



Licensing Sub-Committee minutes

Minutes of the meeting of the Licensing Sub-Committee held on Tuesday 21 September 2021 in Via Video Conference, commencing at 1.00pm and concluding at 13.45pm

Members present

T Green, P Griffin and A Wood

Others in attendance

I Crockard, B Whittall, A Thomlinson and A-M Kenward, A Thomlinson and B Whittall

Agenda Item

1 Introductory remarks by the Chairman

The Chairman welcomed everyone to the meeting. Members and officers who were assisting the members were introduced.

Also in attendance was Mr Ian Crockard, agent for applicant.

2 Apologies for absence

Apologies were received from applicant Mr F Conti and objector Mr Aubrey Sturgeon.

3 Declarations of interest

There were none.

4 Hearing Procedure Rules

All present confirmed that they had understood the procedure rules that applied to this hearing.

5 Lieviti Ltd, 13 Spittal Street, Marlow, SL7 3HJ

Members were asked to determine an application for a new premises licence, in respect of which relevant representations had been received. The Application had been submitted by Lieviti Ltd, 71-75 Shelton Street, Covent Garden, London, WC2H 9JQ ("The Applicant") in relation 13 Spittal Street, Marlow, Buckinghamshire, SL7 3HJ ("the premises").

Following a detailed discussion all parties present confirmed that they were satisfied that they had received a fair hearing and had nothing further to add. The Sub Committee retired to make its decision which can be seen in the attached decision notice.

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LICENSING ACT 2003

Sections 17, 18(3) and (4), 19, 19A and 23(1)(a), (2) and (4) and Licensing Act 2003 (Hearings) Regulations 2005/44 and Licensing Act 2003 (Hearings) Amendment Regulations 2005/78.

NOTIFICATION OF GRANT OF APPLICATION FOR A PREMISES LICENCE WHERE RELEVANT REPRESENTATIONS WERE MADE

PREMISES: 13 Spittal Street, Marlow, SL7 3HJ

To:

The Applicant - Lieviti Ltd
Any Persons who made Relevant Representations
Any Responsible Authority who made Relevant Representations
The Chief Constable of Thames Valley Police

Take Notice

THAT following a hearing of the Licensing Sub-Committee

ON 21ST SEPTEMBER 2021

BUCKINGHAMSHIRE COUNCIL as the Licensing Authority for the Premises

HAS AGREED

TO GRANT A PREMISES LICENCE SUBJECT TO the mandatory and other conditions set out in Schedules 1, 2 and 3 below.

SCHEDULE 1

Mandatory Conditions

MANDATORY CONDITIONS SPECIFIED BY THE LICENSING ACT 2003

For the purposes of this schedule:

“the Act” means the Licensing Act 2003

“Disability” has the meaning given in section 6 of the Equality Act 2010

“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)

Section 19 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 or 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 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 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 older age as may be specified in the policy) to produce on request, before being served with 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 whiskey: 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 2003 (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 –
$$P=D + (DxV)$$
where
 - i. P is the permitted price;
 - ii. D is the amount of duty chargeable in relation to the alcohol as if the duty 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.

SCHEDULE 2

Conditions consistent with the Operating Schedule submitted by the Applicant

Supply of alcohol (On the premises only)	Monday - Thursday 11:00 – 22:30 Friday - Saturday 11:00 – 01:00 Sunday 11:00 – 22:00 Christmas Week Mon-Thurs until midnight New Year's Eve until 02:00
Provision of Live Music (Indoor)	Friday - Saturday 23:00 – 01:00 Christmas Week Mon-Thurs until midnight New Year's Eve until 02:00
Playing of Recorded Music (Indoor)	Friday - Saturday 23:00 – 01:00 Christmas Week Mon-Thurs until midnight New Year's Eve until 02:00
Late Night Refreshment	Friday - Saturday 23:00 – 01:00 Christmas Week Mon-Thurs until midnight New Year's Eve until 02:00
Hours premises are open to the public	Monday - Thursday 08:00 – 22:30 Friday - Saturday 08:00 – 01:00 Sunday 08:00 – 22:00 Christmas Week Mon-Thurs until midnight New Year's Eve until 02:00

The Prevention of Crime and Disorder

- A CCTV recording system shall be installed, operated and maintained. The system shall incorporate a camera covering the entrance door and be capable of providing an image which is regarded as 'identification standard' of all persons entering and/or leaving the premises.
- The CCTV system shall be in operation at the premises at all times when the premises are used for the provision of licensable activity. All CCTV recordings shall be securely stored for a minimum of 28 days.

- A staff member from the premises who can operate the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
- Signage indicating that a CCTV recording system is in operation shall be displayed prominently in the premises. No alcohol shall be supplied if the CCTV equipment is inoperative for any reason.
- A premises daily register shall be kept at the premises. This register shall be maintained and kept for a rolling period of 12 months. The register shall record all incidents which may have occurred which are relevant to the supply of alcohol and shall be made available to a relevant responsible authority when called upon.

The Prevention of Public Nuisance

- Arrangements shall be put in place to ensure that waste collection contractors do not collect refuse between 19:00 and 07:00.
- Patrons smoking outside the premises shall be monitored regularly to ensure the potential for noise nuisance is controlled.
- The premises' frontage shall be regularly monitored to keep it clean and clear of litter.
- Signage requesting customers to be respectful of others when entering or leaving the premises shall be installed in a prominent position by the premises' exit.
- No person shall be allowed to leave the premises whilst in possession of any open drinking vessel, whether empty or containing any beverage.

The Protection of Children from Harm

- A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are the following recognised photographic identification cards: a driving licence, a passport, a military identification card or a Proof of Age card carrying a 'PASS' logo.
- Notices advertising that the premises operates a "Challenge 25" scheme shall be displayed in a clear and prominent position at the premises entrance.
- All occasions when persons have been refused service shall be recorded in the premises daily register.
- The premises licence holder or Designated Premises Supervisor shall ensure that all management and staff who are not personal licence holders are fully trained and briefed on the four licensing objectives and Challenge 25 and they are adhered to.

Written training records shall be kept and retained for a period of 12 months and be made available for inspection by a responsible officer upon request.

SCHEDULE 3

Conditions necessary to promote the Licensing objectives and agreed in response to the representations made

The Prevention of Public Nuisance

- All windows and external doors shall be kept closed at any time when regulated entertainment take place except for the immediate access and egress of persons.
- All regulated entertainment shall be limited to recorded background music and acoustic live music.

Reasons for the Panel's Decision

In considering the application for a Premises Licence, the Panel noted the written representations made by Interested Party on the grounds of the prevention of public nuisance together with oral representations and additional proposed conditions offered by the Applicant at the hearing.

The Panel had regard to the fact that no representations had been submitted by Responsible Authorities, in particular Thames Valley Police or the Control of Pollution.

The Panel felt that the Applicant had put forward a stringent application and that the additional conditions offered at the time of the hearing, went some way to addressing the concerns raised by the Interested Party in relation to the licensing objective of prevention of public nuisance.

In making their decision, the Panel took into account the legislation, the statutory guidance and the Council's own licensing policy.

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

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

The Panel considered that, in all the circumstances, the existing and proposed conditions offered by the applicant were reasonable and proportionate, sufficiently promoting the licensing objectives of the prevention of public nuisance, the prevention of crime and disorder, public safety and the protection of children from harm.

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

A handwritten signature in black ink, consisting of a large, stylized initial 'J' followed by a horizontal line extending to the right.

Clerk to the Licensing Sub-Committee

Date: 28th September 2021