



## Licensing Sub-Committee agenda

Date: Thursday 31 March 2022

Time: 10.30 am

Venue: Via Video Conference

### Membership:

T Green (Chairman), B Stanier Bt (Buckinghamshire Council) 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](mailto:monitoringofficer@buckinghamshire.gov.uk).

### Agenda Item

### Page No

**1**      **Introductory remarks by the Chairman**

**2**      **Apologies for absence**

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

To receive any disclosure of disclosable pecuniary interests by Members relating to any items on the agenda. If any Member is uncertain as to whether an interest should be disclosed, he or she is asked 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.

- |          |   |                |
|----------|---|----------------|
| <b>4</b> | <b>Hearing Procedure Rules</b><br>To note the hearing procedure rules and virtual licensing sub-committee procedural rules.   | <b>3 - 10</b>  |
| <b>5</b> | <b>Best One Express, 8 Bridge Street, High Wycombe, Buckinghamshire, HP11 2EL</b><br>To consider an application under s.17 of the Licensing Act 2003 for a new premises licence in respect of Best One Express, 8 Bridge Street, High Wycombe, Buckinghamshire, HP11 2EL (report attached). | <b>11 - 70</b> |

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](mailto: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

<b>SUBJECT:</b>	<b>APPLICATION FOR A PREMISES LICENCE at: 8 Bridge Street, High Wycombe, Buckinghamshire, HP11 2EL</b>
<b>REPORT OF:</b>	<b>Application under section 17, Licensing Act 2003</b>
<b>Responsible Officer</b>	<b>Kerryann Ashton – Licensing Officer</b>
<b>Report Author</b>	<b>Kerryann Ashton – Licensing Officer</b>
<b>Ward/s Affected</b>	<b>Abbey</b>

### 1. Purpose of Report

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

The Application has been submitted by Mr Harriram Raveendran of 36 Underwood Road, High Wycombe, Buckinghamshire, HP13 6YB (“the applicant”) on his behalf by his Licensing Agent, Gill Sherratt of Licensing Matters, 54 Fairfield Drive, Clitheroe, BB7 2PE (“the agent”) in respect of Best One Express, 8 Bridge Street, High Wycombe, Buckinghamshire, HP11 2EL (“the premises”).

### 2. Background

The premises is located adjacent to the High Wycombe bus terminal and is within a mixed commercial and residential area. The premises has benefited from an authorisation to conduct the retail sale of alcohol under The Licensing Act 2003 (“the Act”) since April 2011 for off sales only.

The premises licence was transferred in December 2021 from Mr Shanthakumar to the applicant, whilst under appeal. The premises licence held by Mr Shanthakumar had been revoked by the Licensing Sub-Committee in January 2020. This authorisation was revoked on appeal at Wycombe Magistrates Court on the 11 March 2022. A copy of the revoked premises licence is attached to this report marked **Appendix 1**.

The premises is located within a defined public space protection order (PSPO) area. This Order was made by Wycombe District Council, now Buckinghamshire Council (‘The Council’) under the Anti-Social Behaviour, Crime and Policing Act 2014, marked **Appendix 2**.

A location plan showing the premises location is attached to this report marked **Appendix 3**.

### 3. The Application

3.1 This application is made under section 17 of 'The Act' for a Premises Licence. A copy of the application is attached to this Report marked **Appendix 4**.

3.2 The requested permitted licensable activities are as follows:

<u>Licensable activity</u>	<u>Standard days and timings</u>
<b>Supply of alcohol (Off sales only)</b>	Every day 09:00 – 00:00
<b>Hours premises are open to the public</b>	Every day 09:00 – 00:00

3.3 A plan of the relevant licensable area has been provided and is attached marked **Appendix 5**.

### 4. Relevant Representations

#### 4.1 Responsible Authorities:

4.1.1 **The Chief Officer of Police:** Response received in relation to the prevention of crime and disorder licensing objective. **Appendix 6**.

4.1.2 **The Fire and Rescue Authority:** No Response received: No comment

4.1.3 **The Local Planning Authority (Head of Sustainable Development):** No Response received: No comment

4.1.4 **The Local Environmental Health Authority (Head of Environmental Health):** No Response received: No comment

4.1.5 **Weights and Measures Authority (Trading Standards Officer):** No response received. No comment

4.1.6 **The Safeguarding and Child Protection Unit:** No response received. No comment

4.1.7 **The Licensing Authority:** Response received in relation to the prevention of crime and disorder licensing objective. **Appendix 7**.

4.1.8 No responses were received from any other Responsible Authority or **Any Other Person**.

4.1 No letters in support of the application have been received.

4.2 The applicant has complied with the requirement to advertise the application in accordance with the regulations both at the premises and in the local newspaper.

## **5. Relevant Policy Considerations:**

- 5.1 Regard must be given to the Council's Statement of Licensing Policy (published 7 March 2022) when determining this application. Of particular relevance (but not limited to) are the sections relating to licence conditions (page 25) and the Council's approach to licensing hours (page 23).
- 5.2 In relation to licence conditions, the policy confirms that any conditions should be proportionate and appropriate to both the specific premises and the proposed activities. The applicant is responsible for demonstrating, through their operating schedule, how they intend to uphold the licensing objectives and prevent any harm, crime or disorder through the operation of their business.
- 5.3 In relation to the prevention of crime and disorder licensing objective, section 3.27, applicants are expected to demonstrate in their operating schedule how they intend to promote the crime prevention objective in relation to the licensable activities provided. Applicants should also consider local circumstances, for example such as the terminal hour of other licensed premises in close proximity, local crime and anti-social behaviour 'hot spots' and the position of taxi ranks and other transport hubs
- 5.4 The Council's policy confirms at section 3.28 that. The Licensing Authority will treat the police as the main source of advice on conditions to be applied in order to promote the crime prevention objective. Conditions imposed on licences will, so far as possible, reflect any local crime prevention strategies and the local Police and Crime Plan published by the Police and Crime Commissioner for Thames Valley.
- 5.5 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 the Prevention of Crime and Disorder the Statutory Guidance states:**

- 2.3 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises. For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.
- 2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with

particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

## **6. Off Licences and PSPO's Considerations:**

- 6.1 The Council's policy confirms at 3.59, that the street drinking of alcohol has found to be associated with crime and disorder and anti-social behaviour in certain areas of Buckinghamshire. Street drinking can also be associated with public nuisance. To help tackle the issue the Council has introduced PSPOs (Public Space Protection Orders) in some parks and town centres which prohibit drinking alcohol or possessing alcohol in open containers.
- 6.2 The policy states that experience shows that enforcement of the PSPO alone is not sufficient to deter would be offenders from consuming alcohol in breach of current PSPOs. Enforcement is only part of the solution and it is important that locally licensed businesses also play their part. Not only does this demonstrate a commitment to the promotion of the licensing objectives, the removal of anti-social street drinking enhances the area and contributes to greater prosperity.

## **7. Resources, Risk and Other Implications**

- 7.1 **Resource:** The only resource implications to date have been officer time however if the applicant or persons making relevant representations appeal against the decision of the Licensing Sub-Committee this would result in legal fees to defend the appeal and further costs. In the event of a successful appeal the Council may also have to pay the applicant/other party's costs.

### **Human Rights:**

- 7.2. 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).
- 7.3. 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 cannot be interfered with.
- 7.4. 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.

7.5. 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.

7.6 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.

## **8. Determination by the Licensing Sub-Committee**

8.1 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 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.

8.2 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.

8.3 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.

8.4 The following options are available to the Licensing Sub Committee in determining the application:

8.4.1. Grant the Premises Licence -subject to any conditions which are consistent with the Operating Schedule and which are considered appropriate and proportionate for the promotion of the four licensing objectives in response to relevant representations received - and any relevant mandatory conditions.

8.4.2. Refuse to specify a person in the Premises Licence as the premises supervisor.

8.4.3. Reject the whole of the Application

- 8.4.4. Grant the Premises Licence subject to different conditions for different parts of the premises or for different /reduced licensable activities if it is considered appropriate and proportionate to promote the four licensing objectives and in response to the representations received.
- 8.5 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.



## 9. Conditions

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

THE LICENSING ACT 2003 (MANDATORY LICENSING CONDITIONS) ORDER 2010 (SI2010/860)  
AS AMENDED BY THE LICENSING ACT 2003 (MANDATORY LICENSING CONDITIONS) ORDER  
2014 (SI2014/2440)

Mandatory Condition 1

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

THE LICENSING ACT 2003 (MANDATORY LICENSING CONDITIONS) (AMENDMENT)  
ORDER 2014 (SI2014/1252)

Mandatory Condition 2

- 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

## 9.1 Conditions offered in the Operating Schedule

### The prevention of crime and disorder

- A CCTV system will be in operation at the premises and recorded images shall be retained for a period of 31 days. CCTV images will be provided to the police and other responsible authorities as soon as practicable and in any case within 48 hours of a request for such images, subject of the provisions of the DPA (or alternative police wording).

### Public safety

- An incident register will be maintained at the premises and made available to the authorities on request.

The prevention of public nuisance

- A register of refusals of alcohol will be maintained at the premises. The register will be made available for inspection by the Police and other responsible authority
- Signs asking customers to leave quietly will be displayed at the entrance/exit.
- There will be no sales of beer, lager or cider with an alcohol content above 7.0% ABV in metal or plastic containers. This restriction shall not apply in respect of specialist branded premium priced products, for example Craft ales, local or micro-brewery specialist products, boxed gifts or national celebratory/commemorative beer, lager or cider.

The protection of children from harm

- The premises will adopt a 'Challenge 25' policy. This means that if a customer purchasing alcohol appears to be under the age of 25, they will be asked for proof of their age, to prove that they are 18 years or older.
- Posters will be on display advising customers of the 'Challenge 25' policy.
- The only forms of identification that will be accepted at the premises are a passport, UK photo-card driving licences, military ID & cards bearing the 'PASS' hologram.

**Informative/s -**

<b>Officer Contact:</b>	<b>Kerryann Ashton (01296 585 560) – email address:</b> <a href="mailto:kerryann.ashton@buckinghamshire.go.uk">kerryann.ashton@buckinghamshire.go.uk</a>
<b>Background Papers:</b>	<b>Application Ref 22/00084/LAPREN</b> <b>Licensing Act 2003, as amended</b> <b>Licensing Policy –Published March 2022</b> <b>Home Office Guidance issued under Section 182 of the Licensing Act 2003, as amended</b>

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## Licensing Act 2003 Premises Licence

**Reference Number****21/01764/LAPRED****Premises Licence Number****168/PREM****Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code**

Best One Express  
8 Bridge Street  
High Wycombe  
Buckinghamshire  
HP11 2PT

**Telephone number**

01494 440769

**Licensable activities authorised by the licence**

Sale by Retail of Alcohol

**Times the licence authorises the carrying out of licensable activities**

Sale by Retail of Alcohol      Every Day      10:00 - 00:00

**The opening hours of the premises**

Every Day      06:00 - 00:00

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

The Licence authorises the supply of alcohol for consumption off the premises only

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

Hariram Raveendran  
36 Underwood Road  
High Wycombe  
Buckinghamshire  
HP13 6YB

**APPENDIX 1**

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

N/A

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol**

Hariram Raveendran  
36 Underwood Road  
High Wycombe  
Buckinghamshire  
HP13 6YB

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

Ref: DCCPER1392

Issued by: Durham County Council

**Date: 21 December 2021**



**Signed: .....**

**Authorised Officer**

## APPENDIX 1

### 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

## APPENDIX 1

(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(a);
- (b) "permitted price" is the price found by applying the formula—

$$P = D + (D \times V)$$

where—

- (i) P is the permitted price,
  - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence—
- (i) the holder of the premises licence,
  - (ii) the designated premises supervisor (if any) in respect of such a licence, or
  - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994(b)

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny

4.—(1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day



## APPENDIX 1

### Annex 2 – Conditions consistent with the Operating Schedule

#### The prevention of crime and disorder

- 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 28 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
- Signage advising customers that they are on CCTV shall be positioned in a prominent position.
- As a deterrent to anti social behaviour in the area, no single cans of cider, beer or lager to be dispensed
- Staff involved in the sale of alcohol by retail will be trained to ensure they are aware of 'proxy buying' (over 18s buying for the under 18s) and anti –social behaviour issues in the area and the penalties for selling to a person who is drunk
- A log book is to be completed recording all incidents of crime and disorder / public nuisance at the premises. The log should include details of the date and time of the incident, persons witnessing the incident and action taken. All records must be made in English. The log book must be made available for inspection by an authorised officer of the Licensing Authority or a Police Officer
- Staff training shall ensure the premises adheres to the "Think 25" I.D scheme, that employees are aware of the consequences of underage sales, and proxy sales under the Licensing Act
- Known street drinkers will not be served alcohol from the premises at any time
- There shall be no sales of any "white cider" products permitted from the premises. White cider is defined as "cider produced with culinary or desert apples, which reduces the presence of any colour

#### The prevention of public nuisance

- Signage for customers to leave quietly shall be displayed in a prominent position on the premises at all times

#### The protection of children from harm

- The Licensee shall ensure that all staff are trained and comply with the Challenge 21 proof of age trading initiative and display signs promoting this initiative
- A refusals book is to be completed and kept up to date where any person is refused the sale of alcohol for reasons of being underage or drunk. The refusals book must be made available for inspection by an authorised officer of the Licensing Authority or a Police Officer. All records must be made in English
- The premises shall operate a 'Challenge 25' policy
- The only acceptable forms of identification concerning the issue of age shall be a Citizen Card, photographic driving licence or valid passport. All staff shall be obliged to familiarise themselves with these requirements
- A refusals book must be completed and kept up to date and made available for inspection by an authorised officer of the Licensing Authority or a police officer. All records must be made in English. Refusal data shall include the date and time of the incident, brief description of refusal, and the name of the member of staff making the record

## **APPENDIX 1**

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

#### Prevention of Crime & Disorder

- All alcohol offered for sale shall be labelled with a sticker showing the shop name
- All staff shall attend the recognised BIIAB Level 1 – Award in Responsible Alcohol Retailing training or a suitable equivalent training scheme as approved in advance by the Licensing Authority's Licensing Officer. Such training shall be undertaken by all existing employees within 6 weeks of the decision notice. Any new employees shall also undertake BIIAB Level 1 or equivalent training within 6 weeks of employment. The training records shall be made immediately available for inspection by an authorised officer
- From 2300 hours until the premises closes to members of the public there shall be a minimum of two BIIAB Level 1 trained staff on the premises at all times
- The Premises Licence Holder will maintain a register under which staff will record the date and supplier of every item of alcohol and tobacco stock cross referenced against the receipt for the item purchased.
- Goods will not be accepted by staff unless the receipt displays the preprinted name, address, contact number and VAT number of the supplier.
- All receipts for purchases of alcohol and tobacco purchased in the preceding 12 months will be kept at the premises and be available for inspection upon request of an authorised officer so as to be able to identify from where any items of alcohol or cigarettes were purchased.
- If boxes are damaged or have previously been opened items of alcohol or tobacco will not be accepted by staff.
- No alcohol or tobacco is to be stored under the counter.
- All staff are to be trained in the above procedure and a training record kept which will be available for inspection by a Licensing Officer.
- No staff to pay for or accept deliveries of goods without the written approval of the Premises Licence Holder

### **Annex 4 – Plans**

See plans with ref# 11/00457/LAPREN

**ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014****SECTION 59****PUBLIC SPACES PROTECTION ORDER**

This Order is made by Wycombe District Council ('The Council') under the Anti-Social Behaviour, Crime and Policing Act 2014, Section 59 ('the Act').

1. This Order relates to the land described in paragraph 1 of the Schedule below and defined by the blue border on the plan attached to this Order ('the Restricted Area'), being a public place in the Council's area to which the Act applies.
2. The Council is satisfied that the 2 conditions below have been met, in that:
  - a) Activities carried out in the Restricted Area as described below have had a detrimental effect on the quality of life of those in the locality, or it is likely that these activities will be carried out in the public place and that they will have such an effect.
  - b) That the effect, or likely effect of the activities described below is, or is likely to be, of a persistent or continuing nature, or is likely to be, such as to make the activities unreasonable, and justifies the restrictions imposed by the Order.

**BY THIS ORDER**

3. The effect of the Order is to impose the following prohibition at all times:

In the restricted area any person who continues to carry out the following activities from which they are prohibited commits an offence:

**Alcohol** – any person is prohibited from, at any time, consuming alcohol or having an open container for alcohol, in the Restricted Area subject to the exemptions listed in Schedule 2.
4. The Order will remain in force for a period of 3 years from the date of this Order, unless extended by further Orders under the Council's statutory powers.
5. Section 63 of the Act states that where a constable or an authorised person reasonably believes that a person:

## **APPENDIX 2**

- (a) is or has been consuming alcohol in breach of this Order; or
- (b) intends to consume alcohol where to do so would be a breach of the prohibition

The constable or authorised person may require the person:

- (a) not to consume, in breach of this Order, alcohol or anything which the constable or authorised person believes to be alcohol, or an alcohol container.
- (b) to surrender anything which is, or which the constable or authorised person reasonably believes to be, alcohol or a container for alcohol.

A constable or authorised person who imposes such a requirement must tell the person that failing without reasonable excuse to comply with the requirement is an offence

A person guilty of an offence under Section 63 is liable on conviction in the Magistrates' Court to a fine not exceeding level 2 on the standard scale or if in receipt of a Fixed Penalty Notice to a penalty of a maximum of £100.00.

### **GENERAL**

References to a "constable" includes a Police Community Support Officer with delegated authority and reference to "authorised person" means a person designated by the local authority.

### **APPEALS**

Any challenge to this Order must be made in the High Court by an interested person within six weeks of it being made. An interested person is someone who lives in, regularly works in, or visits the Restricted Area. This means that only those who are directly affected by the restrictions have the power to challenge. The right to challenge also exists where an Order is varied by the Council.

Interested persons can challenge the validity of the Order on two grounds:

- (a) that the Council did not have the power to make the Order, or to include particular prohibitions or requirements; or
- (b) that one of the requirements of the legislation has not been complied with.

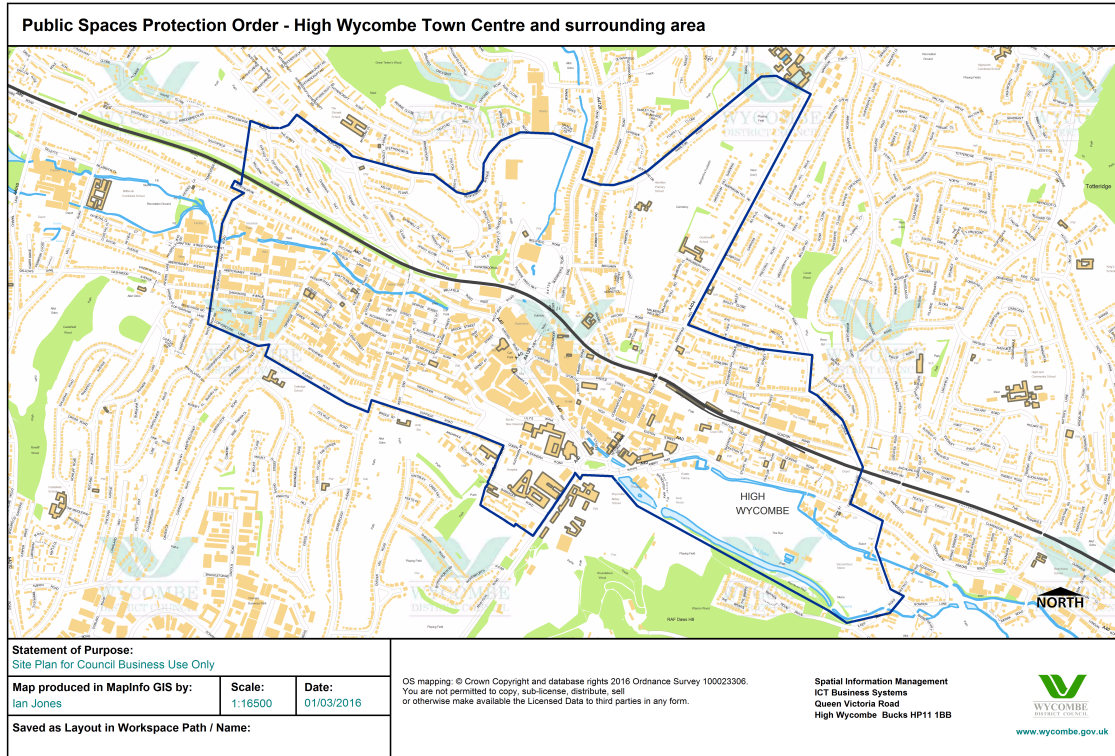
## **APPENDIX 2**

When an application is made the High Court can decide to suspend the operation of the Order pending the Court's decision, in part or in totality. The High Court has the ability to uphold the Order, quash it, or vary it.

Dated 12<sup>th</sup> March 2020

SCHEDULE 1

The restricted area shown edged in blue on the map attached hereto.



### SCHEDULE 2

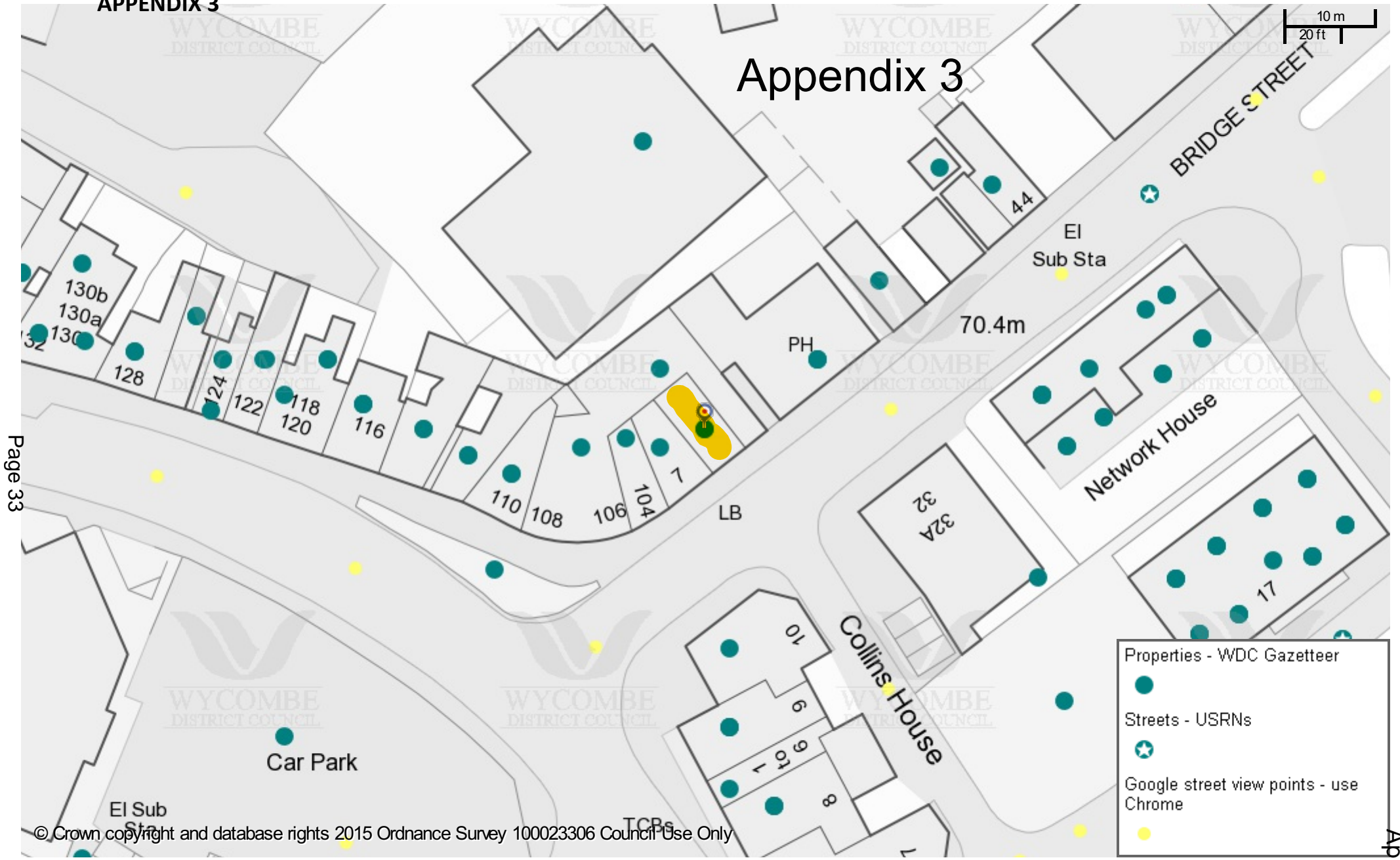
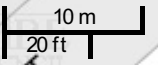
#### Premises to which alcohol prohibition does not apply

- (1) A prohibition in a public spaces protection order on consuming alcohol does not apply to –
  - (a) premises (other than council-operated licensed premises) authorised by a premises licence to be used for the supply of alcohol;
  - (b) premises authorised by a club premises certificate to be used by the club for the supply of alcohol;
  - (c) a place within the curtilage of premises within paragraph (a) or (b);
  - (d) premises which by virtue of Part 5 of the Licensing Act 2003 may at the relevant time be used for the supply of alcohol or which, by virtue of that Part, could have been so used within the 30 minutes before that time;
  - (e) a place where facilities or activities relating to the sale or consumption of alcohol are at the relevant time permitted by virtue of a permission granted under section 115(e) of the Highways Act 1980 (highway-related uses).
  
- (2) A prohibition in a public spaces protection order on consuming alcohol does not apply to council-operated licensed premises –
  - (a) where the premises are being used for the supply of alcohol, or
  - (b) within 30 minutes after the end of a period during which the premises have been used for the supply of alcohol.
  
- (3) In this section –
  - “*club premises certificate*” has the meaning given by section 60(f) of the Licensing Act 2003;
  - “*premises licence*” has the meaning given by section 11 of that Act;
  - “*supply of alcohol*” has the meaning given by section 14 of that Act.
  
- (4) For the purposes of this section, premises are “council-operated licensed premises” if they are authorised by a premises licence to be used for the supply of alcohol and –
  - (a) the licence is held by a local authority in whose area the premises (or part of the premises) are situated, or
  - (b) the licence is held by another person but the premises are occupied by a local authority or are managed by or on behalf of a local authority.

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# Appendix 3



Properties - WDC Gazetteer

Streets - USRNs

Google street view points - use Chrome

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

For help contact  
[licensing.av@buckinghamshire.gov.uk](mailto:licensing.av@buckinghamshire.gov.uk)  
 Telephone: 01296 585605

\* required information

**Section 1 of 21**

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference	Not Currently In Use	This is the unique reference for this application generated by the system.
Your reference		You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes
  No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

**Applicant Details**

* First name	Harriram	
* Family name	Raveendran	
* E-mail	gill@licensingmatters.net	
Main telephone number	01282 500322	Include country code.
Other telephone number		

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

<input type="radio"/> Applying as a business or organisation, including as a sole trader <input checked="" type="radio"/> Applying as an individual	<p>A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.</p>
--	---

Continued from previous page...

**Address**

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

**Agent Details**

\* First name

\* Family name

\* E-mail

Main telephone number  Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

**Agent Business**

Is your business registered in the UK with Companies House?  Yes  No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name  If your business is registered, use its registered name.

VAT number   Put "none" if you are not registered for VAT.

Legal status

Your position in the business

Home country  The country where the headquarters of your business is located.

Continued from previous page...

**Agent Registered Address**

Address registered with Companies House.

Building number or name	54
Street	Fairfield Drive
District	
City or town	Clitheroe
County or administrative area	
Postcode	BB7 2PE
Country	United Kingdom

**Section 2 of 21**

**PREMISES DETAILS**

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

**Premises Address**

Are you able to provide a postal address, OS map reference or description of the premises?

- Address     OS map reference     Description

**Postal Address Of Premises**

Building number or name	Best One Express
Street	8 Bridge Street
District	
City or town	High Wycombe
County or administrative area	
Postcode	HP11 2PT
Country	United Kingdom

**Further Details**

Telephone number	
Non-domestic rateable value of premises (£)	8,300

**Section 3 of 21**

**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

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

**Confirm The Following**

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

**Section 4 of 21**

**INDIVIDUAL APPLICANT DETAILS**

**Applicant Name**

Is the name the same as (or similar to) the details given in section one?

- Yes                       No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

Family name

Is the applicant 18 years of age or older?

- Yes                       No

Continued from previous page...

### Current Residential Address

Is the address the same as (or similar to) the address given in section one?

Yes  No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name	<input type="text" value="36"/>
Street	<input type="text" value="Underwood Road"/>
District	<input type="text"/>
City or town	<input type="text" value="High Wycombe"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="HP13 6YB"/>
Country	<input type="text" value="United Kingdom"/>

### Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

Yes  No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail	<input type="text" value="gill@licensingmatters.net"/>
Telephone number	<input type="text" value="01282 500322"/>
Other telephone number	<input type="text"/>
* Date of birth	<input type="text" value="13"/> / <input type="text" value="01"/> / <input type="text" value="1973"/> dd mm yyyy
* Nationality	<input type="text" value="British"/>
Right to work share code	<input type="text"/>

Documents that demonstrate entitlement to work in the UK

Right to work share code if not submitting scanned documents

## Section 5 of 21

### OPERATING SCHEDULE

When do you want the premises licence to start?  /  /   
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end  /  /   
dd mm yyyy

Provide a general description of the premises

*Continued from previous page...*

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off- supplies you must include a description of where the place will be and its proximity to the premises.

The premises subject to this application is an existing convenience store with off licence. In January 2020 the premises licence for the property was revoked by the licensing committee due to non compliance on the part of the previous owner.

In December 2021, the applicant agreed to purchase the business and the sale/purchase is currently going through solicitors. The applicant was not involved on any level with the circumstances that led to the revocation of this licence and will operate this business in full compliance with all legislation and the licensing objectives. Upon taking over the store the applicant invested in a brand new CCTV system & has ensured that all polices and procedures are being followed.

As part of the process of this application and in order to mitigate any risk from the sales of alcohol and its impact on the licensing objectives, full consideration has been given to the conditions that are on the existing licence. As part of this process (and taking in to account the issue with the previous licence related to high strength cider and street drinkers) a comprehensive condition preventing the sale of high strength beer, lager and cider has been included on this application (more comprehensive then the previous licence which only restricted white cider).

Consideration was given to the restriction on the single cans and labelling but given that the condition above is so comprehensive in its nature and ensures that the problem products will not be available at this store, it is not deemed appropriate to impose any additional restriction.

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

#### Section 6 of 21

##### PROVISION OF PLAYS

See guidance on regulated entertainment

Will you be providing plays?

Yes  No

#### Section 7 of 21

##### PROVISION OF FILMS

See guidance on regulated entertainment

Will you be providing films?

Yes  No

#### Section 8 of 21

##### PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Will you be providing indoor sporting events?

Yes  No

#### Section 9 of 21

##### PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS



*Continued from previous page...*

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

Yes  No

**Section 10 of 21**

**PROVISION OF LIVE MUSIC**

See guidance on regulated entertainment

Will you be providing live music?

Yes  No

**Section 11 of 21**

**PROVISION OF RECORDED MUSIC**

See guidance on regulated entertainment

Will you be providing recorded music?

Yes  No

**Section 12 of 21**

**PROVISION OF PERFORMANCES OF DANCE**

See guidance on regulated entertainment

Will you be providing performances of dance?

Yes  No

**Section 13 of 21**

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

See guidance on regulated entertainment

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

Yes  No

**Section 14 of 21**

**LATE NIGHT REFRESHMENT**

Will you be providing late night refreshment?

Yes  No

**Section 15 of 21**

**SUPPLY OF ALCOHOL**

Will you be selling or supplying alcohol?

Yes  No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

TUESDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

WEDNESDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

Will the sale of alcohol be for consumption:

- On the premises       Off the premises       Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

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

N/A

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

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

N/A

Continued from previous page...

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

**Name**

First name

Family name

Date of birth  /  /   
dd mm yyyy

**Enter the contact's address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

**PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT**

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

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

**Section 16 of 21**

**ADULT ENTERTAINMENT**

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

N/A

Continued from previous page...

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

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

N/A

*Continued from previous page...*

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

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

N/a

## Section 18 of 21

### LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

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

On first appointment, all staff employed at the premises will receive training on the Licensing Act 2003 including input on preventing underage sales, preventing sales of alcohol to people who are drunk and any other relevant matters. Training shall be regularly refreshed at no less than annual intervals. The training must be recorded and be accessible on the premises and made available for inspection upon request of a Police Officer or an authorised officer of the licensing authority or (in the case of online training) within 48 hours.

b) The prevention of crime and disorder

A CCTV system will be in operation at the premises and recorded images shall be retained for a period of 31 days. CCTV images will be provided to the police and other responsible authorities as soon as practicable and in any case within 48 hours of a request for such images, subject of the provisions of the DPA (or alternative police wording).

c) Public safety

An incident register will be maintained at the premises and made available to the authorities on request.

d) The prevention of public nuisance

A register of refusals of alcohol will be maintained at the premises. The register will be made available for inspection by the Police and other responsible authority

Signs asking customers to leave quietly will be displayed at the entrance/exit.

There will be no sales of beer, lager or cider with an alcohol content above 7.0% ABV in metal or plastic containers. This restriction shall not apply in respect of specialist branded premium priced products, for example Craft ales, local or micro-brewery specialist products, boxed gifts or national celebratory/commemorative beer, lager or cider.

e) The protection of children from harm

*Continued from previous page...*

The premises will adopt a 'Challenge 25' policy. This means that if a customer purchasing alcohol appears to be under the age of 25, they will be asked for proof of their age, to prove that they are 18 years or older.

Posters will be on display advising customers of the 'Challenge 25' policy.

The only forms of identification that will be accepted at the premises are a passport, UK photo-card driving licences, military ID & cards bearing the 'PASS' hologram.

## Section 19 of 21

### NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

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

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

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

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

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

#### **Documents which demonstrate entitlement to work in the UK**

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

*Continued from previous page...*

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

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

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

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

*Continued from previous page...*

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

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

### **Home Office online right to work checking service**

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

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

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

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

## **Section 20 of 21**

### **NOTES ON REGULATED ENTERTAINMENT**



*Continued from previous page...*

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
  - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
  - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

**Continued from previous page...**

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

**Section 21 of 21**

**PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card. Premises Licence Fees are determined by the non domestic rateable value of the premises. To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm)

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £8700	£315.00
Band D - £87001 to £12500	£450.00*
Band E - £125001 and over	£635.00*

\*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then your are required to pay a higher fee

Band D - £87001 to £12500	£900.00
Band E - £125001 and over	£1,905.00

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

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

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39000	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00

Continued from previous page...

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

\* Fee amount (£)

**ATTACHMENTS**

**AUTHORITY POSTAL ADDRESS**

**Address**

Building number or name   
Street   
District   
City or town   
County or administrative area   
Postcode   
Country

**DECLARATION**

\* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name   
\* Capacity   
Date (dd/mm/yyyy)

Once you're finished you need to do the following:

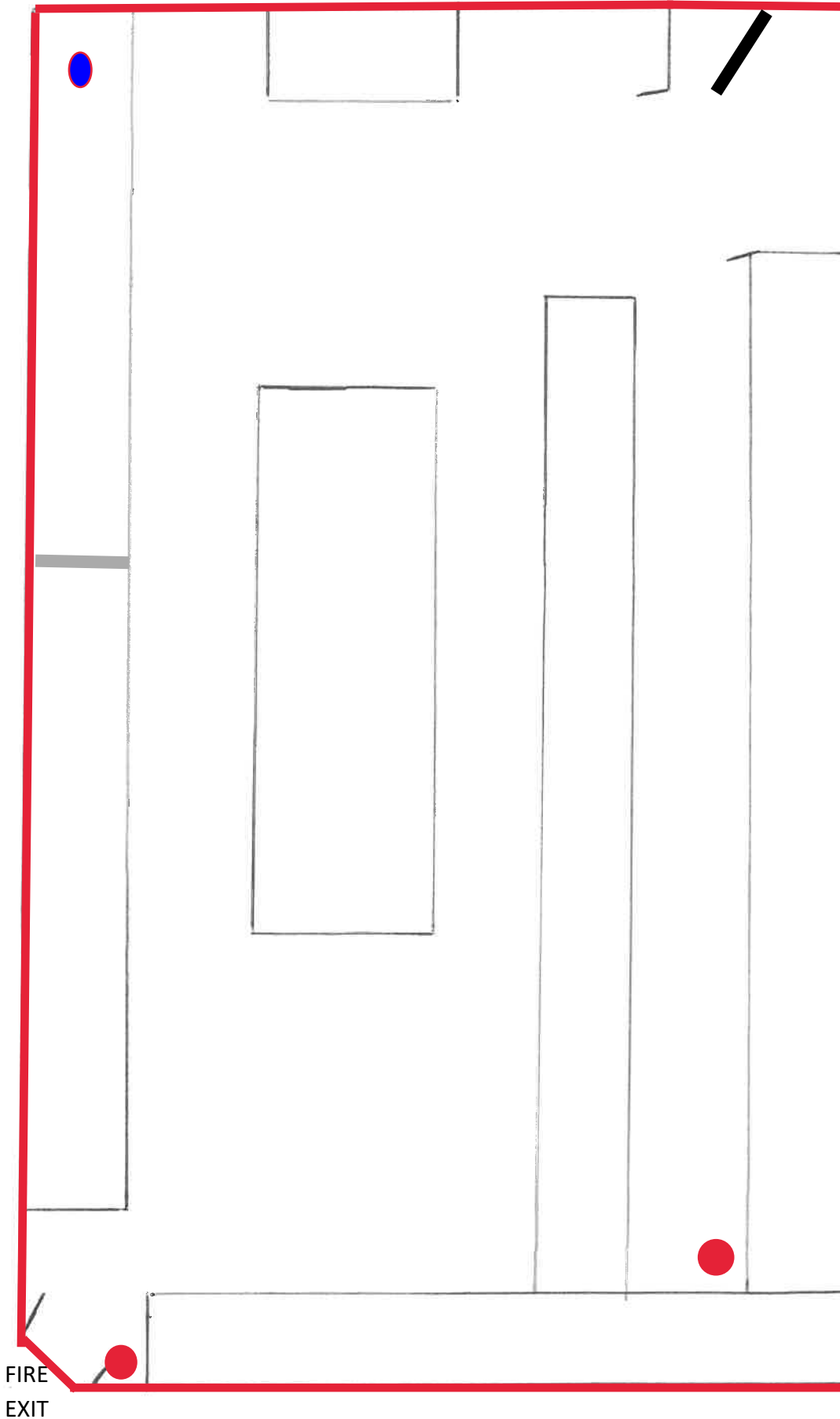
1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/aylesbury-vale/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

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

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





FIRE  
EXIT

● = EXTINGUISHER

□ = LICENSED AREA  
Page 53

● Counter with raised step

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Brian Whittal

**From:** Dean, Andy (C2915) <andy.dean@thamesvalley.police.uk>  
**Sent:** 03 March 2022 11:50  
**To:** Licensing WYC  
**Cc:** Licensing  
**Subject:** [EXTERNAL] TVP Application Response - Premises Licence for Best One Express, 8 Bridge Street, H/W: OBJECTION  
**Attachments:** Appendix A - Training record (002).docx; Licence application - Best One Express; 22-03-03 Objection report.docx; Best One report (sub committee briefing report).doc

[Please note this has been sent from an **external source** - treat with caution and **do not open** attachments / use links until you are sure this is a trusted communication see intranet/IT for advice.]

On 03/02/2022, we received a Premises Licence application relating to Best One Express, 8 Bridge Street, H/W

=====  
 Licence transferred now applying for new one, same hours, new CCTV reasonable conditions  
 =====

Based on the supplied information, the Thames Valley Police response is: **\*\*\* OBJECTION \*\*\***

Details of the objection and our rationale will be sent shortly by the Licensing Officer, who will also notify the applicant if appropriate.

\*\*\*\*Prevention of Crime and Disorder; It is felt that the application has been submitted in good stead by the agent although there are concerns regarding the truthfulness of the main applicant in so far as his original explanation of knowledge re the previous licence holder that wasn't fully expressed to the agent. Due to this doubt then it is believed that compliance moving forwards could also be detrimental to the Licensing Act 2003. I have attached a report of objection and Appendices in relation to pre knowledge documentation, previous licence holder friends with applicant – Licensing Subcommittee Briefing report and clarification email from Licensing Authority Officer. \*\*\*\*\*

Andy

**Andy Dean C2915 - Licensing Officer (Wycombe & South Oxfordshire);**

Address – Police Station, Queen Victoria Road, High Wycombe, Bucks HP11 1BE;

Telephone - (Ext) 01865 309275, (int) 312 6077 (mobile); 07970 145 565

Headquarters – [Licensing@thamesvalley.police.uk](mailto:Licensing@thamesvalley.police.uk)

(Hours – Mon – Thurs 0700 – 1500, Fri 0700 – 14.30)

NOT RESTRICTED;





\*\*\*\*\*  
This email contains information which is confidential and may also be privileged. It is for the exclusive use of the addressee(s) and any views or opinions expressed within are those of the originator and not necessarily those of the Force. If you are not the intended recipient(s) please note that any form of distribution, copying or use of this email or the information contained is strictly prohibited and may be unlawful. If you have received this communication in error please forward a copy to [informationsecurity@thamesvalley.police.uk](mailto:informationsecurity@thamesvalley.police.uk) and to the sender. Please then delete the email and destroy any copies of it. DO NOT use this email address for other enquiries as it will not be responded to, nor any action taken upon it. If you have a non-urgent enquiry, please call the Police non-emergency number 101. If it is an emergency, please call 999. Thank you.  
\*\*\*\*\*



## STAFF TRAINING ALCOHOL SALES

MEMBER OF STAFF: HARIRAM RAUBENDRAN

DATE OF BIRTH: 13-01-1973

POSITION IN COMPANY:

DATE OF TRAINING/UPDATE: 1/10/19

I HAVE BEEN TRAINED IN THE FOLLOWING AREAS :

UNDERAGE SALES

CONSEQUENCES OF UNDERAGE SALES

LICENSING HOURS

PROXY SALES

DRUNKS PURCHASING

STREET DRINKERS

GROUP PURCHASES

REFUSAL REGISTER

I REALISE THAT IF I do not act at all times within company policy then it will be considered gross misconduct for which I could face instant dismissal.

DATE OF TRAINING 1/10/19

NAME OF STAFF HARIRAM RAUBENDRAN

DATE 1/10/19

SIGNED





**From:** Brian Whittal <Brian.Whittail@buckinghamshire.gov.uk>  
**Sent:** 02 March 2022 16:51  
**To:** Andy.Dean  
**Subject:** Licence application - Best One Express  
**Attachments:** Training record.docx

Dear Andy,

Further to the briefing document circulated to the police in respect to the upcoming appeal to the revocation of the Premises Licence for Best One Express I can clarify the additional information following the transfer of this premise licence on the 9<sup>th</sup> December 2021 to Mr Raveendran. The latter having made an application under section 17 for a Premises Licence. The consultation date for this application shall expire on the 3<sup>rd</sup> March 2022.

- I visited the premises after the transfer of the premises licence to Mr Hariram Raveendran from Mr Shanthakumar on the 30<sup>th</sup> December 2021. The premises were closed to the public and undertaking refurbishment works. Mr Shanthakumar was on the premises at the time of this visit and stated to me that he was helping out the new licence holder Mr Hariram Raveendran. The latter was not on the premises.
- Mobile and email contact details were requested on a number of occasions from Mr Raveendran's licensing agent Gill Sherratt via email and this information has thus far not been forthcoming. Details have instead been provided directly from Mr Raveendran on my visit to the premises of the 2<sup>nd</sup> February 2022.
- An enforcement visit was made to the premises on the 2<sup>nd</sup> February 2022. Mr Raveendran the new licence holder was on the premises at the time of this visit. I requested to see CCTV recordings to ensure the system was compliant with the conditions attached to the premises licence and noted at approx. 16:26 hours for the 20<sup>th</sup> January 2022 that Mr Shanthakumar was working on the premises. The premises were open to the general public.
- It was requested of Mr Raveendran if the image on the screen was that of Mr Kanaganayagam Shanthakumar of 14 Hodges Mews, High Wycombe. He confirmed to that it was. Further, Mr Raveendran confirmed that Mr Shanthakumar was "A friend". He confirmed that Mr Shanthakumar is employed at the premises and "Only works when I need him". Mr Raveendran confirmed he works twice a day for 4-5 hours and is unsupervised during this time as Mr Raveendran does not currently have any other staff to work at the premises when he is unable to be there. It was confirmed that Mr Shanthakumar's wife also works for Mr Raveendran.
- A request was made of Mr Raveendran to provide CCTV recordings so that I could validate his ability to provide recording on a removable media. Mr Raveendran stated that he wished to work in partnership with the authority and that he would provide the requested CCTV recordings for the 20<sup>th</sup> and 21<sup>st</sup> January 2022 between the hours of 15:00 to 18:00.
- Mr Raveendran's licensing agent advised her client that these recordings do not be provided as requested in accordance with GDPR.

- The appellants bundle provided to the Council in respect to the ongoing appeal in respect to Best One Express has confirmed that Mr Raveendran was an employee of Mr Shanthakumar, as attached, dating back to 2019.
- The Licensing authority has requested evidence that the business has been sold by Mr Shanthakumar to Mr Raveendran as part of the ongoing appeal. To date no evidence has been provided.

Please let me know if you have any additional queries or questions in respect to any of the above.

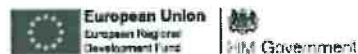
Regards,

Brian Whittall  
Licensing Officer  
Communities Directorate  
Buckinghamshire Council

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# THAMES VALLEY POLICE

Division/Station : High Wycombe

From : Andy Dean c2915  
Licensing Officer

To : Licensing Authority

Ref :

Date : 3<sup>rd</sup> March 2022

Tel.No. 01865 309275

Subject :

Premises Licence Application – Best One Express, Bridge Street, High Wycombe

I am employed as a Licenising Officer for Thames Valley Police and I represent the Chief Officer of Police in licensing matters for the area in which I work – Wycombe and South Oxfordshire.

We have received an application for a new premises licence in relation to the above address. At the time of writing there is a premises licence in being for these premises although a couple of years ago Thames Valley Police requested a Review of such which went to Panel and the licence was revoked pending an appeal – Since that time the premises have had significant time to continue to trade due to Covid 19 and the appeal is to be held at Court on the 4<sup>th</sup> March. The premises licence holder at that time was Mr Shanthakumar.

In the mean time the applicants (Mr Raveendran) agent Gill Sherritt has been in touch and was concerned about the old licence and what might happen to it should it go to appeal as it is due to do so. I advised her that maybe the applicant should go down the route of applying for a new licence just in case. We had a discussion surrounding the conditions that Thames Valley Police would want. I also asked whether her client and Mr Shanthakumar knew each other and her response was they didn't until now due to this process.

Once the licence was transferred to Mr Raveendran visits were made by the licensing authority to the shop in which it was found that Mr Shanthakumar was helping Mr Raveendran in refurbishing the premises. It also was found that Mr Raveendran had been an employee of Mr Shanthakumar back in 2019 (See Appendix A – training record). This therefore brings into question the fact that both parties didn't know each other before the process. This therefore also brings in to questions the legitimacy of the agreed Transfer because if the police had known this at that stage then the transfer would have been objected to.

Mr Raveendran has been honset with Mr Whittall of the Licensing Authority in relation to them knowing each other as shown in his Licensing Sub Committee Briefing Report (Appendix B) and further confirmed by the email from Mr Whittall to myself on 2<sup>nd</sup> March. (Appendix C)

Thames Valley Police firmly believe under the prevention of crime and disorder that this premises licence application is being made by the applicant utilising the agents to circumvent due process and thereby allowing Mr Shanthakumar some control over and within the business which in our view is being deceitful. With him still working in the premises how can we be assured that compliance of the licence and the necessary Due Diligence is carried out within the spirit of the Licensing Act 2003.

If however Mr Raveendran is willing to add a condition to the licence that Mr or Mrs Shanthakumar is prevented from entering the premises at any time then this is a possible way forward. There is still some concern that if Mr Raveendran is willing to 'go along' with Mr Shanthakumar in this respect then what else is he prepared to do to make his money?





Agenda Item No: .....

<b>SUBJECT:</b>	<b>APPEAL FOR THE REVOCATION OF A PREMISES LICENCE at:</b> Best One Express, 8 Bridge Street, High Wycombe
<b>REPORT OF:</b>	Under section 51, Review of a Premises Licence, Licensing Act 2003
<b>Responsible Officer</b>	Brian Whittall - Licensing Officer
<b>Report Author</b>	Brian Whittall - Licensing Officer
<b>Ward/s Affected</b>	Abbey

**1. Purpose of Report**

To provide a summary of information to the Licensing Sub-Committee in respect to an appeal of their decision to revoke a Premises Licence in respect to Best One Express, High Wycombe

**2. History**

Best One Express had their premises licence revoked by a Licensing subcommittee on 16<sup>th</sup> January 2020 subsequent to an application by Thames Valley police to review the premises licence. Police Officers had witnessed the sale of alcohol to an intoxicated person on the premises. A Decision Notice was sent on 24<sup>th</sup> January 2020 to Mr Shanthakumar (The Premises Licence Holder).

This decision of the Licensing Authority was appealed, with the matter to be heard by the Magistrates Court.

During the period of the appeal, Licensing Officers have continued to make enforcement visits to the premises.

On the 9<sup>th</sup> March 2021 officer witnessed a number of breaches to the conditions attached to the Premises Licence.

On the 22<sup>nd</sup> July 2021 Trading Standard Officers conducted an enforcement visit and found counterfeit vodka on the premises

On the 9<sup>th</sup> December 2021 an application was made under Section 42 to transfer the Premises Licence to a Mr RAVEENDRAN, who also applied to be nominated as the Designated Premises Supervisor (DPS). The police had no objection to the transfer and appointment of Mr RAVEENDRAN as DPS and a new Premises Licence was issued on the 21st December 2021.

On the 30<sup>th</sup> December 2021 Licensing Officers conducted an enforcement visit to the premises. It was closed to the general public but Mr SHANTHAKUMAR was found to be on the premises. He stated he was assisting Mr RAVEENDRAN with the refurbishment of the premises.

On the 2<sup>nd</sup> February I witnessed CCTV recordings for the 20<sup>th</sup> January 2022 in which Mr Shathakumar was observed working on the premises. The current licence holder Mr RAVEENDRAN confirmed that he employed Mr SHANTHAKUMAR and that they were friends. This raises the question of if Mr SHANTHAKUMAR has a controlling influence in the business, even though the licence is no longer in his name (Case law: Retrobars Limited v Bridgend Borough Council)

Given the pandemic there has been an unusually long delay in obtaining a listing of this appeal before the courts, which is now due to be heard at the magistrates court on 4<sup>th</sup> March 2022.

### 3. Licensing Officer Observations

Parallel to this appeal. Mr RAVEENDEN has applied for a new Premises Licence, the consultation period for which ends on the 3<sup>rd</sup> March (The day before this appeal hearing).

However, Mr SHANTHAKUMAR, the licence holder at the time of the revocation is seeking to continue his appeal, but wishes to settle the original decision to revoke the Premises Licence to be overturned so that the premises licence is allowed to continue.

Counsel are instructed in this matter and is currently negotiating a possible settlement with Mr SHANTHAKUMAR's representatives. Conditional on this settlement is the approval of the Licensing Subcommittee and Thames Valley Police to the following:

1. A copy of a completed lease agreement with Mr RAVEENDRAN, to evidence to this authority that Mr SHANTHAKUMAR has no business connection to the premises
2. A condition that Mr SHANTHAKUMAR will not enter the premises.
3. A contribution of costs in the sum of £9,000.



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The Gateway, Gatehouse Road  
Aylesbury  
Buckinghamshire  
HP19 8FF

3 March 2022

**Ref: Best One Express La Rep**

Dear Sir/Madam

**Licensing Act 2003 – Representation from the Licensing Authority  
Premises: Best One Express, 8 Bridge Street, High Wycombe HP11 2PT**

I am submitting this representation on behalf of the Licensing Authority in respect of this application for a new Premises Licence. In drafting this representation, careful consideration has been given to the promotion of the four licensing objectives and the Secretary of State Section 182 Guidance. I have also taken into account both the Council's Statement of Licensing Policy (Wycombe area) and the new recently adopted Statement of Licensing Policy for Buckinghamshire Council, effective from 7<sup>th</sup> March 2022.

The application is to permit the sale of alcohol, for consumption off the premises, between 09:00 and 00:00, Mondays to Sundays, with proposed opening hours of the same days and times.

The grounds for making this representation are as follows:

1. Council records show that the applicant, Harriram Raveendran, is currently the licence holder and designated premises supervisor in respect of an existing premises licence for the same premises, licence number 168/PREM (reference 21/01764/LAPRED), issued 21<sup>st</sup> December 2021. This existing licence permits the sale of alcohol, consumption off the premises, between the hours of 10:00 and 00:00, Mondays to Sundays, with opening hours of between 06:00 and 00:00, Mondays to Sundays. This licence is subject to more substantive and comprehensive conditions than proposed in the current application.
2. The existing licence was revoked by the former Wycombe District Council following a review application instigated by Thames Valley Police at a hearing on 16<sup>th</sup> January 2020. The former licence holder, and previous DPS, Mr Kanaganayagam Shanthakumar, appealed the revocation decision and the licence continues to remain in effect pending the outcome of that appeal, yet to be determined. Mr Shanthakumar consented to allow Mr Raveendran to transfer the premises licence to his name during this appeal period.

3. Mr Raveendran has confirmed to a Council officer in February 2022 that Mr Shanthakumar is both a friend and continues to be a part-time employee at these premises.
4. I have grave concerns about Mr Shanthakumar's involvement in this licensed business. Council records show that he has an extensive history of failing to promote the licence objectives, summarised below:
  - a. Whilst Mr Shanthakumar was licensee of these current premises in 2015, the licence was suspended by the former Wycombe District Council for the maximum period of three months. The suspension arose as a result of a review application instigated by council trading standards officers, who, in conjunction with HMRC officers, had seized a quantity non-duty paid alcohol. Mr Shanthakumar was warned at the time that any further review applications may result in the revocation of his licence.
  - b. Mr Shanthakumar received two warnings for failure to comply with requirements under Section 57 of the Licensing Act 2003 in 2015.
  - c. Mr Shanthakumar received a formal warning for failure to comply with licence conditions in 2016.
  - d. Whilst Mr Shanthakumar was licensee of the current premises in 2020, the licence was revoked by the former Wycombe District Council. The revocation was instigated by Thames Valley Police following breaches of the licence conditions on two separate occasions. The decision to revoke the licence is subject to appeal.
  - e. Following the revocation of the licence referred to in 'd', whilst Mr Shanthakumar continued to operate the business under the licence in accordance with the appeal provisions, when Council licensing officers visited in March 2021 they found further breaches of licence conditions had been committed.
  - f. Mr Shanthakumar was previously the licence holder at another local premises within High Wycombe, which was subject to two review applications. On the first occasion, in 2006, Thames Valley Police instigated a review after a 15 year old female was sold alcohol at the premises; Mr Shanthakumar was present at the time. The review resulted in additional conditions being applied to the licence. On the second occasion, in 2015, Trading Standards instigated the review after a large volume of non-duty paid alcohol and tobacco was found on the premises. On this occasion the licence was revoked.
5. Mr Shanthakumar's record indicates a pattern of behaviour of repeated offences and failure to comply with requirements under the Licensing Act. I have considered the applicant, Mr Raveendran's, intention to provide staff training and annual refresher training. With respect to Mr Shanthakumar, I am not confident that that proposal would achieve its objective. He has continued to demonstrate an unwillingness or inability to heed warnings, take advice and learn from previous failures to promote the licensing objectives.

I believe that my concerns in relation to Mr Shanthakumar could be addressed, should the Council's Licensing Sub-Committee be minded to grant the licence, if the licence were subject to a condition prohibiting Mr Shanthakumar's involvement in the business, paid or otherwise, and that he be prohibited from being on the premises when open for the provision of licensable activities. I would also request that Mr Raveendran provide

documentary evidence to demonstrate that he is the lawful proprietor of this business and by extension evidence that Mr Shanthankumar is not a controlling mind in the business.

More generally, I do have some concerns about the proposed conditions which appear mainly generic in nature. As mentioned, the conditions on the existing licence appear to be more extensive and comprehensive, and whilst in part that may be attributable to compliance matters related to previous licence holders, I believe they are also reflective of measures that have been deemed appropriate to this specific premises. The applicant does not appear to have provided any evidence within the application to indicate why they consider it appropriate to depart from the conditions of the existing licence. Again, if the Licensing Sub-Committee are minded to grant this application, I recommend that the licence be subject to the conditions already attached to the licence, as referenced in paragraph 1.

Yours sincerely

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

Simon Gallacher  
Principal Licensing Officer

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