



Licensing Sub-Committee agenda

Date: Thursday 8 July 2021

Time: 10.30 am

Venue: Via Video Conference

Membership:

T Green (Chairman), D Watson and A Wood

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	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 | Butchers Tap, Spittal Street, Marlow, SL7 3HJ
To consider an application under s.34 of the Licensing Act 2003 to vary the premises licence in respect of Butchers Tap, Spittal Street, Marlow, SL7 3HJ (application and report attached). | 11 - 46 |

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 democracy@buckinghamshire.gov.uk

Licensing and Regulatory Sub-Committee Virtual Procedural Rules

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.

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.

Administration in Relation to the Hearing

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 shall proceed with the hearing unless it is in the public interest not to do so and shall adjourn the hearing to later on the same day or another date.

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.

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 be dealt with by way of a determination.

Representations can be withdrawn by prior notice 1 working day before the Hearing or orally at the Hearing.

At the Hearing any party can be assisted or represented by any person whether or not that person is legally qualified.

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.

The Sub-Committee may disregard any information which is not considered relevant to the application/representation/notice and the promotion of the licensing objectives.

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 a maximum period of time on how long each party may speak, progressing without undue delays and ensuring that there is a fair hearing. 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.

The Decision of the Licensing Sub Committee will be made after the close of the Hearing when the Chairman retires with the legal advisor and the Clerk to the Sub-committee in a private session to consider all the evidence and submissions made at the hearing.

The decision of the Sub-committee will be communicated to all parties by way of a written Decision Notice issued by Legal Services. This notice shall be issued within 7 days of the hearing and if there is to be a delay in issuing such a notice; the licensing officer will communicate with all parties. The notice will contain will be dated and set out the provisions of the Right to Appeal to the Magistrates Court.

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 reasonably necessary and proportionate.

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 disappplied.

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.

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

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.

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 and any other procedural matters. If necessary, the sub-committee will retire to deliberate before making a decision.
4. 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 Applicant 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 Applicant will present their case and call their witnesses
 - e. Any other party may question the Applicant. Any party includes any responsible body.
 - f. The Members may question the Applicant
 - 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 Licensing Officer may question the Interested Parties.

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 at any time during the procedure above, 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. Any agreed conditions may be incorporated into the Decision Notice if the application is successful. However, the Sub-Committee to determine any final conditions that will apply to the licence.
13. Each party will be invited to make closing submission in the order as set out in paragraph 10.
14. The Chairman will then close the Hearing and the Sub-Committee will meet (privately) virtually together with the 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 this procedure and 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.

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.
- The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020

SUBJECT:	APPLICATION FOR A VARIATION TO A PREMISES LICENCE at: Butchers Tap, Spittal Street, Marlow, SL7 3HJ
REPORT OF:	Application under section 34, Licensing Act 2003
Responsible Officer	Brian Whittall – Licensing Officer
Report Author	Brian Whittall – Licensing Officer
Ward/s Affected	W034 – Marlow

1. Purpose of Report

To provide Members with information enabling the determination of an application for a Variation of a Premises Licence, in respect of which relevant representations have been received.

The Application has been submitted by Greene King Retailing Limited, Abbot House, Westgate Brewery, Bury St Edmunds, Suffolk, IP33 1QT in respect of the Butchers Tap, Spittal Street, Marlow, SL7 3HJ (“the premises”).

2. Background

2.1 The initial authorisation for the premises was issued in September 2005 following the transitional period to the current legislation. The premises have traded since under a number of different names, the current name being Butchers Tap.

The Designated Premises Supervisor of the premises is Tom Kerridge, a nationally known chef, who has a number of other businesses in Marlow. This business is a combination of a traditional butchers, providing a range of hot and cold foods, in addition to alcohol sales for consumption both on and off the premises. The current authorisation is attached, **Appendix 1**.

3. The Application

3.1 This application is a Variation to an existing Premises Licence to commence with immediate effect upon any decision to grant by this licensing authority. A copy of the application, including a premises plan, is attached to this report marked **Appendix 2**.

The Licensing Authority should note that the application is to change the layout of the premises in accordance with this submitted plan. This change includes the licensing of an existing external area for the retail sale of alcohol. Further, the application proposes to add a condition that this external area will cease sales at 22:30 daily, at the latest

3.2 The licensable activities times remain as currently authorised, which are:

<u>Proposed activity</u>	<u>Proposed hours</u>
Supply of alcohol (Both on and off the premises)	Monday - Wednesday 10:00 – 23:00 Thursday - Friday 10:00 – 00:00 Saturday 10:00 – 00:30 Sunday 10:00 – 23:30 Christmas Eve, Christmas Day, Boxing Day, Spring Bank Holiday & August Bank Holiday, New Year’s Day, Good Friday to Easter Monday and any other statutory holiday From 10:00 – 00:30 From the end of permitted hour New Year’s Eve to the start of permitted hours New Year’s Day
Hours premises are open to the public	Monday - Wednesday 10:00 – 23:00 Thursday - Friday 10:00 – 00:00 Saturday 10:00 – 00:30 Sunday 10:00 – 23:30 Christmas Eve, Christmas Day, Boxing Day, Spring Bank Holiday & August Bank Holiday, New Year’s Day, Good Friday to Easter Monday and any other statutory holiday From 10:00 – 00:30 From the end of permitted hour New Year’s Eve to the start of permitted hours New Year’s Day

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:** 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):** No 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)** No objection
- 4.1.7 **The Safeguarding and Child Protection Unit:** No objection
- 4.1.8 **The Primary Care Trust:** No response received - no comment
- 4.1.9 No responses were received from any other Responsible Authority.

4.2 Any other persons: One (1) objection was received during the 28-day consultation process a copy of which are attached marked **Appendix 3**.

4.3 No letters of support were received.

4.4 A plan of the local area is attached, **Appendix 4**.

5. Licensing Officer's Observations:

5.1 The Relevant Representation received raises the following issues:

- The prevention of public nuisance
- Concerns regarding noise pollution occurring on the premises. Specific reference is made to the objector's home being within 5 feet of the licensed premises.

6. Policy Considerations

6.1 Regard must be had to the Council's adopted Statement of Licensing Policy (last published December 2018) when determining this application.

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

3.16 The Council wishes to protect the amenity of residents and businesses in the immediate area surrounding the licensed premises. Applications should demonstrate that public nuisance will not increase as a result of the application being granted.

3.17 The Authority will particularly take into account the following:

- The measures proposed to prevent noise and vibration escaping from the premises. Such measures may include installation of sound insulation and sound limitation devices;

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

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.

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

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

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

2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid

inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

- 2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.
- 2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.
- 2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

7. Links to Council Policy Objectives

- 7.1 The Authority regards existing and future environmental qualities and character of the District to be important when consideration is given to granting licences for any purpose. When considering licensing applications where relevant representations have been made, the Authority will consider its effect on the licensing objectives and in particular the effect the licence will have on the public nuisance objective.

8. Resources, Risk and Other Implications

- 8.1 **Resource:** The only resource implications to date has been officer time. If the applicant or persons making relevant representations appeals against the decision of the Licensing Sub – Committee, however, 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 Panel should consider its responsibilities under the Human Rights Act when considering the fair balance between the interests of the applicant and the rights of local residents.

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

Article 6 - the right to a fair hearing

Article 8 - respect for private and family life

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

- 8.3 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.
- 8.4 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.
- 8.5 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.
- 8.6 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. Which are:
- The prevention of crime and disorder
 - Public safety
 - Prevention of public nuisance
 - Protection of children from harm

Regard must also be had to the Council’s Statement of 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. 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 requested variation - 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.
 - 9.4.2 Reject the whole or part of the Application.
- 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.

Informative/s -

Officer Contact:	Brian Whittall (01494 421 346) – email address: brian.whittall@buckinghamshire.gov.uk
Background Papers:	Application Ref 21/00326/LAPREN Licensing Act 2003, as amended Licensing Policy – Wycombe Area Published December 2018. Home Office Guidance issued under Section 182 of the Licensing Act 2003, as amended.



Licensing Act 2003 Premises Licence

Reference Number

21/00314/LAPRMV

Premises Licence Number

248/PREM

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

The Butcher's Tap
15 Spittal Street
Marlow
Buckinghamshire
SL7 3HJ

Telephone number

01628 473649

Licensable activities authorised by the licence (Indoor)

Indoor Sporting Events
Performance of Live Music
Sale by Retail of Alcohol

Times the licence authorises the carrying out of licensable activities

Indoor Sporting Events	Monday - Sunday	20:00 - 23:00
Performance of Live Music	Monday - Sunday	20:00 - 00:00
Sale by Retail of Alcohol	Monday - Wednesday	10:00 - 23:00
	Thursday and Friday	10:00 - 00:00
	Saturday	10:00 - 00:30
	Sunday	10:00 - 23:30
	Christmas Eve & Christmas Day	10:00 - 00:30
	Boxing Day	10:00 - 00:30
	Spring Bank Holiday & August Bank Holiday	10:00 - 00:30
	New Year's Day	10:00 - 00:30
	Good Friday - Easter Monday	10:00 - 00:30
Other Statutory Holidays	10:00 - 00:30	

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day

The opening hours of the premises

Monday - Wednesday 08:00 - 00:00
Thursday and Friday 08:00 - 00:30
Saturday 08:00 - 01:00
Sunday 08:00 - 00:00

Christmas Eve, Christmas Day, Boxing Day, Spring Bank Holiday, August Bank Holiday, New Year's Day, Good Friday – Easter Monday and Other Statutory Holidays:

08:00 - 00:30

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day

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

The licence authorises the sale of alcohol for consumption both on and off the premises

Name, (registered) address and telephone number of premises licence holder

Greene King Retailing Limited
Abbot House
Westgate Brewery
Bury St Edmunds
Suffolk
IP33 1QT
Tel: 01284 763222

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

5265451

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

Thomas Kerridge
The Hand And Flowers
126 West Street
Marlow
Buckinghamshire
SL7 2BP

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

Reference: 05/0430/PERSON

Licensing Authority: Wycombe District Council

Date: 23 March 2021



Signed:

Authorised Officer

Annex 1 – Mandatory conditions

For the purposes of this schedule;

"the Act" means the Licensing Act 2003;

"Anti-Social Behaviour" has the meaning given in section 36 of the Anti-social Behaviour Act 2003;

"Disability" has the meaning given in section 1 of the Disability Discrimination Act 1995;

"Relevant Premises" has the meaning given in paragraphs (a) and (b) of the definition in section 159 of the Act;

"Responsible Person" has the meaning given in paragraphs (a) and (b) of the definition in section 153(4) of the Act (the relevant parts of which are attached to this licence)

Mandatory Condition – s19 of the Licensing Act 2003

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

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

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

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

Mandatory Condition 1

(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability)

Mandatory Condition 2

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

Mandatory Condition 3

(1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol

- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol 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 Condition 4

The responsible person must ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

MANDATORY CONDITIONS SPECIFIED BY THE LICENSING ACT 2013 (MANDATORY CONDITIONS) ORDER 2014:

Mandatory Condition 5

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price

2. For the purposes of the condition set out in paragraph 1—

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (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

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

Annex 2 – Conditions consistent with the Operating Schedule

General

- All staff are trained on the requirements of the Licensing Act 2003. Training shall be recorded and made available for inspection upon request of an authorised officer
- The premises are a member of Pubwatch

The prevention of crime and disorder

- An approved proof of age scheme shall be utilised at all times
- A good quality, colour CCTV system shall be installed. In addition to any cameras that are installed for security purposes, a camera shall be installed covering the area where alcohol will be kept and also the counter so that it can be subsequently proved that sales of alcohol were only made to persons over the age of 18. The recordings from the system shall be retained for a period of at least 14 days. Recordings shall immediately be made available to an authorised officer of the Licensing Authority, a Police Officer or Police Licensing Officer together with facilities for viewing. The digital recording system shall include the facility to provide an investigating officer with evidence on a removable media format that can be easily retrieved
- Licensed security door staff are employed
- Security outside lights is installed
- Best Practice Guidelines are adopted, e.g. BBPA Portman Group of Drink Strategy

Public Safety

- Regular risk management assessment and electrical inspections are carried out
- Smoke/air filter system is installed

Prevention of Public Nuisance

- Best practice is adopted in relation to the control of noise

The protection of children from harm

- Children must be accompanied by an adult while on the premises
- All members of staff at the premises shall seek "credible photographic proof of age evidence" from any person who appears to be under the age of 18 years and who is seeking to purchase or consume alcohol on the premises. Such credible evidence, which shall include a photograph of the customer, will either be a passport, photographic driving license, or Proof of Age card carrying a "PASS" logo

Recorded Music

Subject to the above notice, this decision allows for the provision of recorded music by virtue of the exemption under section 182 of the Licensing Act 1964. This decision permits this aspect of regulated entertainment to be converted under the 2003 Act

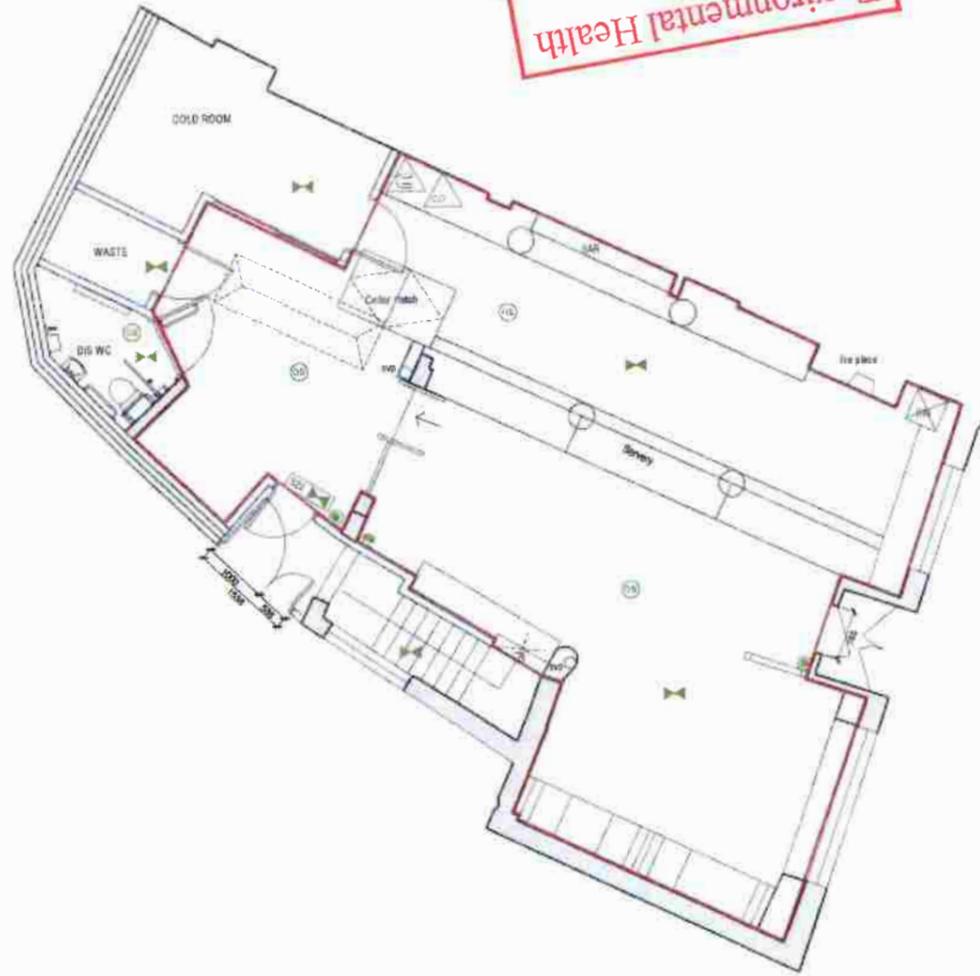
Annex 3 – Conditions attached after a hearing by the licensing authority

None

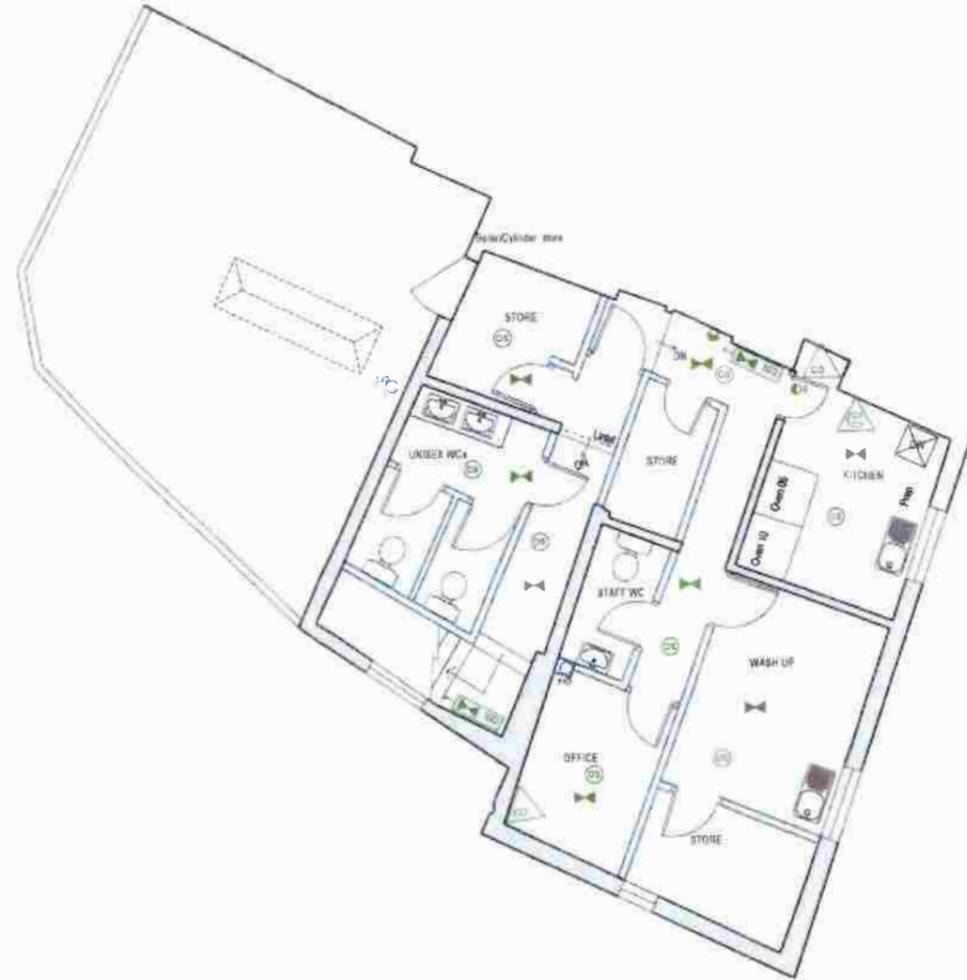
Annex 4 – Plans

See plan with reference # 21/00314/LAPRMV

Passed to 17/00322/LARRE
 15 FEB 2017
 Environmental Health



Ground Floor Plan



1st Floor Plan

EXISTING STRUCTURE TO BE RETAINED
 ONE LAYER GYPSUM WALL BOARD 12.5MM EACH SIDE OF 100MM TIMBER STUDS AT 600MM CENTRES
 MAX PARTITION HEIGHT = 2500MM
 FIRE RESISTANCE = 60MINS

- EXISTING STRUCTURE TO BE RETAINED
- NEW WALLS TO BE CONSTRUCTED
- NEW PARTITIONS TO BE CONSTRUCTED
- NEW FLOORING TO BE CONSTRUCTED
- NEW CEILING TO BE CONSTRUCTED
- NEW DOORS TO BE CONSTRUCTED
- NEW WINDOWS TO BE CONSTRUCTED
- NEW GLAZING TO BE CONSTRUCTED
- NEW ROOFING TO BE CONSTRUCTED
- NEW ELECTRICAL SERVICES TO BE CONSTRUCTED
- NEW PLUMBING SERVICES TO BE CONSTRUCTED
- NEW MECHANICAL SERVICES TO BE CONSTRUCTED
- NEW FIRE SERVICES TO BE CONSTRUCTED
- NEW TELECOMMUNICATIONS SERVICES TO BE CONSTRUCTED
- NEW SECURITY SERVICES TO BE CONSTRUCTED
- NEW SIGNAGE SERVICES TO BE CONSTRUCTED
- NEW LANDSCAPE SERVICES TO BE CONSTRUCTED
- NEW FURNITURE SERVICES TO BE CONSTRUCTED
- NEW LIGHTING SERVICES TO BE CONSTRUCTED
- NEW SOUND SERVICES TO BE CONSTRUCTED
- NEW AV SERVICES TO BE CONSTRUCTED
- NEW ACCESSIBILITY SERVICES TO BE CONSTRUCTED
- NEW SUSTAINABILITY SERVICES TO BE CONSTRUCTED
- NEW WELLBEING SERVICES TO BE CONSTRUCTED
- NEW INCLUSIVE DESIGN SERVICES TO BE CONSTRUCTED
- NEW DIGITAL SERVICES TO BE CONSTRUCTED
- NEW SMART SERVICES TO BE CONSTRUCTED
- NEW AUTOMATED SERVICES TO BE CONSTRUCTED
- NEW AI SERVICES TO BE CONSTRUCTED
- NEW BLOCKCHAIN SERVICES TO BE CONSTRUCTED
- NEW QUANTUM SERVICES TO BE CONSTRUCTED
- NEW NANOTECH SERVICES TO BE CONSTRUCTED
- NEW BIOTECH SERVICES TO BE CONSTRUCTED
- NEW NANOMATERIALS SERVICES TO BE CONSTRUCTED
- NEW NANOFAB SERVICES TO BE CONSTRUCTED
- NEW NANOSYSTEMS SERVICES TO BE CONSTRUCTED
- NEW NANODEVICES SERVICES TO BE CONSTRUCTED
- NEW NANOSERVICES SERVICES TO BE CONSTRUCTED
- NEW NANOMANUFACTURING SERVICES TO BE CONSTRUCTED
- NEW NANOSCIENCE SERVICES TO BE CONSTRUCTED
- NEW NANOTECHNOLOGY SERVICES TO BE CONSTRUCTED
- NEW NANOMATERIALS SERVICES TO BE CONSTRUCTED
- NEW NANOFAB SERVICES TO BE CONSTRUCTED
- NEW NANOSYSTEMS SERVICES TO BE CONSTRUCTED

This drawing is the property of Tibbatts Abel. It is to be used only for the project for which it is prepared. It is not to be used for any other purpose without the written consent of Tibbatts Abel. The drawing is to be used in accordance with the specifications and conditions of use set out in the contract documents. The drawing is to be used in accordance with the specifications and conditions of use set out in the contract documents.



LOCATION PLAN
 Scale 1:250
TIBBATTS ABEL
 Interiors - Architecture
 15 Spittal Street
 Marlow

Project Name: **Greene King PP**
 Project No: **1796-L01**
 Date: **15 FEB 2017**
 Scale: **1:50 @ A1**
 Drawing No: **1796**
 Drawing Title: **Licensing Plan**
 Drawing Code: **1796-L01**



Application to vary a premises licence 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 Greene King Retailing Limited

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number 248/PREM
--

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Butchers Tap 15 Spittal Street			
Post town	Marlow	Postcode	SL7 3HJ

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£19,400.00 – Band B

Part 2 – Applicant details

Daytime contact telephone number			
E-mail address (optional)	licensingpp@greeneking.co.uk		
Current postal address if different from premises address	Westgate Brewery		
Post town	Bury St Edmunds	Postcode	IP33 1QT

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

This is an application to change the layout of the premises in accordance with the submitted plan, drawing number L01, Job 1796. The change includes the licensing of an existing external area for the sale of alcohol only.

To add the following condition:

The sale of alcohol in the external area will cease at 10.30pm daily, at the latest.

The opening hours and licensable activities authorised by the premises licence are to remain unaltered.

Locations of fire safety equipment subject to change in accordance with the requirement of the responsible authorities or following a risk assessment.

Any detail shown on the plan that is not required by the licensing plan regulations is indicative only and subject to change.

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

--

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

- | Provision of regulated entertainment (Please see guidance note 3) | Please tick all that apply |
|---|-----------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

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 8)			Will the performance of a play take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 6)		
Thur					
Fri			<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 7)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)	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 5)		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 6)		
Thur					
Fri			<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 7)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			Please give further details (please read guidance note 5)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 6)
Tue			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 (please read guidance note 7)
Wed			
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	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 5)		
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 6)		
Thur					
Fri			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 (please read guidance note 7)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 5)</u> <u>State any seasonal variations for the performance of live music</u> (please read guidance note 6)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun			<u>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 7)</u>		

F

Recorded music Standard days and timings (please read guidance note 8)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 5)</u> <u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6) <u>Non standard timings. Where you intend to use the premises for</u> <u>the playing of recorded music at different times to those listed in</u> <u>the column on the left, please list (please read guidance note 7)</u>		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 8)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 6)		
Thur					
Fri			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 (please read guidance note 7)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			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 4)	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 5)		
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 6)		
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 7)		
Sun					

1

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 5)		
Tue			Please give further details here (please read guidance note 5)		
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 6)		
Thur			State any seasonal variations for the provision of late night refreshment (please read guidance note 6)		
Fri			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 (please read guidance note 7)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 6)		
Mon	10.00	23.00			
Tue	10.00	23.00			
Wed	10.00	23.00			
Thur	10.00	00.00			
Fri	10.00	00.00			
Sat	10.00				
Sun	10.00	00.30 23.30			
			<u>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</u> (please read guidance note 7)		
			Christmas Eve, Christmas Day, Boxing Day, Spring Bank Holiday & August Bank Holiday, New Year's Day, Good Friday to Easter Monday and any other statutory holidays from 10.00 hours until 00.30 hours the following day.		
			From the end of permitted hour New Year's Eve to the start of permitted hours New Year's Day.		

K

<p>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 10).</p> <p>None.</p>

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			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 7)
Sun			

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

Please tick as appropriate

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

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

The premises licence was submitted with a variation application 9 March 2021.

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

The sale of alcohol in the external area will cease at 10.30pm daily, at the latest.

b) The prevention of crime and disorder

As per the existing premises licence.

c) Public safety

As per the existing premises licence.

d) The prevention of public nuisance

As per the existing premises licence.

e) The protection of children from harm

As per the existing premises licence.

Checklist:

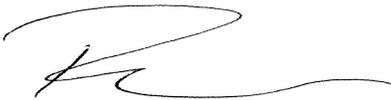
Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable. **Online submission**
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

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.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	11 May 2021
Capacity	Solicitor to applicant

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)			
Amy King TLT Solicitors One Redcliff Street			
Post town	Bristol	Post code	BS1 6TP

Telephone number (if any)	0333 006 0472
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)	
amy.king@ttsolicitors.com	

Notes for Guidance

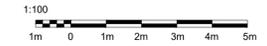
This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section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

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example, the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. 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:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - 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.
 - 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.
 - 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.
 - 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:
 - 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.
 - 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.
 - 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.
 - 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:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - 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;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - 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.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 5. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 8. Please 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.
 9. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
 10. Please 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 or the presence of gaming machines.
 11. Please list here steps you will take to promote all four licensing objectives together.

12. The application form must be signed.
13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
15. This is the address which we shall use to correspond with you about this application.

Legal Notice
 This drawing is the property of Tibbatts Design Ltd. Copyright is reserved by them and the drawing is issued on the condition that it is not copied either wholly or in part without the consent in writing of Tibbatts Design Ltd. Figured dimensions to take preference over those scaled. All dimensions to be checked on site before commencement of any work or shop drawings. This drawing is to be read in conjunction with the specification when existing.



General Notes

All Tibbatts Design Ltd drawings to be read in conjunction with other Architectural, Structural/Civil Engineering, Mechanical & Electrical Consultants and all other specialist Contractor/Suppliers drawings for the External Envelope, Fit-out areas and associated external works.

The Principal Contractor or his appointed Specialist Sub Contractors are to familiarize themselves, where appropriate, with the site and measure all areas affecting their works. All dimensions and levels to be checked on site by Contractor prior to the commencement of work or the manufacture of any off site components or artifacts. Where dimensions are shown these are subject to final verification by the Contractor or appointed Sub Contractor. Any dimensional discrepancies or non availability of selected materials must be notified immediately in writing to the appropriate Designer. All dimensions to be recorded in millimeters unless specifically stated otherwise.

All works are to be carried out by recommended/competent installation Contractors to Manufacturers instructions/recommendations. All materials & workmanship are to comply with British Standards and E.E.C. codes current at the commencement of the works. Contractor is to ensure that all the works are in compliance with BS, EHO, Building Control, Fire Authority and all other Statutory requirements where applicable.

FIRE SIGNAGE LEYEND
 (exact location to be agreed on site)

(E)	Emergency light fitting with neon indicator. Area covered with a system of escape lighting	
EXIT	Emergency exit sign (Maintained exit light with running man symbol)	
(S)	Fire alarm sounder giving 90dba output at 1m.	
(FAP)	Fire alarm panel.	
(C)	Fire alarm call point / Break Glass	
(A)	2kg CO2 extinguisher	NOTE: All fire extinguishers to be hung on J brackets check wall support is good otherwise plywood pattress is to be fitted to wall and painted to match
(A)	6kg ABC Dry Powder extinguisher	
(A)	9ltr Water Additive extinguisher	
(A)	Multipurpose extinguisher	
(A)	6ltr Foam extinguisher	
(A)	Fire blanket.	
(SD)	Area covered by smoke detector (BS 5839)	
(HD)	Area covered by heat detector (BS 5839)	
(SH)	Area covered by combine smoke & heat detector (BS 5839)	
(S13)	Sign - 'FIRE DOOR KEEP SHUT' - 75mm letters to both sides of door leaf	
(S14)	Sign - 'FIRE DOOR KEEP LOCKED' - 75mm letters to both sides of door leaf	
(PE)	Doors which are provided with panic bolts. There must be a notice adjacent to fastening indicating method of opening (min 50mm high lettering)	
(S14hd)	Sign - 'FIRE DOOR KEEP LOCKED' - 75mm letters to both sides of door leaf / (Fail safe open / digital control)	
(S17)	Sign - 'FIRE EXIT KEEP CLEAR' - 75mm letters to external face of door leafs	
(S22)	Sign - internally illuminated 'FIRE EXIT' or graphic equivalent - 75mm high letters. Directional arrow to be provided in the direction indicated →	
(VP)	Vision panel	
(F)	30 minute fire door	
(F _s)	30 minute with smoke seal	
(F ₆₀)	60 minute fire door	
(F _{60s})	60 minute with smoke seal	
(O)	non fire rated standard door	
(PIR)	PIR - Sensor Lights	

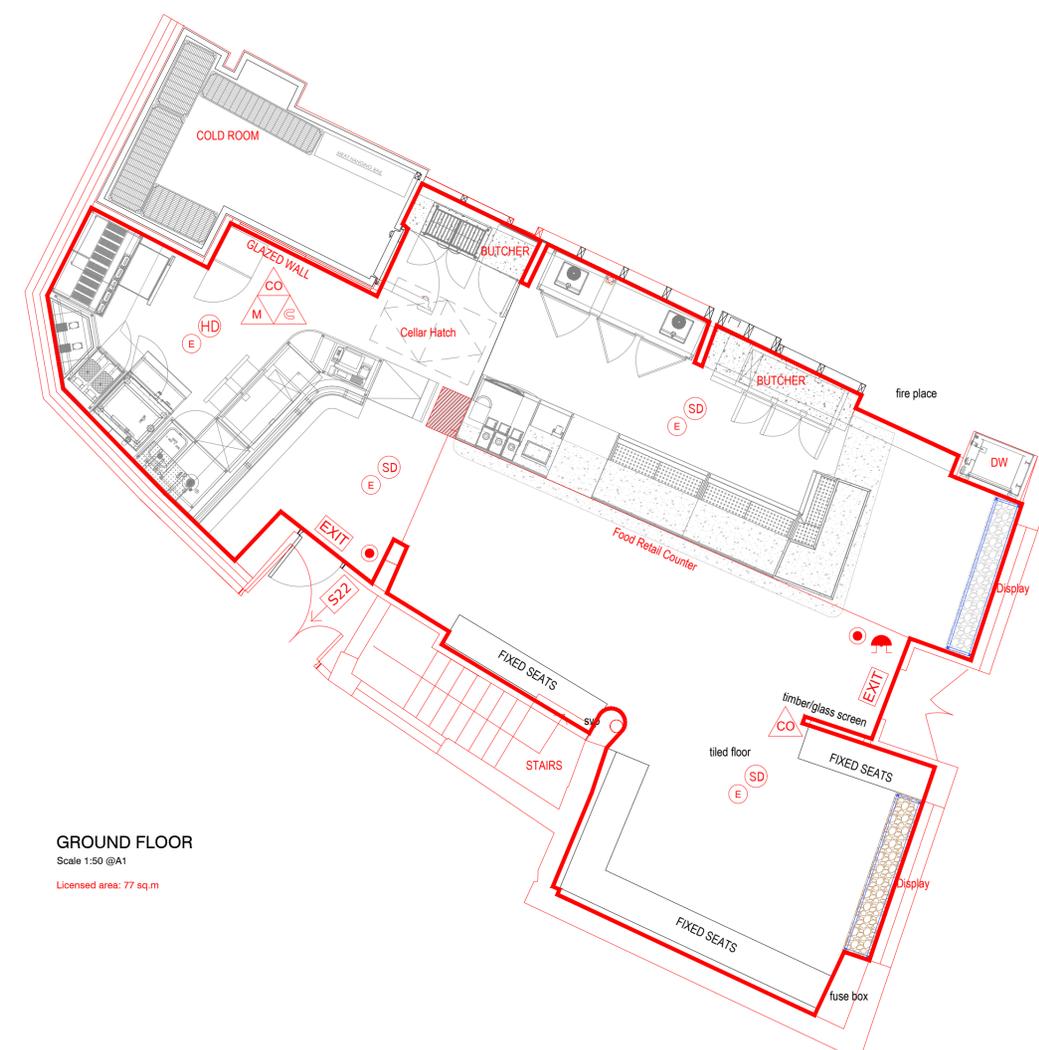
Items shown on this plan which are not required by the Plans Regulations are for illustrative purposes only, and do not form part of the licence. These items may be moved at the discretion of the licence holder. The current location of the fire safety equipment is as shown. These items may be moved from time to time with agreement of the Fire Officer or after fire risk assessment.

Areas for licensable activities denoted by red line.

NOTE
 Exact location of services to be agreed on site



FIRST FLOOR
 Scale 1:50 @A1



GROUND FLOOR
 Scale 1:50 @A1
 Licensed area: 77 sq.m

revisions
 status: LICENSING



TIBBATTS ABEL
 161 - 162 WASTONE LANE
 BIRMINGHAM B15 6NH
 +44 (0)121 747 1111

TIBBATTS ABEL
 42 WARTON ROAD
 LONDON E15 2JS
 + 44 (0)208 519 4294

EMAIL: INFO@TIBBATTS.COM
 WWW.TIBBATTSABEL.COM

client: GREENE KING PUB PARTNERS

project: THE BUTCHER'S TAP
 15 Spittal St
 Marlow SL7 3HJ

title: LICENSING FLOOR PLANS

scale: 1:50@A1
 date: 08/03/21
 drawn: GL
 checked: -

job no: 1796
 drawing no: L01
 revision: -

APPENDIX 3

From: Maxine Caswell
Sent: 07 June 2021 00:20
To: Brian Whittall <Brian.Whittall@buckinghamshire.gov.uk>
Subject: [EXTERNAL] Amended objections to a Premise Licence application by The Butchers Tap and Grill

This is my amended objection regarding the application for a 'Premise Licence by The Butchers Tap and Grill....closing date 8th June 2021

Dear Mr Whittall

Licensing application:
[21/00602/LAPRMV](#) Premise Licence
Reference:
[21/00314/LAPRMV](#)

I'm writing regarding 'The Butchers Tap and Grill' formally known as 'The Butchers Tap' Spittal Street, Marlow SL73HJ 'Green King Retailing Limited' have applied for a 'Premise Licence' for an area rented by 'The Butchers Tap and Grill' which is situated some 50ft away in Dukes Place.

My house & garden run adjacent to this area of land.

When I moved to Dukes Place 7 years ago the area was unused. 'The Butchers Tap' then took over from O'Donoghue'sand went on to rent the said area in 2018/2019. In 2019 they applied for a 'Temporary Events Licence' to hold a few special events. I had no objections to this as I'm a great believer in live and let live.

But I am now aware under their new name of 'The Butchers Tap and Grill' they have applied for a 'Premise Licence' to extend the opening hours and for the sale of alcohol in this external area.

My windows and doors both open directly onto my garden, the garden/area rented by The Butchers Tap and Grill is a distance of no more that 5 feet away from my window.

As most people know alcohol is usually accompanied with loud banter and often swearing, this banter will be audible in both my garden and living area till late into the evening. This will definitely have an impact on my health and well-being.

I feel rather let down having had a conversation with the manager and being told the garden under its 'Events Licence' will be closed by 8.30pm...only to find out that an application for a 'Premise Licence' had already been applied for a month before this conversation.

I was never consulted about this application I only found out about it from a friend who happened to read the A4 Notice attached to the inside of a door at The Butchers Tap and Grill.

I have many concerns so my reasons for objecting are as follows..

- When I moved to Marlow in 2014, the area/garden was never part of the pub, and has never had approval to be a permanent pub garden.
- In 2019 it was operating on a 'Temporary Events Licence' despite being constantly open...I believe breaking licencing laws.
- I object to the space, directly adjacent to my house and garden being used as a licensed premises with late evening drinking.
- I object to the change of the current 'Temporary Events Licence' to a permanent 'Premise License'.

My objections are due to following reasons:

- Noise nuisance . I raised issues of noise during the time it was 'The Butchers Tap' for breaking their original 'Temporary Events Licence Agreements'.
- Now under its new name of 'The Butchers Tap and Grill' their application for a 'Premise Licence' will create even more noise until later into the evening, which will have a huge impact on my families enjoyment of my home & garden.
- I object due to the impact it will have on my mental health.
- The creation of a pub garden running adjacent to my home will negatively impact the value of my property.
- Being 'The Butchers Tap and Grill' is now a takeaway...a litter problem on my narrow road is now much more of a problem.
- Another big concern of mine in the granting of a 'Premise Licence' to 'The Butchers Tap and Grill' is..... during several conversations, when it was 'The Butchers Tap' and now known as ' The Butchers Tap and Grill' each of the conversation led to me being told they need to increase their revenue, Obviously this is one of the reasons for the refurbishment, change of name, and change of direction.
- My fear along with my objections is that if it doesn't succeed as a business, It will be sold and the 'Premise Licence' will automatically be included in the sale.... as I said before this small patch of land was not a pub garden when my family moved here.
- So my objections to a permanent 'Premise Licence' being granted, are deeply felt. The applicants can't do whatever they want to increase their revenue.... to the detriment of my family life.

I object to the application by 'The Butchers Tap and Grill' for a 'Premise Licence'. For all the heart felt genuine reasons I've described above.

Please can you confirm receipt of this email and confirm this objection email is sufficient for my objections to ' The Butchers Tap and Grills' application for an external 'Premise Licence'.

Licensing application:

21/00602/LAPRMV Premise Licence

Reference:

21/00314/LAPRMV

Kind regards

Mrs M Caswell

Sent from my iPad