's key priorities of strengthening communities by enabling more leisure opportunities. Appropriate use of licensing controls helps protect the vulnerable by ensuring only well run premises that promote the protection of children from harm are permitted to provide licensable activities. Efficient and effective application of licensing arrangements helps promote prosperity by ensuring interventions are targeted to problem areas, while compliant businesses are encouraged to flourish. In addition, licensed operations provide good employment opportunities for local residents and encourage tourism.

8. Resources, Risk and Other Implications

- 8.1 **Resource:** The only resource implications to date have been officer time however if the applicant or persons making relevant representations appeals against the decision of the Licensing Sub - Committee this would result in legal fees to defend the appeal and further costs. In the event of a successful appeal the Council may also have to pay the applicant/other party's costs.
- 8.2 **Human Rights:** The Licensing Sub - Committee's decision regarding this application will have Human Rights implications in respect of both the Applicant and the persons making relevant representations which also need to be considered equally and fairly so that the decision is proportionate and the right balance is met. The referral of this matter to the Sub - Committee is laid down in the Licensing Act 2003, as amended and is also in accordance with Article 6 of the Human Rights Act 1998, the right to a fair hearing, which is an absolute right. The Applicant and the persons making relevant representations have been notified of the Hearing and invited to make representations. A statutory right of appeal to the Magistrates Court and the right (if it arises) to challenge the Sub-Committee's decision by way of Judicial Review to the High Court also ensure a fair hearing to both the Applicant and the persons making relevant representations.
- 8.3 Article 8 and Article 1 of the First Protocol - the right to respect for private/family life and peaceful enjoyment of property/possessions (including Licences) - also need to be considered. The persons making relevant representations have a right to respect for their private and family life and their home. They are entitled not to be disturbed by unreasonable noise and/or nuisance. However, this is a

qualified right and has to be balanced against the rights of others including the rights of businesses in the area to operate.

- 8.4 Article 14 of the Human Rights Act 1998 - the right to freedom from discrimination, which is an absolute right - also needs to be considered. The human rights provided under the Human Rights Act 1998 must not be subject to discrimination under various headings, including race, national or social origins, association with a national minority group, or other status.
- 8.5 Interference with these rights is acceptable within the terms of the Human Rights Act 1998 if it safeguards the rights of others, is legitimate, proportionate and balanced in that there is a need to find a fair balance between the protection of individual rights and the interests of the community at large - other than rights under Article 6 and 14 which are absolute rights and can not be interfered with.
- 8.6 Therefore if Members refuse to grant the application for a new Premises Licence in whole or part or grant it subject to Conditions this will be a breach of the rights of the Applicant unless such refusal (in full or part) is and/or the Conditions imposed are appropriate, proportionate and can be justified, on balance, by being outweighed by the rights of the community at large to peaceful enjoyment of their property/possessions. Any restriction placed upon the Premises Licence must not go beyond what is strictly necessary to achieve its legitimate purpose in order to mitigate the interference with the community at large's enjoyment of their property/possessions.
- 8.7 By taking into consideration all the material considerations relating to this application and balancing the interests/rights of all parties involved it is considered that the Licensing Sub-Committee's decision will be both proportionate and justified having had regard to the Human Rights Act 1998.
- 8.8 The Equality Act 2010, including the Council's Public Sector Equality Duty, must be taken into account when making decisions in relation to licensing applications.

9. Determination by the Licensing Sub-Committee

- 9.1 The Sub Committee is obliged to determine applications in the light of the above and any other material considerations with a view to promoting the four licensing objectives. Regard must also be had to the Council's Licensing Policy, Home Office Guidance issued under Section 182 of the Licensing Act 2003, as amended, relevant representations received and the evidence presented at the Hearing.
- 9.2 Each application must be considered on its own merits and any conditions attached to premises licences must be tailored to the individual style and characteristics of the premises and events concerned. This is essential to avoid the imposition of

disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed, may be unlawful where they cannot be shown to promote the licensing objectives in any individual case.

- 9.3 The Sub Committee must avoid duplication of other legal requirements and should only impose conditions on a premises licence which are appropriate and proportionate for the promotion of the licensing objectives and where additional and/or supplementary measures are required in order to promote the licensing objectives.
- 9.4 The following options are available to the Licensing Sub Committee:
- 9.4.1 Grant the Premises Licence - subject to any Conditions which are consistent with the Operating Schedule and which are considered appropriate and proportionate for the promotion of the four licensing objectives in response to relevant representations received - and any relevant Mandatory Conditions. (On a “without prejudice” basis, a draft list of suggested Conditions is attached to this Report marked “The Schedule”).
 - 9.4.2 Exclude from the scope of the Premises Licence granted under Para 9.4.1 above any of the licensable activities to which the application relates.
 - 9.4.3 Refuse to specify a person in the Premises Licence granted under Para 9.4.1 as the premises supervisor.
 - 9.4.4 Reject the whole of the Application.
 - 9.4.5 Grant the Premises Licence subject to different conditions for different parts of the premises or the different /reduced licensable activities if this is considered appropriate and proportionate to promote the four licensing objectives and in response to the representations received).
- 9.5 The Sub-Committee is asked to note that it may not reject the whole or part of the application or attach conditions - merely because it considers it desirable to do so. It must actually be **appropriate and proportionate** in order to promote the 4 licensing objectives and be in response to the representations received and full reasons must be given for the Sub-Committees decision.

THE SCHEDULE

The Mandatory Conditions

Mandatory Condition - s19 of the Licensing Act 2003 - Supply of Alcohol

No supply of alcohol may be made under the premises licence:

- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made authorised by a person who holds a personal licence

MANDATORY CONDITIONS SPECIFIED BY THE LICENSING ACT 2003 (MANDATORY LICENSING CONDITIONS) ORDER 2010 AS AMENDED BY THE LICENSING ACT 2003 (MANDATORY LICENSING CONDITIONS)(AMENDMENT) ORDER 2014:

Mandatory Condition 1

- (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

MANDATORY 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 expiry of the period of 14 days beginning on the second day.

The Schedule

Proposed conditions

A set of alternate conditions have been drafted by the licensing authority in their capacity as a responsible authority based on the applicant's operating schedule as shown below. New conditions, which are in addition to those proposed in the operating schedule, have been highlighted in bold text. The Applicant has agreed to these conditions being imposed if the application is granted

General

1. Staff engaged in the service of customers at the premises shall be trained in the promotion of the licensing objectives as are commensurate with their duties. This shall include training on awareness of local alcohol related issues, including sessions at least once per month at which staff shall exchange information and experiences on any such issues that may have arisen. The training shall be recorded in a training record which shall not be removed from the premises, except in case of emergency or for the purposes of copying, until a period of 12 months has expired since the last entry that has been recorded. The training record shall be made available to Police and authorised council officers on request.

The prevention of crime and disorder

2. A closed circuit television system shall be maintained in all internal areas of the premises where alcohol is kept for selection and purchase by the public as well as all public entrances and exits.

3. The system shall be capable of recording images of sufficient quality to enable facial recognition and shall record continuously with a date and time stamp applied to the recording to show when the recording was made. All recordings shall be retained for a period of no less than 31 days from the date of recording and the system shall be capable of producing copies of the recordings in a format that can be viewed on domestic-grade reproduction equipment of a computer.

4. A staff member from the premises who is trained and conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the minimum of delay when requested, subject to compliance with the Data Protection Act.

5. A policy of zero tolerance towards the possession and/or supply of illegal drugs shall be implemented at the premises.

6. Alcohol shall not be sold to customers in an open container.

Public Safety

7. A written fire risk assessment shall be maintained at the premises and appropriate fire safety equipment installed and adequately maintained.

8. Staff at the premises shall be first aid trained and an adequate supply of first equipment shall be maintained at the premises.

The prevention of public nuisance

9. The immediate area outside the premises shall be maintained to ensure any litter generated by the premises or its customers will be regularly cleared/swept.

10. Prominent notices shall be displayed at entrances/exits reminding customers that the premises is located in a residential area and to respect neighbours when leaving the premises.

11. Customers shall not be permitted to consume alcohol in any outside areas within the curtilage of the premises.

12. Customers purchasing alcohol shall be actively discouraged from consuming alcohol in the immediate vicinity of the premises by signage and if necessary reinforced with verbal reminders. Staff shall routinely monitor the outside of the premises to ensure customers comply with this requirement.

The protection of children from harm

13. A Challenge 25 scheme will be adopted in compliance with the age verification condition. Customers who appear to be under 25 years of age will be required to prove their age when purchasing alcohol. Suitable forms of identification will be a passport, Holographic 'PASS' scheme card or other identification recognised by the licensing authority in its statement of licensing policy.

14. Challenge 25 posters shall be clearly displayed at the premises.

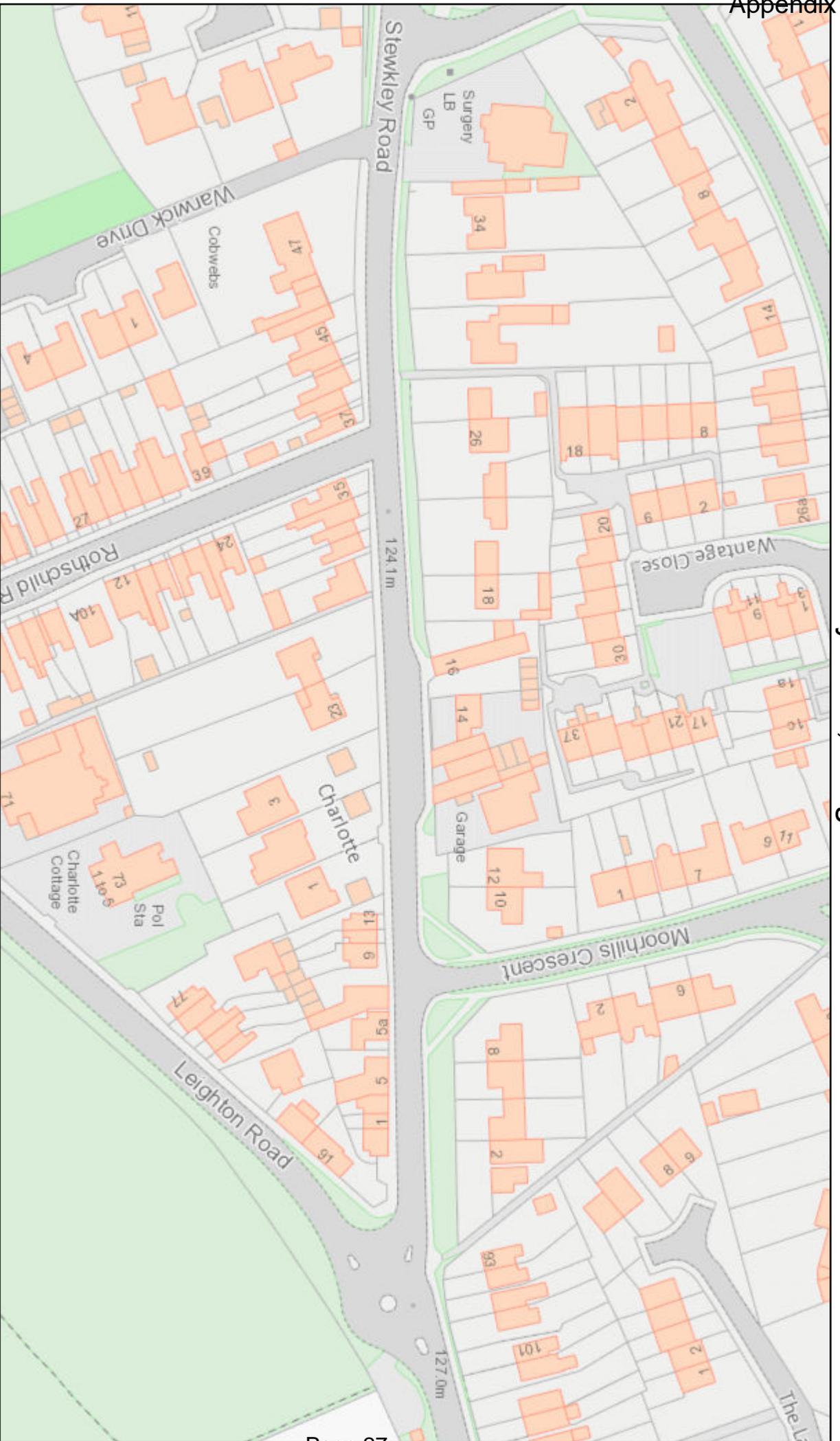
15. A refusals register shall be created and maintained which records all sales of alcohol refused by the premises. The register shall be retained for inspection at the premises whilst it is open for licensable activities for a period of no less than 6 months from the date of the last entry in the register being made.

Informative

This Premises Licence does not purport to grant planning permission for the use of the premises hereby permitted by this Licence and/or for the hours of operation hereby permitted by this Licence and the Applicant is advised to contact the Planning Department to check compliance with the relevant planning legislation/requirements and to submit any necessary planning applications prior to operation.

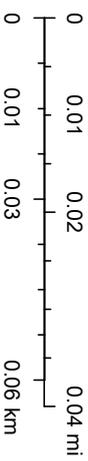
Officer Contact:	Kerryann Ashton (01296 585 560) - email address: <u>kerryann.ashton@buckinghamshire.gov.uk</u>
Background Papers:	Application Ref PR202005-236157 Licensing Act 2003, as amended Licensing Policy - Aylesbury Vale Area Published November 2015. Home Office Guidance issued under Section 182 of the Licensing Act 2003, as amended.

16 Stewkley Road, Wing LUT 0NE



02/07/2020, 10:44:28

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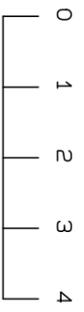
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16 Stewkley Road

Wing

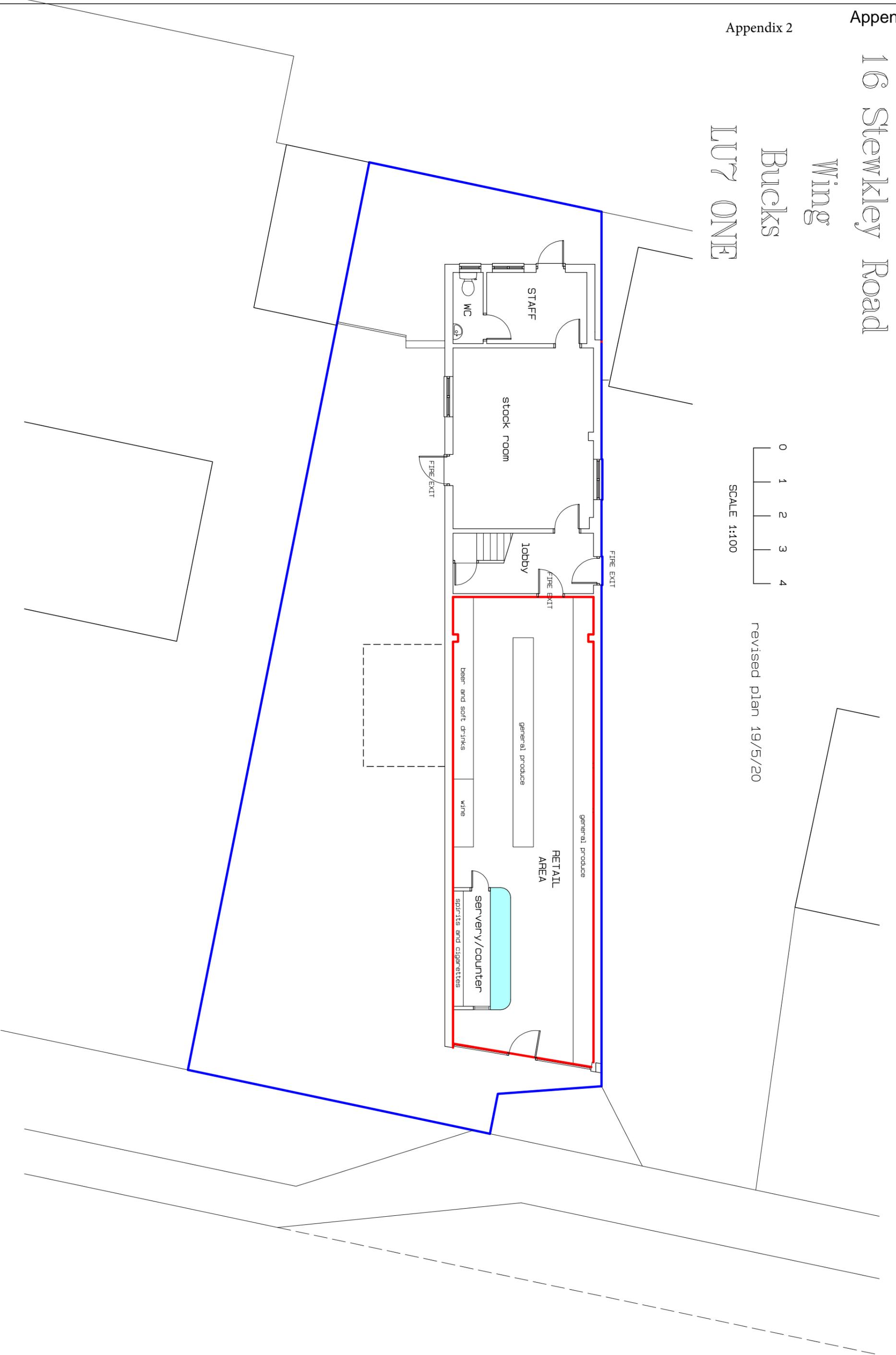
Bucks

LUT ONE



SCALE 1:100

revised plan 19/5/20



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Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/we SETHJIT SINGH

(Insert name(s) of applicant)

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

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
16 - Stewkley Road wing, Beds			
Post town	Leighton Buzzard	Postcode	LU7 0NE

Telephone number at premises (if any)	Mobile	
Non-domestic rateable value of premises	£	

Part 2 - Applicant details

Please state whether you are applying for a premises licence as **Please tick as appropriate**

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

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

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

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or *OFF licence Sale only*

I am making the application pursuant to a statutory function or

a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname <i>SINGH</i>			First names <i>SETHJIT</i>		
Date of birth		I am 18 years old or over <input checked="" type="checkbox"/> Please tick yes			
Nationality <i>[REDACTED]</i>					
Current residential address if different from premises address		<i>[REDACTED]</i>			
Post town		<i>[REDACTED]</i>		Postcode <i>[REDACTED]</i>	
Daytime contact telephone number			<i>[REDACTED]</i>		
E-mail address (optional)		<i>[REDACTED]</i>			
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over		<input type="checkbox"/>	Please tick yes
Nationality					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

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

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)

Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
[] []	[] []	[] [] [] []

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

DD	MM	YYYY
[] []	[] []	[] [] [] []

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

This is premises with A1 use, it used to be shop at some point. It is on the main Road. I want to open a off licence shop. Please do not hesitate to contact me if you need any further information.

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

N/A

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

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

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

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

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

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Tue					
			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Wed					
Thur					
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
Wed					
			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)		
Thur			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Tue			
Wed			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish				
Mon			Please give further details here (please read guidance note 4)			
Tue						
Wed			State any seasonal variations for the performance of live music (please read guidance note 5)			
Thur						
Fri			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)			
Sat						
Sun						

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)			
Mon						
Tue						
			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)			
Wed						
Thur						
			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)			
Fri						
Sat						
Sun						

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>			
				Off the premises	<input checked="" type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)					
Mon	7-00 AM	10 P.M						
Tue	7-00 AM	10 P.M						
Wed	7-00 AM	10 P.M						
Thur	7-00 AM	10 P.M						
Fri	7-00 AM	10 P.M						
Sat	10am A.M	10 P.M						
Sun	10am A.M	10 P.M						
						Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		

None N/A

None N/A

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

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

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State <u>any</u> seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	7-00	10 P.M	<p>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)</p>
	AM		
Tue	7-00	10 P.M	
	AM		
Wed	7-00	10 P.M	
	AM		
Thur	7-00	10 P.M	
	AM		
Fri	7-00	10 P.M	
	AM		
Sat	7-00	10 P.M	
	AM		
Sun	7-00	10 P.M	
	AM		

M

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

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

Effective CCTV (Recording and Monitoring) Fully trained and competent staff, Challenge 25 Policy, Zero drugs tolerance policy, litter management procedure, Fire safety by fire risk assessment → a refusal register

b) The prevention of crime and disorder

The property have C.C.T.V system, which records for 31 days
The recordings are date and time stamped and can be accessed up to 31 days as required by police, licensing or Trading Standards. as when formally Requested
A Zero drugs policy towards to possession and supply of illegal drugs ~~enforcement~~

c) Public safety

Fire Safety – in line with a Fire Risk assessment fire/smoke detectors installed.
Staff are first aid trained and a first aid box will be maintained in the property

d) The prevention of public nuisance

The ~~main~~ immediate area outside the property will be maintained to ensure any litter generated by the premises or its customers will be regularly cleared/swept.

e) The protection of children from harm

Challenge 25 policy will be adopted and any person looking under age shall be asked to prove their age when attempting to purchase alcohol, Signs to this effect will be displayed at property.
The only accepted forms of ID will be those photographic ID documents as recognised in the Home office guidance, including

~~Passports~~ Passports, Photo Card Driving licence or proof of age Card bearing PASS hologram.

A ~~refusal~~ refusals register will be maintained at the property

Checklist:

Please tick to indicate agreement

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

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

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

Part 4 – Signatures (please read guidance note 11)

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

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

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

Directorate for Communities Neighbourhood Services

Licensing Team
 Buckinghamshire Council
 The Gateway
 Gatehouse Road
 Aylesbury
 HP19 8FF

licensing@buckinghamshire.gov.uk
 01296 585605
 www.buckinghamshire.gov.uk

17 June 2020
 Ref: PR202005-236157

Dear Sir/Madam

Licensing Act 2003 – Representing from the Licensing Authority Premises: Wing Supermarket, 16 Stewkley Road, LU7 ONE

I am submitting this representation on behalf of the Licensing Authority in respect of this application for a new Premises Licence. In drafting this representation, careful consideration has been given to the promotion of the four licensing objectives, the Council's Statement of Licensing Policy for the Aylesbury Area and the Secretary of State Section 182 Guidance.

The application is to permit the sale of alcohol, for consumption off the premises, between 07:00 and 22:00 on Mondays to Sundays.

The premises is located a short distance from the busy A418 road at the end of a small parade of other business premises. The area is however predominantly residential, with residential dwellings to the immediate north, south and west of the premises. The premises is not located within a cumulative impact policy area.

The applicant has proposed a number of measures in their operating schedule to address the promotion of the licensing objectives. It is believed that the four licence could be further promoted in this instance if these measures were modified and added to. A set of alternate conditions have been drafted based on the applicant's operating scheduled as shown below. New conditions, which are in addition to those proposed in the operating schedule, have been highlighted in bold text:

General

- Staff engaged in the service of customers at the premises shall be trained in the promotion of the licensing objectives as are commensurate with their duties. This shall include training on awareness of local alcohol related issues, including sessions at least once per month at which staff shall exchange information and experiences on any such issues that may have arisen. The training shall be recorded in a training record which shall not be removed from the premises, except in case of emergency or for the purposes of copying, until a period of**

12 months has expired since the last entry that has been recorded. The training record shall be made available to Police and authorised council officers on request.

The prevention of crime and disorder

2. A closed circuit television system shall be maintained in all internal areas of the premises where alcohol is kept for selection and purchase by the public as well as all public entrances and exits.
3. The system shall be capable of recording images of sufficient quality to enable facial recognition and shall record continuously with a date and time stamp applied to the recording to show when the recording was made. All recordings shall be retained for a period of no less than 31 days from the date of recording and the system shall be capable of producing copies of the recordings in a format that can be viewed on domestic-grade reproduction equipment of a computer.
4. **A staff member from the premises who is trained and conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the minimum of delay when requested, subject to compliance with the Data Protection Act.**
5. A policy of zero tolerance towards the possession and/or supply of illegal drugs shall be implemented at the premises.
6. **Alcohol shall not be sold to customers in an open container.**

Public Safety

7. A written fire risk assessment shall be maintained at the premises and appropriate fire safety equipment installed and adequately maintained.
8. Staff at the premises shall be first aid trained and an adequate supply of first equipment shall be maintained at the premises.

The prevention of public nuisance

9. The immediate area outside the premises shall be maintained to ensure any litter generated by the premises or its customers will be regularly cleared/swept.
10. **Prominent notices shall be displayed at entrances/exits reminding customers that the premises is located in a residential area and to respect neighbours when leaving the premises.**
11. **Customers shall not be permitted to consume alcohol in any outside areas within the curtilage of the premises.**
12. **Customers purchasing alcohol shall be actively discouraged from consuming alcohol in the immediate vicinity of the premises by signage and if necessary reinforced with verbal reminders. Staff shall routinely monitor the outside of the premises to ensure customers comply with this requirement.**

The protection of children from harm

13. A Challenge 25 scheme will be adopted in compliance with the age verification condition. Customers who appear to be under 25 years of age will be required to prove their age when

purchasing alcohol. Suitable forms of identification will be a passport, Holographic 'PASS' scheme card or other identification recognised by the licensing authority in its statement of licensing policy.

14. **Challenge 25 posters shall be clearly displayed at the premises.**

15. A refusals register shall be created and maintained which records all sales of alcohol refused by the premises. **The register shall be retained for inspection at the premises whilst it is open for licensable activities for a period of no less than 6 months from the date of the last entry in the register being made.**

It is recommended that should this licence application be granted that the above proposed conditions be imposed on the premises licence.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'S. Gallacher', is enclosed in a thin black rectangular border.

Simon Gallacher
Principal Licensing Officer

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Web Comment: Web Comment Name	Text	Reason	Web Comment: Created Date
comment 1	The village of Wing already has a shop with a licence to sell alcohol. Anti- social behaviour exists around that shop as it is and I see no need to increase the capacity for more public nuisance In another area of the village. Police resources are scarce in a village. This is particularly pertinent as the licence is requesting 7 days a week, 7:00-22:00 permission.	The prevention of public nuisance	06/06/2020
comment 2	Providing liqueur licence to run from 07:00 - 22:00 7 days a week will cause a public nuisance on the grounds of noise and unsavoury behaviour in what is a residential area. There will be the inevitable clashes between residents and the groups hanging round the shop late into the evening. There is also a public safety issue as there is simply no parking available and Stewkley Road has a 100 plus large lorries travel up and down it every day, which with more people trying to visit the shop will result at some point in a serious accident or death.	The prevention of public nuisance	06/09/2020
comment 3	We would like to register our concern about this liquor licence application. There is already a licenced shop in Wing village which suffers from antisocial behaviour, without sufficient police resource in the area to tackle it. We are concerned that granting this licence will bring about similar problems on Stewkley Road. The opening hours are of concern because selling until 10pm is likely to result in noise disturbance late at night. We also feel that the licence will cause an increase in revellers hanging around the premises and causing a disturbance and antisocial behaviour. And while we appreciate that the application is not to seek permission for a retail outlet, we would like to make it clear that Stewkley Road already has significant traffic and parking issues which negatively impact residents and endanger pedestrians and we believe that adding another retailer will exacerbate this problem.	The prevention of public nuisance	16/06/2020

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