



Licensing Sub-Committee agenda

Date: Monday 14 June 2021

Time: 10.30 am

Venue: Via Video Conference

Membership:

To be confirmed. D Barnes, J Baum, R Gaster, T Green, P Griffin, C Jones, N Rana, J Rush, N Southworth, B Stanier Bt (Buckinghamshire Council), D Town, G Wadhwa, H Wallace, D Watson and A Wood

Webcasting notice

Please note: this meeting may be filmed for live or subsequent broadcast via the council's website. At the start of the meeting the chairman will confirm if all or part of the meeting is being filmed.

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Therefore by entering the meeting room, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes. If members of the public do not wish to have their image captured they should ask the committee clerk, who will advise where to sit.

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

Agenda Item	Time	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.

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| 4 | Hearing Procedure Rules
To note the hearing procedure rules and virtual licensing sub-committee procedural rules. | 3 - 10 |
| 5 | Wendover Beers, 19 Wood Lane, Wendover, Buckinghamshire, HP22 5PW
To consider an application under s.17 of the Licensing Act 2003 for a new premises licence in respect of Wendover Beers, 19 Wood Lane, Wendover, Buckinghamshire, HP22 5PW (application and report attached). | 11 - 44 |

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, email liz.hornby@buckinghamshire.gov.uk

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.

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. 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.

Only 3 members are permitted on 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 present in case an interest arises at the beginning of the Hearing or one of the 3 members identified as being on the LSC fails to attend 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

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 is 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.

In the event that the live webcast fails and cannot be resumed the meeting will be opened and adjourned to allow for it to take place at a hearing (the date and time of which will be fixed prior to the matter being adjourned).

The people on the Teams call who are present throughout the meeting are the Members of the Sub-Committee, , any officer supporting the meeting and those who have submitted valid representations, applicant and/or legal representative . 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 Officer, 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 published on the website if the meeting is held in public.

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. A) Order of oral presentations for an application:-
 - 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 (in the case of a review hearing, the responsible authority bringing the review will present their case and call their witness(s
 - 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.

B) Order of oral presentation for a review

Add in

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. . There may be a discussion at the hearing, on a without prejudice basis, where each party will be asked to address/give their views on any 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 any final conditions that will apply should the application be successful
13. Each party will be invited to make closing submission as set out in paragraph 10.

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 pause the meeting until that issue has been resolved. 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 . 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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SUBJECT:	APPLICATION FOR A NEW PREMISES LICENCE at: Wendover Beers, 19 Wood Lane, Wendover, Buckinghamshire, HP22 5PW
Report of:	Application under section 17, Licensing Act 2003
Report Author	Kerryann Ashton – Licensing Officer
Ward/s Affected	Wendover, Halton and Stoke Mandeville

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 Wendover Beers Ltd (“the applicant”) in respect of Wendover Beers, 19 Wood Lane, Buckinghamshire, HP22 5PW (“the premises”).

2. Background

2.1 The proposed site consists of a small Garden building in back garden of residential dwelling.

2.2 The premises is located in Wood Lane, Wendover just off Trenchard Avenue in a residential area.

A location plan showing the premises location is attached to this report marked **Appendix 1**. A layout plan is attached as **Appendix 2**.

3. The Application

3.1 This application is for a new Premises Licence. A copy of the application form is attached to this Report marked **Appendix 3** (NOTE this is a revised application form submitted during the consultation period to remove on sales, revised hours and amend operating schedule).

3.2 The licensable activities sought are as follows:

<u>Proposed activity</u>	<u>Proposed hours</u>
Supply of alcohol (off the premises) Standard days and timings:	Wednesday to Friday 1700 - 2100 Saturday 1100 – 1800 Sunday 1100 - 1600

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 - no objection
- 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 objection
- 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:** Ten objections were received during the 28 day consultation period which ended on 16 May 2021.

4.3 During the consultation period the applicant drafted a letter to send to all the objectors explaining how the business would operate. A copy of the letter is attached as **Appendix 4**.

All ten objectors were sent a copy of the letter and a copy of the revised application form and asked to confirm if they wished to withdraw their objection. After receiving this information eight of the objectors have requested their objections be withdrawn.

A copy of the remaining two representations are attached marked **Appendix 5**.

4.4 No letters of support were received during the 28 day consultation period.

5. Licensing Officer's Observations:

5.1 The Relevant Representations received raise the follows issues:

- The prevention of public nuisance

5.2 In addition to the Mandatory Conditions, which together with the Conditions proposed by the applicant and the Responsible Authority 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 is paragraph 8.7 The Licensing Authority will expect individual applicants to address the licensing objectives in their Operating Schedule having regard to the type of premises, the licensable activities to be provided, the operational procedures, the nature of the location and the needs of the local community.

Also of relevance under public nuisance is paragraph 7.23 Public nuisance is a nuisance involving noise, light pollution, odour and litter affecting (or which is likely to affect) at least a few people locally. The Licensing Authority is concerned to protect the amenity of residents and businesses in the vicinity of licensed premises. At the same time the Licensing Authority is aware of the importance of the licensed trade to the local economy and its culture and leisure aspirations. Accordingly, it will try and work together with statutory agencies, licensed businesses and residents' groups to ensure a mutual co-existence. And paragraph 7.24; In considering all licence applications, the Licensing Authority will consider the adequacy of measures proposed to deal with the potential for nuisance and/or anti-social behaviour having regard to all circumstances of the application.

6.2 Regard must also be had to relevant parts of the Statutory Guidance issued by the Home Office under Section 182 of the Licensing Act 2003, as amended. In relation to Prevention of Public Nuisance the Statutory Guidance states:

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.

In relation to internet sales the Statutory Guidance states:

- 3.9 The place where the order for alcohol, or payment for it, takes place may not be the same as the place where the alcohol is appropriated to the contract (i.e. the place where it is identified and specifically set apart for delivery to the purchaser).

It will be the premises at this location which need to be licensed; for example, a call centre receiving orders for alcohol would not need a licence but the warehouse where the alcohol is stored and specifically selected for, and despatched to, the purchaser would need to be licensed. These licensed premises will, as such, be subject to conditions including the times of day during which alcohol may be sold. The premises licence will also be subject to the mandatory licence conditions.

- 3.10 Persons who run premises providing 'alcohol delivery services' should notify the relevant licensing authority that they are operating such a service in their operating schedule.

7. Links to Council Policy Objectives

- 7.1 Licensing contributes to the Council's aims of planning for a thriving and sustainable Buckinghamshire Council and helping to provide a clean and decent district where there is pride in and ownership of our surroundings and public space. Efficient and effective licensing arrangements link to the Council's main aim to create safer and stronger communities.

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 cannot 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-Committee's 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 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.

Proposed conditions

Applicants operating schedule – (as per the application form in appendix 2)

General

Secure the premises when not in use. I will be requesting identification from all customers if I believe they look younger than 25 when delivering their order. No products will be on display from the adjacent street - the building is behind a locked residential fence and there is only 2 small windows in the property fitted with blinds. The premises is not intended as a venue for consuming alcohol, only the sale of alcohol online for consumption off the premises, which will be delivered to customers via my own personal transport.

The prevention of crime and disorder

The building is made from double clad insulated timber frame with uPVC door and window, is lockable and completely secure. The alcoholic beverages will be stored behind lockable mesh shelves as an extra deterrent for thieves. I have also installed a Ring Doorbell Camera and Ring CCTV inside and out of the property as an additional security measure. We have a gravel path at both entrances to the garden which is an anti theft measure.

Public safety

The alcohol is for sale for consumption off the premises ONLY and i will sell with fair judgment to ensure it does not end up in the hands of people who would not drink

responsibly. My aim is to promote responsible drinking and I do not see such a business venture as any risk to public safety since 100% of the sales activity will be conducted via an e-commerce website.

The prevention of public nuisance

100% of the sales will be conducted online, all orders will be delivered by the director personally until such a need arises to employ a dedicated driver. An increase in sales above limited storage per week would render the business inoperable from the premises and at such a point the business would need a commercial premises to continue to operate.

The business does not intend to carry out any activity which could cause a public nuisance. Supplier deliveries to the premises will be minimal due to the available space for stock, there are no plans to expand the premises to accept more than 2 deliveries monthly.

Deliveries for customers will be conducted in the early evening from the Directors personal vehicle ONLY.

All packaging bought & used for delivery will be 100% recyclable Cardboard or Paper to reduce plastic waste and any commercial waste will be removed by the director personally from the premises, rather than a commercial contractor, since it will consist of minimal cardboard and plastic.

The protection of children from harm

The building is fully lockable and will contain mesh shelving inside which is also lockable. I will not be allowing any access into the building for anyone under the age of 18 years of age. There will be signs to this effect on the exterior of the building as well as the 'Proof of Age 25' requirements.

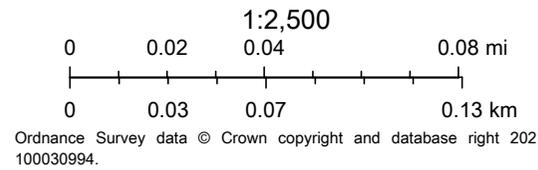
Officer Contact:	Kerryann Ashton (01296 585 560) - email address: <u>kerryann.ashton@buckinghamshire.gov.uk</u>
Background Papers:	Application Ref PR202104-251428 Licensing Act 2003, as amended Licensing Policy - Aylesbury Vale Area Published November 2015. Home Office Guidance issued under Section 182 of the Licensing Act 2003, as amended.

Wendover Beers, Wood Lane, Wendover

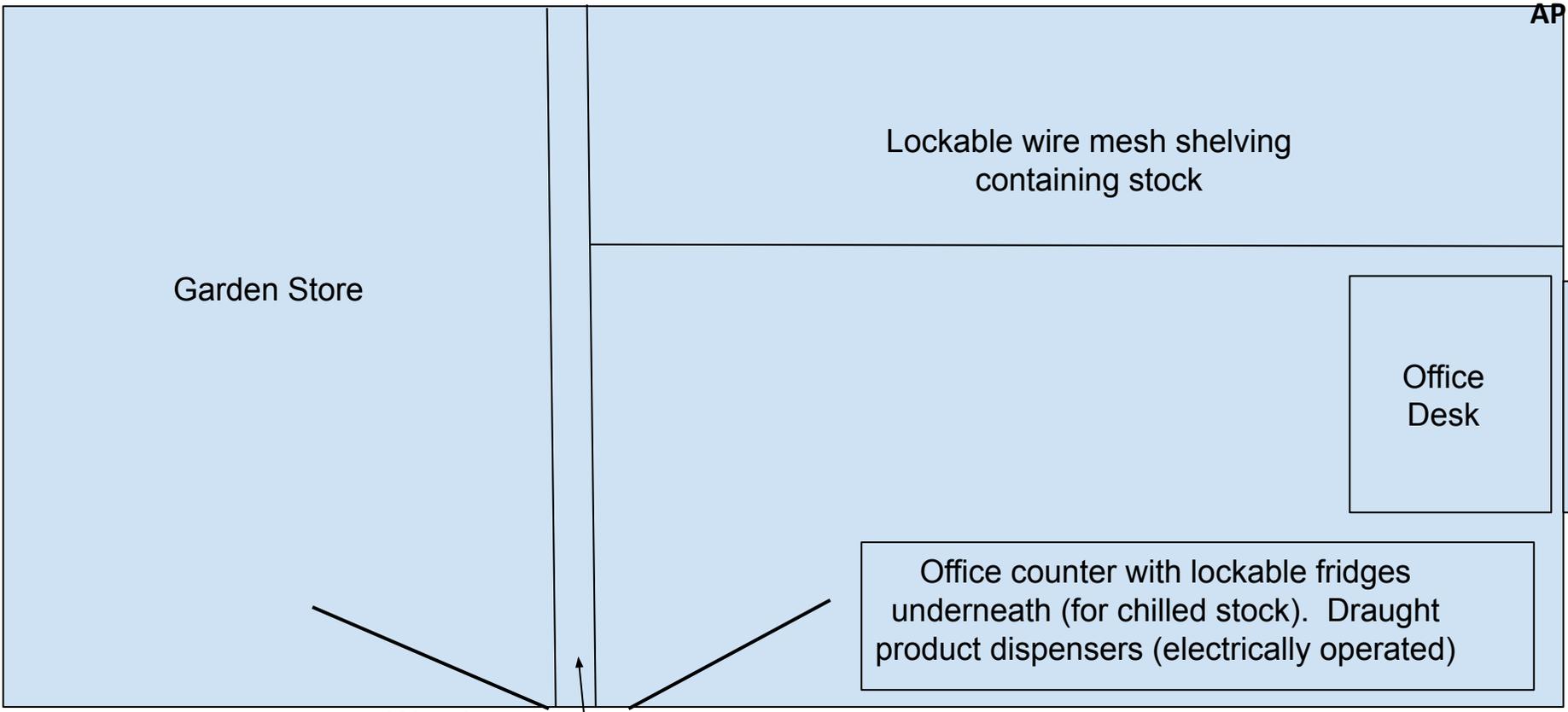
APPENDIX 1



24/05/2021, 12:17:45



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Property boundary fence

UPVC Window

Garden Store

Lockable wire mesh shelving containing stock

Office Desk

Office counter with lockable fridges underneath (for chilled stock). Draught product dispensers (electrically operated)

Wooden lockable garden store door

Lockable UPVC door

Partition wall

Building Dimensions:
 Overall width 4.0 m
 Overall depth 2.3 m (incl roof fascia)
 Overall Height 2.3 m

Licence area (excl. garden store)
 Internal width 2.5 m
 Internal depth 1.8 m

Property boundary fence

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**Buckinghamshire
Application for a premises licence
Licensing Act 2003**

For help contact
licensing.av@buckinghamshire.gov.uk
Telephone: 01296 585605

* required information

Section 1 of 21

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

Other telephone number

Include country code.

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 21

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 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.

Premises Address

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

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 21

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company / limited liability partnership
- A partnership (other than limited liability)
- An unincorporated association
- Other (for example a statutory corporation)
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales

Confirm The Following

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

Section 4 of 21

NON INDIVIDUAL APPLICANTS

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

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

Limited Company

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

dd mm yyyy

* Nationality

Documents that demonstrate entitlement to work in the UK

Add another applicant

Section 5 of 21

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

Provide a general description of 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.

Small Garden building in back garden of residential dwelling. I have had this building constructed from timber, with a concrete floor and a timber roof. The building has full insulation and working electricity, but no running water. The building is split into 2 halves, one side is primarily intended for garden storage, the other for the business. The area of the business side is 2.5metres by 2.5 metres approximately and just under half of the space will consist of lockable shelving with wire mesh doors. This application is to license the whole 5m2 area for use as a store for alcoholic beverages which will be

Continued from previous page...

sold mainly online by use of an e-commerce website. The building is lockable from the outside to keep children / juniors safe.

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

Section 6 of 21

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

- Yes No

Section 7 of 21

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

- Yes No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

- Yes No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

- Yes No

Section 10 of 21

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

- Yes No

Section 11 of 21

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

- Yes No

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Continued from previous page...

Will you be providing performances of dance?

Yes No

Section 13 of 21

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

[See guidance on regulated entertainment](#)

Will you be providing anything similar to live music, recorded music or performances of dance?

Yes No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Yes No

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give 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	<input type="text" value="11:00"/>	End	<input type="text" value="18:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="16:00"/>
Start	<input type="text"/>	End	<input type="text"/>

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.

n/a

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

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

E-commerce sale can take place at any time of the day or night, so assuming that the business will deliver orders between opening hours, unless in exceptional circumstances. There will be no collections from the premises, the business will operate 100% of sales online.

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name

First name

Family name

Date of birth

Continued from previous page...

Enter the contact's address

Building number or name

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

Electronically, by the proposed designated premises supervisor

As an attachment to this application

Reference number for consent form (if known) If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 21

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

Give 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.

n/a

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start End

Start End

Give 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.

Continued from previous page...

TUESDAY

Start	<input type="text"/>	End	<input type="text"/>
Start	<input type="text"/>	End	<input type="text"/>

WEDNESDAY

Start	<input type="text"/>	End	<input type="text"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text"/>	End	<input type="text"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text"/>	End	<input type="text"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text"/>	End	<input type="text"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text"/>	End	<input type="text"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations

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

n/a

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

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

n/a

Section 18 of 21

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)

Continued from previous page...

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

Secure the premises when not in use. I will be requesting identification from all customers if I believe they look younger than 25 when delivering their order. No products will be on display from the adjacent street - the building is behind a locked residential fence and there is only 2 small windows in the property fitted with blinds. The premises is not intended as a venue for consuming alcohol, only the sale of alcohol online for consumption off the premises, which will be delivered to customers via my own personal transport.

b) The prevention of crime and disorder

The building is made from double clad insulated timber frame with uPVC door and window, is lockable and completely secure. The alcoholic beverages will be stored behind lockable mesh shelves as an extra deterrent for thieves. I have also installed a Ring Doorbell Camera and Ring CCTV inside and out of the property as an additional security measure. We have a gravel path at both entrances to the garden which is an anti theft measure.

c) Public safety

The alcohol is for sale for consumption off the premises ONLY and i will sell with fair judgment to ensure it does not end up in the hands of people who would not drink responsibly. My aim is to promote responsible drinking and I do not see such a business venture as any risk to public safety since 100% of the sales activity will be conducted via an e-commerce website.

d) The prevention of public nuisance

100% of the sales will be conducted online, all orders will be delivered by the director personally until such a need arises to employ a dedicated driver. An increase in sales above limited storage per week would render the business inoperable from the premises and at such a point the business would need a commercial premises to continue to operate. The business does not intend to carry out any activity which could cause a public nuisance. Supplier deliveries to the premises will be minimal due to the available space for stock, there are no plans to expand the premises to accept more than 2 deliveries monthly. Deliveries for customers will be conducted in the early evening from the Directors personal vehicle ONLY. All packaging bought & used for delivery will be 100% recyclable Cardboard or Paper to reduce plastic waste and any commercial waste will be removed by the director personally from the premises, rather than a commercial contractor, since it will consist of minimal cardboard and plastic.

e) The protection of children from harm

The building is fully lockable and will contain mesh shelving inside which is also lockable. I will not be allowing any access into the building for anyone under the age of 18 years of age. There will be signs to this affect on the exterior of the building as well as the 'Proof of Age 25' requirements.

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

Continued from previous page...

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

Continued from previous page...

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

Section 20 of 21

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 21 of 21

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. Premises Licence 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

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event 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

Continued from previous page...

Capacity 80000-89999 £56,000.00
Capacity 90000 and over £64,000.00

* Fee amount (£)

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

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 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/aylesbury-vale/apply-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 LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

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



CONCERNING LICENCE APPLICATION PR202104-251428
Date: 12th May 2021

Dear neighbours,

We are writing to you regarding your recent feedback on our premises license application with Buckinghamshire Council.

Firstly, please let us introduce ourselves as Jim and Kerry Whewell, owners of Wendover Beers.

Thanks for taking the time to read our application and sharing your feedback. We think there has been a misunderstanding about our intentions for the business and we would love the opportunity to clear them up.

Our Vision for Wendover Beers

We are a small, family-run business (or hope to be!)

We moved to Wendover just over two years ago and had our first child soon after. We quickly fell in love with the sense of community here and the support for small, independent businesses.

We have a passion for craft beer. Jim has spent many years practising the art of brewing and cider pressing. He has been an active member of CAMRA and an advocate for reasonably priced, good tasting beer and cider.

We saw a gap in the local community, with only Tesco and Budgens offering a minimal range. We wanted to bring our passion to life with a limited offering to fellow enthusiasts in Wendover and nearby villages.

We both work full time. In between busy careers and raising our two-year-old daughter, we have spent many late nights and weekends trying to turn our idea into a reality. Jim has undertaken a personal license course as part of the planning for the business, which has been ongoing for just over two years now.

We have recently invested in a small, discreet garden building that is fit for its purpose as a secure store and office. We have added extensive security measures, including CCTV and secure shelving, to reduce any risk of intrusions.

We ensured the business is environmentally friendly by using bicycle delivery, minimal recyclable packaging, and reusable glass containers where possible. We are also keen to promote sensible drinking by offering lower strength and zero alcohol beers.

We've amended the application

We have submitted a change to the application, of which you may not be aware.

Our original application requested a license for the sale of alcohol for consumption on and off the premises. However, we amended this soon after the application went live as we only intend to sell beers for consumption **off the premises**.

Unfortunately, the council's public-facing website did not reflect this change. We have asked Kerryann to share a copy of the amended application with you.

Parking and Traffic Concerns

Our intention is for the business to fit around our current jobs. All sales will **be hand-delivered** by Jim on bicycle in the evenings when possible.

We briefly considered offering a collection service. However, we share the community's concerns about traffic and parking - not to mention the hassle of opening our family home to the public. We would like to assure all our neighbours that collections and on-site consumption will not be part of our business model going forward.

As for supplier deliveries, we can only store a tiny amount of stock and do not anticipate receiving more than two small van deliveries each month. We don't feel that these two would present a noise or traffic problem.

Comment 1

Mon 5/3/2021 3:09 PM

Dear Sir,

19 Wood Lane, Wendover, HP22 5PW is a small semi detached house on a quiet residential estate.

There are no parking facilities available.

The property is totally unsuitable for use as licensed premises for the purchase and consumption of alcohol.

I strongly object to this application.

Yours faithfully

Comment 2

Wed 5/5/2021 10:18 P

Re -License Application for 19 Wood-lane, Wendover, HP22 5PW

Dear Kerryann,

The address for the application, 19 Wood Lane is situated right behind my house which is No 1, Trenchard Avenue.

When I read the details of the application, my understanding is, the above premises will be used for selling alcohol and allow people to consume at the same premises.

I unreservedly oppose granting the permission for above application due to following facts.

1. It will cause public disorder and also will increase the crime due to many people attending to consume alcohol.
2. If this is allowed in a residential housing estate it will cause public nuisance in multiple ways such as noise and disorderly behaviour of the drunken people.
3. Cause of concern of public safety of the neighbourhood and their children

After considering above facts, I would be grateful if you would not approve the application for selling and consuming alcohol in above premises.

Kind Regards

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