



## Licensing Sub-Committee minutes

Minutes of the meeting of the Licensing Sub-Committee held on Monday 14 February 2022 in Via Video Conference, commencing at 10.30 am and concluding at 11.40 am.

### Members present

T Green, P Griffin and A Wood (Chairman)

### Others in attendance

L Hornby, S Mahmood and C Robinson

### 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 were the following:

Mr Thomas O'Maoileoin

Mr Roberto Costa

Councillor Ciarán Beary from The Ivers Parish Council

Ms Janine Mepham

Ms Jill Miles

Mr Clive Mosses

#### **2 Apologies for absence**

There were none.

#### **3 Declarations of interest**

There were none.

#### **4 Hearing Procedure Rules**

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

#### **5 Little Wonder, 14 Mansion Lane, Iver, Buckinghamshire, SL0 9RH**

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 Thomas & Thomas Partners LLP, 38A Monmouth Street, London,

WC2H 9EP on behalf of their client, Mr Roberto Costa of Little Wonder, 14 Mansion Lane, Iver Buckinghamshire, SLO 9RH ("The Applicant") in respect of Little Wonder, 14 Mansion Lane, Iver, Buckinghamshire, SLO 9RH ("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.

**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:** 'Little Wonder' 14 Mansion Lane, Iver, Buckinghamshire, SL0 9RH

**To:**

The Applicant  
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 14<sup>th</sup> February 2022**

**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)

## **S19 of the Licensing Act 2003 – Supply of Alcohol**

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

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

Every supply of alcohol under the premises licence must be made 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 –
$$P=D + (D \times V)$$
where
    - i. P is the permitted price;
    - ii. D is the amount of duty chargeable in relation to the alcohol as if the duty 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)	Wednesday	19:00 to 21:30
	Saturday	12:00 to 14:30
	Sunday	12:00 to 14:30
Hours premises are open to the public	Wednesday	19:00 to 21:30
	Saturday:	12:00 to 14:30
	Sunday	12:00 to 14:30

### General

- The premises may only operate as a private pre-booked lunch and supper club and the licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a private residence.
- This licence will be personal to the premises licence holder and may not be transferred to another person or company.
- The supply of alcohol at the premises shall only be to patrons taking a substantial table meal at the premises and for consumption by such a person as ancillary to their meal. For the purpose of this condition a 'Substantial Table Meal' means – a meal such as might be expected to be served as the main midday or main evening meal.

### The Prevention of Crime and Disorder

- The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the police. CCTV cameras shall be located within the premises to cover all public areas including all entrances and exits. The CCTV system shall operate at all times while the premises are open for licensable activities. All recorded footage must be securely retained for a minimum of 31 days and shall be capable of downloading recorded images/footage onto removable media upon the request of an Officer of a Relevant Authority or Police Officer as soon as reasonably practicable in accordance with Data Protection laws.
- There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.

### The Prevention of Public Nuisance

- The number of patrons permitted in the premises at any one-time shall not exceed 6 persons.

- Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quickly and quietly.
- A telephone number for the premises licence holder will be made available to residents in the vicinity.
- No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
- No external advertisements of any kind, that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed to any building, structure, works, street furniture, tree, or any other property.

#### **The Protection of Children from Harm**

- A Challenge 21 proof of age scheme shall operate at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

### **SCHEDULE 3**

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

##### **The Prevention of Public Nuisance**

- Off sales of alcohol and/or food are not permitted.

##### **Reasons for the Panel's Decision**

In reaching their decision the Panel carefully considered all the written representations together with oral submissions made at the hearing.

The Panel noted that the Applicant had recognised the concerns raised by the Licensing Authority and the Interested Parties in respect of the licensing objectives of the Prevention of Crime and Disorder and the Prevention of Public Nuisance and the Protection of Children From Harm and had significantly amended his application prior to the hearing to address those concerns. These amendments had resulted in the Licensing Authority withdrawing its objection. The Panel took account of the fact that no representations had been received from other Responsible Authorities, in particular, no concerns were raised by Thames Valley Police or Environmental Health.

Whilst sympathetic to the Interested Parties, the Panel was conscious that it could only consider representations pertaining to the requested licensable activity, namely the supply of alcohol on the premises and how this would impact on the licensing objectives of the



Prevention of Public Nuisance, the Prevention of Crime and Disorder, Public Safety and the Protection of Children from Harm. The Panel noted that the Licensing Officer as part of his oral submissions and within his report had identified that a number of the concerns raised by Interested Parties related to matters which were not part of the licensing regime but rather form part of the planning regime and were not matters that it could take account.

The Panel were mindful that issues relating to Public Nuisance arising from potential noise disturbance are dealt with by other relevant legislation regulated by Environmental Health.

In making their decision, the Panel also considered the legislation, the statutory guidance and the Council's own licensing policy.

The Panel also took into account 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 substantial amendments the Applicant had made to his application to alleviate concerns raised 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 and therefore agreed to grant the application.

**INFORMATIVE:** The Panel noted that should issues relating to the Prevention of Public Nuisance and/or Crime and Disorder occur following the grant of the premises licence any party is able to request a review of the premises licence under Section 51 Licensing Act 2003.

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

Clerk to the Licensing Sub-Committee

Date: 17.2.2022

A handwritten signature in black ink, appearing to be 'S. [unclear]', written in a cursive style.

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