



## Licensing Sub-Committee agenda

Date: Thursday 28 April 2022

Time: 10.30 am

Venue: Via MS Teams

### Membership:

P Griffin, B Stanier Bt, D Town (Reserve) and A Wood (Chairman)

### 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.

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|----------|---|----------------|
| <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>Pub in the Park, Higginson Park, Pound Lane, Marlow, Buckinghamshire</b><br>To consider an application under s.34 of the Licensing Act 2003 to vary the premises licence in respect of Pub in the Park, Higginson Park, Pound Lane, Marlow, Buckinghamshire (report attached). | <b>11 - 44</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: Katherine Farooqi on 01895 837205, 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:</b> Higginson Park, Pound Lane, Marlow
<b>REPORT OF:</b>	<b>Application under section 34, Licensing Act 2003</b>
<b>Responsible Officer</b>	<b>Brian Whittall – Licensing Officer</b>
<b>Report Author</b>	<b>Brian Whittall – Licensing Officer</b>
<b>Ward/s Affected</b>	<b>W034 - Marlow</b>

**1. Purpose of Report**

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

The Application has been submitted by Brand Events TM Limited of the 3rd Floor, 207 Regent Street, London, W1B 3HH (“the applicant”) in respect of Pub in the Park, Higginson Park, Pound Lane, Marlow, Buckinghamshire (“the premises”).

**2. Background**

The premises is a park and is the principal open space in Marlow located on the High Street and yet it also benefits from access to open countryside and the River Thames. The park area is 9.5 hectares (approximately 23 acres) and has been a public park since 1926.

The ‘applicant’ has been a holder of a Premises Licence for the park since an initial authorisation was granted in February 2017. Pub in the Park is a food, music and festival combination that was inspired by Marlow celebrity chef Tom Kerridge and combines a number of licensable activities including regulated entertainment and retail sale of alcohol.

The current authorisation issued can be found marked **Appendix 1**.

The current licensable activities are as follows:

<b>Authorised activity</b>	<b>Current hours</b>
<b>Retail sale of alcohol</b>	Thursday 18:00 – 00:00

(Both on & off the premises)	Friday - Sunday	10:00 – 00:00
<b>Live Music (Outdoors)</b>	Thursday	18:00 – 00:00
	Friday - Sunday	10:00 – 00:00
<b>Recorded music (Outdoors)</b>	Thursday	18:00 – 00:00
	Friday - Sunday	10:00 – 00:00
<b>Performance of dance (Outdoors)</b>	Thursday	18:00 – 00:00
	Friday - Sunday	10:00 – 00:00
<b>Performance of a Play (Outdoors)</b>	Thursday	18:00 – 00:00
	Friday - Sunday	10:00 – 00:00
<b>Exhibition of a Film (Outdoors)</b>	Thursday	18:00 – 00:00
	Friday - Sunday	10:00 – 00:00
<b>Other unspecified entertainment falling within the Act (Outdoors)</b>	Thursday	18:00 – 00:00
	Friday - Sunday	10:00 – 00:00
<b>Late night refreshment</b>	Thursday	23:00 – 00:00
	Friday - Sunday	23:00 – 01:00
<b>Opening Hours</b>	Thursday	18:00 – 00:00
	Friday - Sunday	10:00 – 01:00

The plan attached to the Premises Licence can be found marked, **Appendix 2**

### 3. The Application

3.1 This application is made under section 34 of ‘The Act’ for a Variation of a Premises Licence. A copy of the application is attached to this report marked **Appendix 3**.

3.2 The application is to amend the capacity limits allowed within the licensable area to be raised from 6999 to 7999 and to amend the plan attached to the licence. The permitted activities, times and conditions currently attached to the premises licence are to be retained.

3.3 A plan of the relevant licensable area has been provided and is attached marked **Appendix 4**.

### 4. Relevant Representations

#### 4.1 Responsible Authorities:

4.1.1 **The Chief Officer of Police:** No objection received from the police to the application

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 objection received to the application
  - 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
  - 4.1.6 **The Licensing Authority:**  
No response received. No comment
  - 4.1.7 Two responses were received from any other Responsible Authority or **Any Other Person**, are marked **Appendix 5**.
- 4.2 No letters in support of the application have been received.
- 4.3 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 4th March 2022) when determining this application. Of particular relevance (but not limited to) are the sections relating to large events (page 46-47) and the Council's approach to preventing a public nuisance (page 35).
- 5.2 In relation to large events, the policy confirms at 3.64 that organisers of large events should be encouraged to make early contact with Buckinghamshire Council's Safety Advisory Group (SAG). The SAG is made up of representatives from the emergency services and other agencies concerned with event safety. The panel should note that the applicant has been engaged with SAG members and has provided on requests such documentation as required by SAG members. Some members of SAG are statutory consultee of the application as 'Responsible Authorities' and therefore able to make a representation to the application should they consider the licensing objectives would be undermined.
- 5.3 In relation to the prevention of a public nuisance licensing objective, section 3.36, the Licensing Authority will consider whether the measures proposed to deal with the potential for public nuisance having regard to all circumstances of the application, are adequate. Much weight will be placed on recommendations made by Environmental Health Officers in terms of preventing public nuisance.
- 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 Prevention of Public Nuisance the Statutory Guidance states:**

- 2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music.
- 2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.
- 2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.
- 2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises

instead of outside, and to respect the rights of people living nearby to a peaceful night.

## **7. 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.
- 8.4.3. 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

**Mandatory Condition – s20 of the Licensing Act 2003 – Exhibition of Film**

The admittance of persons to an exhibition of a film (including the exhibition of adverts) is to be restricted in accordance with recommendations given either by the body designated under section 4 of the Video Recordings Act 1984 specified on this licence, or by the Licensing Authority itself where the Licensing Authority provides notice to the holder that section 20(3)(b) applies to the film in question. In this case the admission of persons must be restricted in accordance with any recommendation made by the Licensing Authority.

For the purposes of this licence the body designated under section 4 of the Video Recordings Act 1984 is the British Board of Films Classification (BBFC).

**Informative/s -**

<b>Officer Contact:</b>	<b>Brian Whittall (01494 421 346) – email address:</b> <a href="mailto:brian.whittall@buckinghamshire.gov.uk">brian.whittall@buckinghamshire.gov.uk</a>
<b>Background Papers:</b>	<b>Application Ref 22/00188/LAPREV</b> <b>Licensing Act 2003, as amended</b> <b>Licensing Policy – As adopted 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**

**20/01827/LAPRCA**

**Premises Licence Number**

**142/PREM**

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

Pub in the Park  
Higginson Park  
Pound Lane  
Marlow  
Buckinghamshire  
SL7 2AE

**Telephone number**

**Licensable activities authorised by the licence (Indoor & Outdoor)**

Sale by Retail of Alcohol  
Performance of a Play  
Exhibition of a Film  
Performance of Live Music  
Playing of Recorded Music  
Performance of Dance  
Provision of Late Night Refreshment  
Other unspecified entertainment falling within the Act

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

Sale by Retail of Alcohol, Performance of a Play, Exhibition of a Film, Performance of Live Music  
Playing of Recorded Music, Performance of Dance, Other unspecified entertainment falling within the Act:

	Thursday	18:00 – 00:00
	Friday - Sunday	10:00 – 00:00
Late Night Refreshment	Thursday	23:00 – 00:00
	Friday - Sunday	23:00 – 01:00

**The opening hours of the premises**

Thursday 18:00 – 00:00  
Friday - Sunday 10:00 – 01:00

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

The Licence authorises the supply of alcohol for consumption both on and off the premises

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

Brand Events 1 Limited  
3rd Floor  
207 Regent Street  
London  
W1B 3HH

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

08742448

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

Neil James Levene  
Coniston House  
New Street  
Deddington  
OX15 0SP

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

Ref: PSL0790

Issued By: Cherwell District Council

**Date: 14 December 2020**



**Signed: .....**

**Authorised Officer**

## **Annex 1 – Mandatory conditions**

For the purposes of this schedule;

"the Act" means the Licensing Act 2003;

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

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

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

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

### **Mandatory Condition – s19 of the Licensing Act 2003**

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

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

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

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

#### **Mandatory Condition 1**

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

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

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

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

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

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

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

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

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

#### **Mandatory Condition 2**

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

#### **Mandatory Condition 3**

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

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

#### **Mandatory Condition 4**

The responsible person must ensure that—

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

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

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

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

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

#### **Mandatory Condition 5**

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

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

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula—

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

where—

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

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

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



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

### **Mandatory Condition – s20 of the Licensing Act 2003 – Exhibition of Film**

The admittance of persons to an exhibition of a film (including the exhibition of adverts) is to be restricted in accordance with recommendations given either by the body designated under section 4 of the Video Recordings Act 1984 specified on this licence, or by the Licensing Authority itself where the Licensing Authority provides notice to the holder that section 20(3)(b) applies to the film in question. In this case the admission of persons must be restricted in accordance with any recommendation made by the Licensing Authority

For the purposes of this licence the body designated under section 4 of the Video Recordings Act 1984 is the British Board of Films Classification (BBFC)

### **Mandatory Condition – s21 of the Licensing Act 2003 – Door Supervision**

Where a condition of this licence requires one or more individuals to be present to carry out a security activity (as defined by the Private Security Industry Act 2001 as amended from time to time) must be licensed with the Security Industry Authority

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

### General

- Appropriate fencing will be installed around the event site perimeter to restrict access and to create safe working areas.
- The Licensee or a nominated person shall be available at the premises at all times during the event.

### The prevention of crime and disorder

- Signs detailing prohibited and banned items will be clearly displayed at the point(s) of entry.
- Prominent signage shall set out the conditions of entry and advise patrons that disorderly and anti-social behaviour will not be tolerated.
- Security personnel shall remove any items of contraband from patrons and agree a chain of custody system with the local police

### Public safety

- The premises licence holder shall collate and review all necessary safety related documentation from third party suppliers to ensure public safety is promoted.
- All temporary demountable structures and other major infrastructure elements will be subject to a formal sign off by a competent person prior to use or opening.
- Installation, distribution and sign off of temporary electrical systems will be carried out by a competent professional contractor.
- Appropriate warning signage will be prominently displayed to advise all parties of significant hazards on site.
- No alcohol shall be served in glass vessels (with the exception of managed taster sessions and master classes) and patrons shall not be permitted to bring glass onto site.

### The prevention of public nuisance

- Litter will be collected on a regular basis and at a frequency to ensure that the site remains clean at all times. Checks will also be carried out to ensure there is no un-managed build-up of waste or litter within 5 metres of the event perimeter
- Consultation shall be carried out with local residents via local engagement groups and relevant councils wherever possible

### The protection of children from harm

- A challenge 25 policy for the sale of alcohol shall be adopted and implemented at all times during the event

- The only acceptable forms of identification concerning the issue of age shall be a Citizen Card, a valid photographic driving licence or a valid passport. All staff will be made aware of these requirements
- Any persons that are believed to be under-age shall be intercepted by security personnel and any alcohol in their possession disposed of

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

#### General

- The premises licence holder will ensure that the total capacity of persons on site shall not exceed 7,000 and will provide upon request from an officer of a Relevant Authority, a log (hardcopy and / or electronic) that shows the maximum number of persons on site at that time
- The Licensee shall ensure that the event area and all access and egress points are patrolled to prevent unauthorised access. A written log of any security issues or breaches shall be maintained at event control and made immediately available to an authorised officer upon request
- The premises licence holder will ensure that the Annual Event Management Plan (EMP) must be submitted in writing to the Licensing Authority for agreement in principle a minimum of 3 months prior to the event (or such lesser period as the Licensing Authority may agree from time to time). The EMP shall be agreed by the Licensing Authority in writing in principle no less than 4 weeks before the event start date. Such approval not to be unreasonably withheld
- The EMP will include, but not limited to, the following:
  - a. Any proposed changes to the site plan
  - b. The roles, responsibility and structure of the security and stewarding operation including crowd management
  - c. An alcohol and drugs policy
  - d. The provision of medical facilities and arrangements
  - e. A detailed fire safety assessment including details of any pyrotechnics / special effects to be used
  - f. An assessment of lighting levels throughout the event site
  - g. A lost and found children policy
  - h. The provision of welfare facilities and sanitary accommodation
  - i. A waste management plan
  - j. Emergency arrangement including crowded space controls

If any of these have to be changed during construction then a log will be kept to provide an understanding of why modifications were necessary. This log will be provided for inspection upon request of an officer of a Relevant Authority.

- Additional separate documents shall be provided as working documents alongside the EMP to include:-
  - a. Noise Management Plan allowing for modifications as necessary determined during site construction
  - b. Detailed Fire Risk Assessment allowing for modifications as necessary determined during site construction
  - c. Traffic Management Plan allowing for modifications as necessary determined during site construction
  - d. Details of water supply, distribution and testing allowing for modifications as necessary determined during site construction

All modifications will be logged so to provide an understanding of why the modifications were necessary which will be provided on demand from an Officer of a Relevant Authority

- The Premises Licence holder shall ensure that the appropriate personnel within the management structure of the event (including contractors and sub-contractors) are aware of the relevant licensing conditions. A record of this fact will be made and it will include: - date, time, printed name, company name and signature. This log will be available on site for inspection upon request of an Officer of a Relevant Authority

#### The Prevention of Crime and Disorder

- A written log will be kept in the Security Control Point to provide information of those patrons or others that are ejected from the event site. This log will include: - date, time, name, ticket number (if relevant) and reason for ejection – if contractor or sub-contractor then the name of the company will be included. This will be available for inspection on demand if required by the police

#### The Prevention of Public Nuisance

- A noise management plan shall be produced and complied with as per condition 7 above

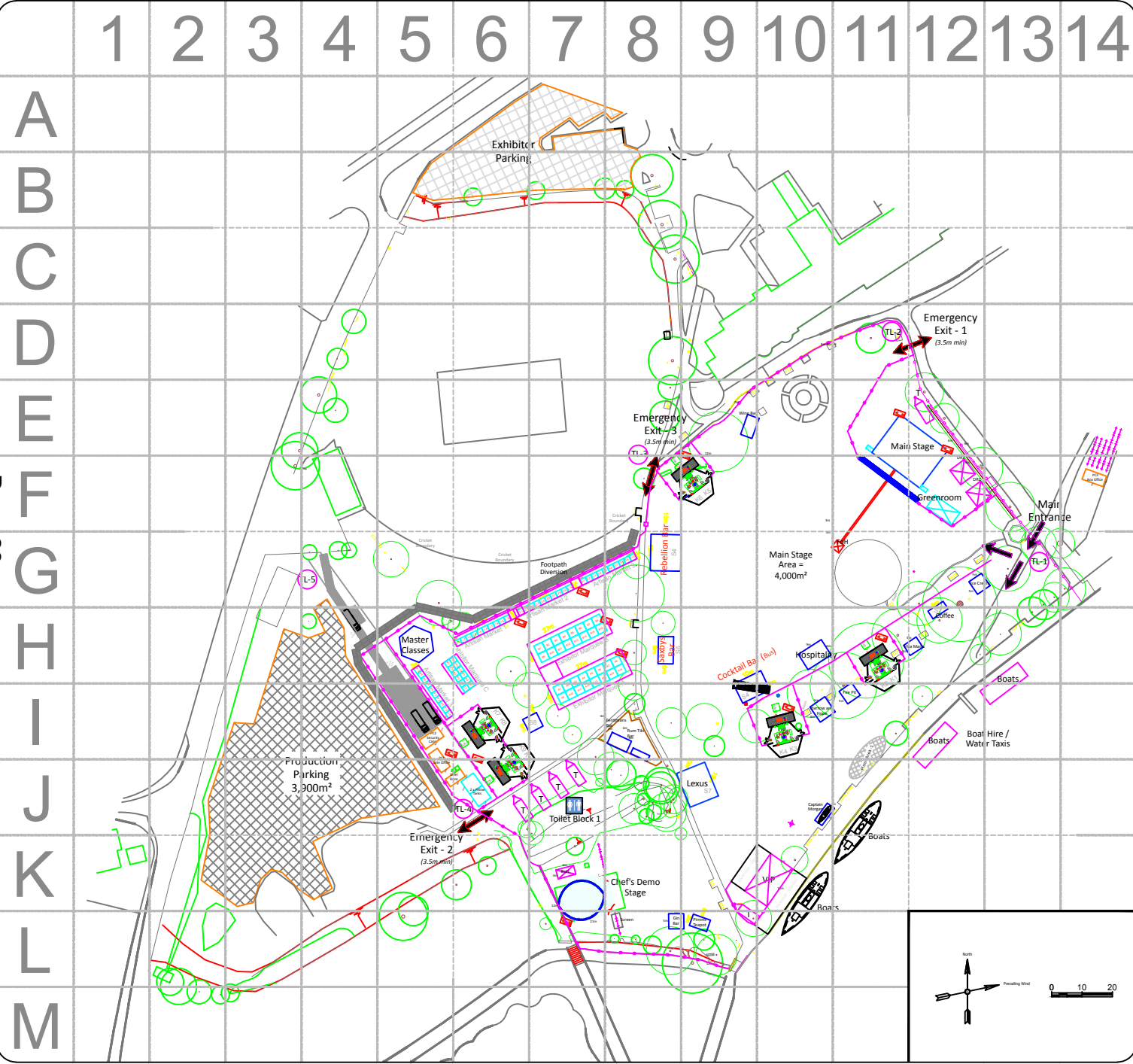
#### The Protection of Children from Harm

- No under 18's will be permitted on site without a responsible adult
- No under 18's will work at on site unless a suitable and sufficient risk assessment has been carried out and all control measures effectively implemented
- Any performances which may have content that may not be suitable for children (under 18's) will be advertised as such

#### **Annex 4 – Plans**

Please see plan with our reference # 20/01069/LAMINV (1) & (2)

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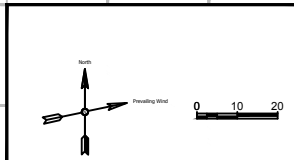


### Legend:

- Heras Fencing
- CCB Barrier
- Entrance and Exit Arrows
- Tower Lights
- Toilets
- Cabins & Offices
- Marquees / Structures
- Space Only Pitch
- Kitchens
- Trackway Panel
- Fire Safety Equipment
- Ships / Boats

<b>Drawing Title</b> Pub in the Park - Whole Site	<b>Drawing Revision</b> Version 15 JD 11/04/17
<b>Drawn By</b> Redwood Event Solutions Ltd	<b>Issue Date</b> 12/04/17
<b>Circulation</b> PitP Senior Management & SAG	<b>Scale</b> DNS.

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# Appendix 3

**Buckinghamshire**  
**Application to vary 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 18

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

System reference  This is the unique reference for this application generated by the system.

Your reference  You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant? Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Yes  No

### Applicant 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:

Applying as a business or organisation, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

### Applicant Business

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

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

Registration number

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

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

Legal status

*Continued from previous page...*

Your position in the business

Home country

The country where the headquarters of your business is located.

**Registered Address**

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Section 2 of 18**

**APPLICATION DETAILS**

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

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

\* Premises Licence Number

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

- Address     OS map reference     Description

**Postal Address Of Premises**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Premises Contact Details**

Telephone number



*Continued from previous page...*

Non-domestic rateable value of premises (£)

### Section 3 of 18

#### VARIATION

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

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes  No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

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

#### Describe Briefly The Nature Of The Proposed Variation

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

We are applying to increase the capacity from 6999 to 7999. All other elements will remain the same. There is a Crowd Management Plan submitted with this application to support the site capability for these increased numbers.

### Section 4 of 18

#### PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will the schedule to provide plays be subject to change if this application to vary is successful?

Yes  No

### Section 5 of 18

#### PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will the schedule to provide films be subject to change if this application to vary is successful?

Yes  No

### Section 6 of 18

#### PROVISION OF INDOOR SPORTING EVENTS

Continued from previous page...

[See guidance on regulated entertainment](#)

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

- Yes  No

### Section 7 of 18

#### PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

- Yes  No

### Section 8 of 18

#### PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide live music be subject to change if this application to vary is successful?

- Yes  No

### Section 9 of 18

#### PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

- Yes  No

### Section 10 of 18

#### PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

- Yes  No

### Section 11 of 18

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

[See guidance on regulated entertainment](#)

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

- Yes  No

### Section 12 of 18

#### PROVISION OF LATE NIGHT REFRESHMENT

Continued from previous page...

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

- Yes  No

**Section 13 of 18**

**SUPPLY OF ALCOHOL**

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

- Yes  No

**Section 14 of 18**

**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.

Provide 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.

There is no planned Adult Entertainment at PITP

**Section 15 of 18**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start

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.

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

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

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

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

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

**Section 16 of 18**

**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.

*Continued from previous page...*

- Appropriate fencing will be installed around the event site perimeter to restrict access and to create safe working areas.
- The Licensee or a nominated person shall be available at the premises at all times during the event.

b) The prevention of crime and disorder

- Signs detailing prohibited and banned items will be clearly displayed at the point(s) of entry.
- Prominent signage shall set out the conditions of entry and advise patrons that disorderly and anti-social behaviour will not be tolerated.
- Security personnel shall remove any items of contraband from patrons and agree a chain of custody system with the local police

c) Public safety

- The premises licence holder shall collate and review all necessary safety related documentation from third party suppliers to ensure public safety is promoted
- All temporary demountable structures and other major infrastructure elements will be subject to a formal sign off by a competent person prior to use or opening.
- Installation, distribution and sign off of temporary electrical systems will be carried out by a competent professional contractor.
- Appropriate warning signage will be prominently displayed to advise all parties of significant hazards on site.
- No alcohol shall be served in glass vessels (with the exception of managed taster sessions and master classes) and patrons shall not be permitted to bring glass onto site.

d) The prevention of public nuisance

- Litter will be collected on a regular basis and at a frequency to ensure that the site remains clean at all times. Checks will also be carried out to ensure there is no un-managed build-up of waste or litter within 5 metres of the event perimeter.
- Consultation shall be carried out with local residents via local engagement groups and relevant councils wherever possible.
- A noise management plan shall be produced and complied with as per condition 7 above.

e) The protection of children from harm

- A challenge 25 policy for the sale of alcohol shall be adopted and implemented at all times during the event
- A written log will be kept in the Security Control Point to provide information of those patrons or others that are ejected from the event site. This log will include: - date, time, name, ticket number (if relevant) and reason for ejection - if contractor or sub-contractor then the name of the company will be included. This will be available for inspection on demand if required by the police.
- No under 18's will be permitted on site without a responsible adult.
- No under 18's will work on site unless a suitable and sufficient risk assessment has been carried out and all control measures effectively implemented.
- Any performances which may have content that may not be suitable for children (under 18's) will be advertised as such

**Section 17 of 18**

**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 18 of 18

### 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.

Variation 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 you are required to pay a higher fee

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

If you own a large premise 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
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

\* Fee amount (£)

### 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

*Continued from previous page...*

\* 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/change-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, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**OFFICE USE ONLY**

Applicant reference number

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

Error message

Is Digitally signed

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [Next >](#)





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[Symbol]	Stage
[Symbol]	PAF
[Symbol]	First Aid
[Symbol]	Generator
[Symbol]	Truckway
[Symbol]	Perimeter - Hedges
[Symbol]	Water Line / Water Point
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[Symbol]	Emergency Exit

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## Appendix 5

**26/03/2022**

You put up notices to state the intention to increase the licence by 1000 to 8000 for Pub in the Park run by Brand Events FM Ltd.

As a resident I object to this increase in numbers. The town centre is already at capacity with this event. There is not the infrastructure to cope with the increase in traffic and footfall. As a resident who has been here during the event and lives in the very centre of Marlow this causes congestion, noise and unpleasant drunkenness over many days. I have attended the event and enjoyed it but it is at capacity. The increase in numbers is sheer greed. I object strongly to this increase.

Yours faithfully

Sarah Webb

**Sun 3/4/22**

Dear Sirs

I strongly object to the application by Brand Events TM LTD on behalf of Pub in the Park for an extension of their license from 7,000 to 8, 000 persons at any one time for the duration of their event in Higginson Park , Marlow on the following grounds.

- The added issues consumption of alcohol and the lack of information regarding the additional policing in the park, the town and driving on the roads. With the previous 7,000 license there is no data available as to resulting breath testing and fines due to drug and alcohol abuse whilst at the event, subsequent leaving and driving.
- The increase in numbers applied for represents a 14% in attendance at the event yet there appears to added parking facilities proposed
- There is no indication of the added vending/ food stalls hence additional traffic flow to and from the site during the 9-10 day setting up, during the event and subsequent removal.
- The added numbers would add significantly to the wear and tear of Higginson Park, which is already in a poor state due to excess use and lack of long-term maintenance, plus the added on going problems of ground water and flooding.
- The added numbers would add to the current excessive waste disposals with further waste trucks in excess of 20 tons weight travelling over the surrounding roads and in particular Higginson Park doing long-term damage to the grounds and grass.
- There is no indication as to the added security proposed on the site and policing of the town , the train station and the park

- There is no indication as to any added signage in the town and adjacent areas to address added traffic in setting up the site and it's removal.
- There is no indication of the added toilet facilities.
- With an added 14 % attendance proposed the increase to the already unacceptable noise from both the sound equipment and the people attending would be unacceptable through to late at night for the duration of the event, including the Sunday.
- There are no detailed plans of the site with the added facilities or if it is proposed to increase the site within the park for either the event or the added facilities required
- There is no indication of the added fee to be paid to the Higginson Park Trust for the use of this commercial event with an added income from sale of tickets and in the event of an estimated £500,000.
- This is one of a number of commercial events across the country and not as portrayed a community event for the town.

In summary this application must be rejected.

I request to be a speaker at the Licensing Committee meeting when this application is considered.

Yours sincerely,

R. B. Savidge