



## Licensing Sub-Committee agenda

Date: Thursday 8 June 2023

Time: 10.30 am

Venue: Via Video Conference

### Membership:

P Gomm, T Green (Chairman) and D Town

### Webcasting notice

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<b>Agenda Item</b>	<b>Page No</b>	
<b>1</b>	<b>Introductory remarks by the Chairman</b>	
<b>2</b>	<b>Apologies for absence</b>	
<b>3</b>	<b>Declarations of interest</b> 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> To note the hearing procedure rules and virtual licensing sub-committee procedural rules.	<b>3 - 10</b>
<b>5</b>	<b>Vinity Wines Limited: Coppers, 80 Ledborough Lane, Beaconsfield, HP9 2DG</b> To consider an application under s.17 of the Licensing Act 2003 for a new premises licence in respect of Vinity Wines Limited: Coppers, 80 Ledborough Lane, Beaconsfield, HP9 2DG (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: Liz Hornby / Shilpa Manek at [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 NEW PREMISES LICENCE at: Vinity Wines Limited, 80 Ledborough Lane, Beaconsfield, HP9 2DG</b>
<b>REPORT OF:</b>	<b>Application under section 17, 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>Beaconsfield Ward</b>

**1. Purpose of Report**

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

The Application has been submitted by Vinity Wines Limited (“the applicant”) in respect of 80 Ledborough Lane, Beaconsfield, HP9 2DG (“the premises”).

**2. Background**

2.1 The premises is a secure garage next to a residential dwelling. The private dwelling is located within a residential area and the location of appropriated alcohol that result from the applicant’s attending shows and for internet orders. Alcohol to be delivered to customers homes for no more than 4 pickups per week.

A location plan showing the premises location is attached to this report marked “**Appendix 1**”.

**3. The Application**

3.1 This application is for a new Premises Licence to commence with immediate effect upon the decision to grant by this licensing authority. A copy of the application *is* attached to this Report marked **Appendix 2**. A plan of the “premises” is attached **Appendix 3**.

3.2 The licensable activities sought are as follows:

<u>Proposed activity</u>	<u>Proposed hours</u>
<b>Supply of alcohol</b> Off the premises only	Every Day 09:00 - 18:00

<b>Hours premises are open to the public</b>	Every Day	09:00 - 18:00
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#### 4. Relevant Representations

##### 4.1 Responsible Authorities:

4.1.1 **The Chief Officer of Police:** No response received.

4.1.2 **The Licensing Authority:** No objection, **Appendix 4.**

4.1.3 **The Fire and Rescue Authority:** No objection, **Appendix 5.**

4.1.4 **The Local Planning Authority (Head of Sustainable Development):** No response received - No comment.

4.1.5 **The Local Environmental Health Authority (Head of Environmental Health):** Response received - Objection, **Appendix 6.** Note: A redraft of conditions has been proposed and accepted by the applicant that satisfy the authority that they consider this shall promote the objective to prevent a public nuisance.

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

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

4.1.8 **The Primary Care Trust:** No response received.

4.2 **Any other persons:** Seven (7) objections were received during the 28-day consultation **Appendix 7.**

4.3 As a consequence of the representations received the Licensing Unit has sought to mediate between parties, **Appendix 8.** The applicant has agreed to these amendments, however there has been no response from Interested Parties.

#### 5. Licensing Officer's Observations:

5.1 The Relevant Representations received raise the follows issues:

The prevention of public nuisance

- Representations mentioned concerns regarding noise occurring on the premises, particularly from deliveries
- Inappropriate commercial activity for a residential area.
- That it is a breach of planning. The panel should note that planning and licensing are separate statutory functions. Planning controls are concerned with the wider impact of a proposed change of use rather than the individual operation of a premises. The licensing regime is more focused on the specific ways in which a premises is to operate, and the impact of such an operation. Matters pertinent to planning are to be dealt with under planning legislation and to that end they have their own enforcement powers.

Government Guidance states the following: That any licence holder "cannot manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff" and "Beyond the immediate area surrounding the

premises, these are matters for the personal responsibility of individuals under the law”

The Council’s own Statement of Licensing Policy states, “Licensing is not a mechanism for the general control of anti-social behaviour by individuals beyond the direct control the licensee of the premises concerned.”

The Prevention of crime and disorder

- Representations consider that the granting of the application shall increase the incidents of crime and disorder.

5.2 In addition to the Mandatory Conditions, the Licensing Sub-Committee should consider those conditions offered in the operating schedule and decide whether they are appropriate for the promotion of the licensing objectives and address any valid representations made by Interested Parties.

## 6. Policy Considerations

6.1 Regard must be had to the Council’s adopted Licensing Policy published February 2022 when determining this application. Of particular relevance (but not limited to) the following:

3.35 Public nuisance relates to the negative effects of nuisances including noise, light, odour, dust and litter affecting, or likely to affect, at least a few separate households locally. The Licensing Authority is keen to protect the amenity of residents and businesses in the vicinity of licensed premises. At the same time the Licensing Authority is aware that the licensed trade is important to the local economy and promoting the Council’s culture and leisure aspirations. Consequently, the Licensing Authority will try and work together with statutory agencies, licensed businesses, residents and other businesses to reach a compromise in its decision making. 3.36 In considering all licence applications, 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. In preparing applications, applicants are strongly encouraged to consider the measures set out below. Much weight will be placed on recommendations made by Environmental Health Officers in terms of preventing public nuisance.

3.37 Particular measures include:

- a) **Noise escape.** The steps taken or proposed to be taken by the applicant to prevent noise and vibration escaping from the premises, including music, noise from ventilation equipment and human voices. Such measures may include the installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices. In appropriate circumstances and where not included in the operating schedule, a condition may be imposed requiring the assessment by the applicant (either with or without the involvement of Environmental Health), of potential noise sources which could cause disturbance to those in the vicinity and to identify and implement appropriate control measures.

- b) **Customer arrival.** The steps taken or proposed to be taken by the applicant to prevent disturbance by customers arriving at the premises, particularly at night. This may include last entry conditions, minimisation and control of queuing and supervision of the exterior of the premises. If some queuing is inevitable then queues should be diverted away from neighbouring premises or be otherwise managed to prevent disturbance or obstruction.

#### Prevention of crime and disorder

Regard must be held in respect to the Council policy at 3.26. Section 17 of the Crime and Disorder Act 1998 places a legal duty on the Council to consider the reduction of crime and disorder, including the reduction of anti-social behaviour, in all its activities. The Licensing Authority will look to the police as the main source of advice on crime and disorder matters and will also seek to involve the local Community Safety Partnership for advice on anti-social behaviour

- 6.2 Regard must also be had to the national Guidance issued by the Home Office under Section 182 of the Licensing Act 2003, as amended.

### **7. Links to Council Policy Objectives**

- 7.1 The Authority regards existing and future environmental qualities and character of the District to be important when consideration is given to granting licences for any purpose. When considering licensing applications where relevant representations have been made, the Authority will consider its effect on the licensing objectives and in particular the effect the licence will have on the public nuisance objective. In order to consider these matters, it is necessary to consider the environment of the area in which the premises are or will be situated.

#### **Guidance issued under s.182 (p.18)**

##### **Prevention of a public Nuisance**

- 2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such

as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

- 2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.
- 2.21 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.

## 8. Resources, Risk and Other Implications

- 8.1 **Resource:** The only resource implications to date have been officer time however if the applicant or persons making relevant representations appeals 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.
- 8.2 **Human Rights:** The Licensing Sub-Committee's decision regarding this application will have Human Rights implications in respect of both the Applicant and the persons making relevant representations which also need to be considered equally and fairly so that the decision is proportionate and the right balance is met. The referral of this matter to the Sub-Committee is laid down in the Licensing Act 2003, as amended and is also in accordance with Article 6 of the Human Rights Act 1998, the right to a fair hearing, which is an absolute right. The Applicant and the persons making relevant representations have been notified of the Hearing and invited to make representations. A statutory right of appeal to the Magistrates Court and the right (if it arises) to challenge the Sub-Committee's decision by way of Judicial Review to the High Court also ensure a fair hearing to both the Applicant and the persons making relevant representations.
- 8.3 Article 8 and Article 1 of the First Protocol - the right to respect for private/family life and peaceful enjoyment of property/possessions (including Licences) - also needs to be considered. The persons making relevant representations have a right to respect for their private and family life and their home. They are entitled not to be disturbed by unreasonable noise and/or nuisance. However, this is a qualified right and has to be balanced against the rights of others including the rights of businesses in the area to operate.
- 8.4 Article 14 of the Human Rights Act 1998 - the right to freedom from discrimination (which is an absolute right) also needs to be considered. The human rights provided under the Human Rights Act 1998 must not be subject to discrimination under various

headings, including race, national or social origins, association with a national minority group or other status.

- 8.5 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.
- 8.6 Therefore if Members refuse to grant the application for a new Premises Licence in whole or part or grant it subject to conditions, this will be a breach of the rights of the Applicant unless such refusal (in full or part) is, and/or the conditions imposed are, appropriate, proportionate and can be justified, on balance, by being outweighed by the rights of the community at large to peaceful enjoyment of their property/possessions. Any restriction placed upon the Premises Licence must not go beyond what is strictly necessary to achieve its legitimate purpose in order to mitigate the interference with the community at large's enjoyment of their property/possessions.
- 8.7 By taking into consideration all the material considerations relating to this application and balancing the interests/rights of all parties involved it is considered that the Licensing Sub-Committee's decision will be both proportionate and justified having had regard to the Human Rights Act 1998.
- 8.8 The Equality Act 2010, including the Council's Public Sector Equality Duty, must be taken into account when making decisions in relation to licensing applications.

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

- 9.1 The Sub Committee is obliged to determine applications in the light of the above and any other material considerations with a view to promoting the four licensing objectives. Which are:
- The prevention of crime and disorder
  - Public safety
  - Prevention of public nuisance
  - Protection of children from harm

Regard must also be had to the Council's Licensing Policy, Home Office Guidance issued under Section 182 of the Licensing Act 2003, as amended, relevant representations received and the evidence presented at the Hearing.

- 9.2 Each application must be considered on its own merits and any conditions attached to premises licences must be tailored to the individual style and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to promote the licensing objectives in any individual case.



- 9.3 The Sub-Committee must avoid duplication of other legal requirements and should only impose conditions on a premises licence which are appropriate and proportionate for the promotion of the licensing objectives and where additional and/or supplementary measures are required in order to promote the licensing objectives.
- 9.4 The following options are available to the Licensing Sub Committee:
- 9.4.1 Grant the 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.
  - 9.4.2 Exclude from the scope of the Premises Licence granted under Para 9.4.1 above any of the licensable activities to which the application relates.
  - 9.4.3 Refuse to specify a person in the Premises Licence granted under Para 9.4.1 as the premises supervisor.
  - 9.4.4 Reject the whole of the Application.
  - 9.4.5 Grant the Premises Licence subject to different conditions for different parts of the premises or the different /reduced licensable activities if this is considered appropriate and proportionate to promote the four licensing objectives and in response to the representations received).
- 9.5 The Sub-Committee is asked to note that it may not reject the whole or part of the application or attach conditions - merely because it considers it desirable to do so. It must actually be **appropriate and proportionate** in order to promote the 4 licensing objectives and be in response to the representations received and full reasons must be given for the Sub-Committees decision.

#### **Conditions offered in the Operating Schedule**

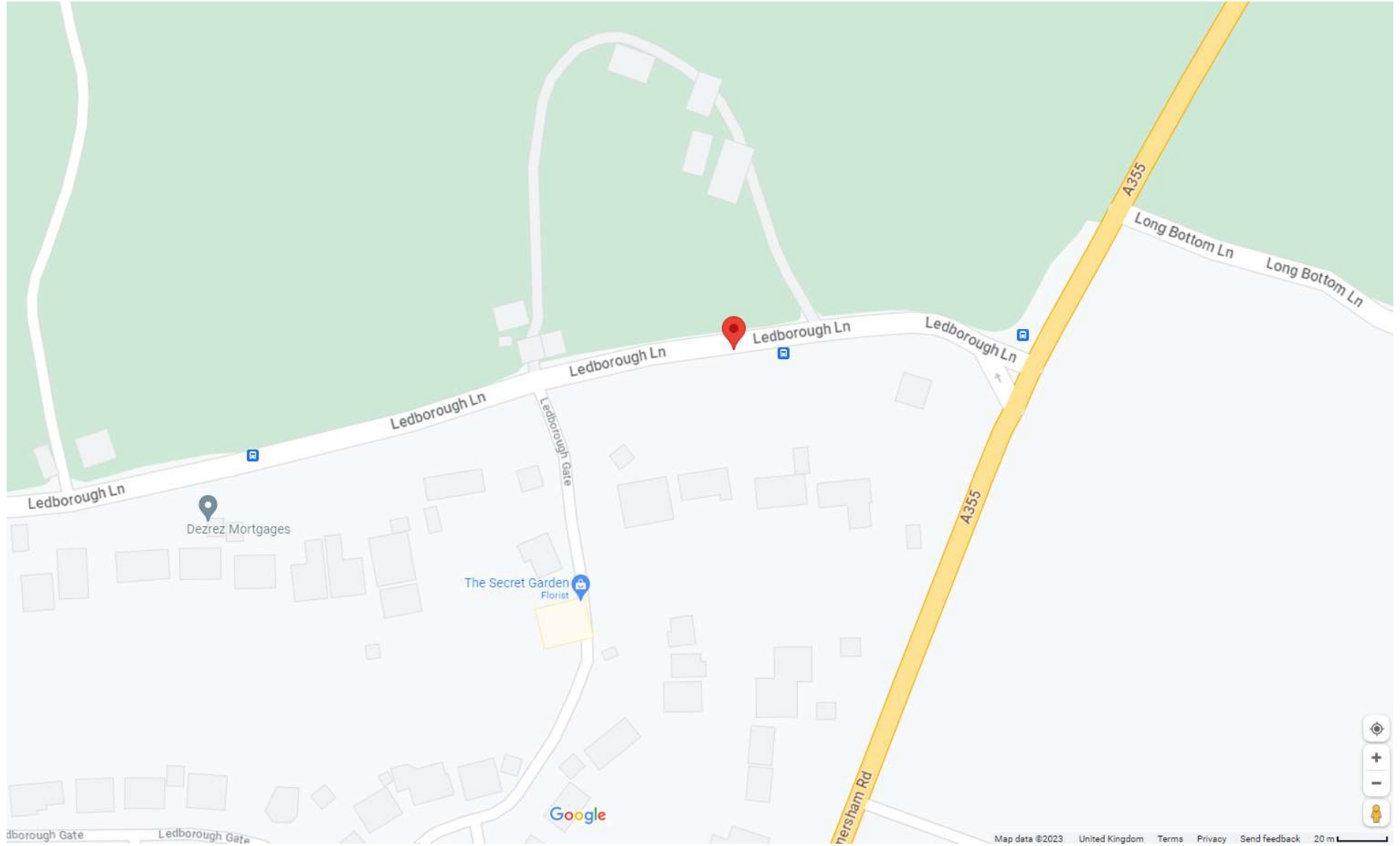
- A numerical restriction, i.e. no more than 4, on the number of deliveries/collections per week
- A restriction on the times when deliveries/collections may take place (i.e. between 09:00 - 18:00 only)
- That no member of the public will be granted access to the premises in connection with the *Sale by Retail of Alcohol* licensable activity
- Alcohol shall be stored in a secure double locked double garage
- The premises licence holder will have a good quality colour digital CCTV system installed, maintained and operated at all times the premises are open for licensable activities. The system will have cameras located within the premises to cover entrance points to the secure garage. The CCTV system will record clear images allowing the identification of individuals and the equipment will have accurate and constant date and time generation. All recorded footage must be securely retained for a minimum of 31 days. There will be on site someone that can allow the immediate viewing of CCTV upon request of a Police Officer or an Officer of a Responsible Authority and be able to provide recorded images on removable media (DVD / CD / USB) at that request or at least within 24 hours of that request providing the business is open

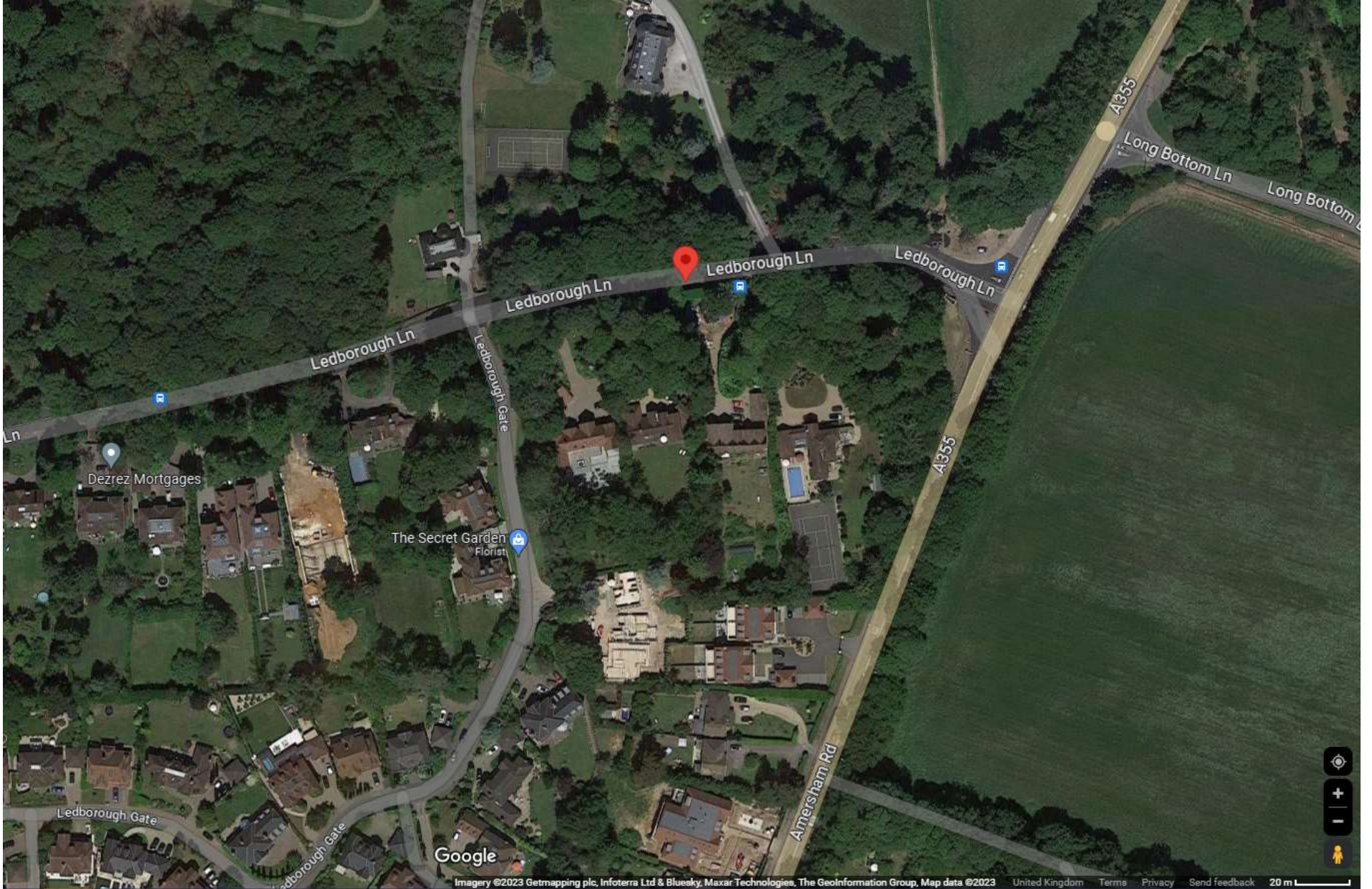
for licensable activities. This request must be in line with Data Protection legislation (or similar if legislation changes).

- No children or any member of the public are permitted on the licensed premises to consume alcohol
- The premises licence holder shall ensure that all staff members engaged in selling alcohol shall receive training. This training will take place prior to the selling our products.
- Further verbal reinforcement and refresher training covering the above will be carried out thereafter at intervals not to exceed eight weeks with the date and time of the verbal reinforcement documented. Such records to be made available to an authorised officer upon request

**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 PR202302-31243</b> <b>Licensing Act 2003, as amended</b> <b>Licensing Policy – Wycombe Area Published December 2018.</b> <b>Home Office Guidance issued under Section 182 of the Licensing Act 2003, as amended.</b>





# Buckinghamshire Council Premises licence application Form Transcript

**Applicant**

Are you an agent acting on behalf of the applicant?

No

**Agent (if applicable)****Applicant Details****Type of applicant**

organisation

**Applicant(s)****Name**

Vinity Wines Limited

**Email**

finance@vinitywines.co.uk

**Phone**

07725900959

**Address**

80 Ledborough Lane, Beaconsfield, HP92DG

**Registered number**

13788897

**Details**

Limited Company

**Right to work documents (if applicable)****Partners (if applicable)****Company Number (if applicable)**

13788897

**Premises****Premises name**

Vinity Wines Limited

**Premises address**

COPPERS 80 LEDBOROUGH LANE BEACONSFIELD HP9 2DG

**Phone number at premises**

07725900959

**Premises description**

Residential property with a main house and a double garage. We are seeking to licence the double garage only. We supply wine for home delivery. 3-4 deliveries/pick ups per week We have 2 other premises licences in the UK.

**Non-domestic rateable value of premises**

0

**Licence details****Licence start date (if applicable)**

18 April 2023

**Do you want the licence to only be valid for a limited period?**

No

**Licence end date (if applicable)****Do you expect 5,000 or more people to attend the premises at any one time?**

No

**Attendance Number (if applicable)****Licensable Activities****Opening Times****Times**

Monday: 09:00 - 18:00

Tuesday: 09:00 - 18:00

Wednesday: 09:00 - 18:00

Thursday: 09:00 - 18:00

Friday: 09:00 - 18:00

Saturday: 09:00 - 18:00

Sunday: 09:00 - 18:00

**Sale by Retail of Alcohol****Times**

Monday: 09:00 - 18:00

Tuesday: 09:00 - 18:00

Wednesday: 09:00 - 18:00

Thursday: 09:00 - 18:00

Friday: 09:00 - 18:00

Saturday: 09:00 - 18:00

Sunday: 09:00 - 18:00

**Location**

Off the premises

**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.**

No

**Specify any adult entertainment (if applicable)**

**Do you intend to provide gaming machines on the premises?**

No

**Designated premises supervisor details**

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

Upload

**Full name**

Mr Shaun Jones

**Date of birth**

[REDACTED]

**Address**

[REDACTED]

**Upload the consent from the proposed designated premises supervisor**

["Schedule\_15\_-\_6\_3\_17\_Consent\_of\_individual\_Vinity\_Shaun.pdf"]

**Personal Licence Number**

22/01567

**Personal Licence Issuing Authority**

Shropshire County Council

**Licensing objectives**

**General licensing objectives**

Vinity Wines is a successful, UK business which specialises in high end wines for home delivery. The company is committed to high retail standards and has consulted with the Responsible Persons in advance of this application. Vinity Wines understands the partnership approach underpinning the Licensing Act 2003 and has carefully considered this application so as to support fully the Licensing Objectives. The proposal for a licenced premise at 80 Ledborough Lane is our third licence with the others located in Norfolk and Shropshire. The premise is a residential premise on a large plot. We expect 3-4 deliveries per week in transit vans. The delivery van would drive up a 50 m driveway and park outside the double garage. The double garage is barely visible from the road side and other properties near the proposed premise. Given the current number of deliveries to the property, we expect minimal impact on the overall traffic flowing in and out of the property. There are no residential premises in the vicinity of the double garage and there will be no other activities at the garage such as onsite consumption, music or gaming. The proposed authorised hours have been tailored to correspond with typical DHL delivery tie windows.

### **Prevention of crime and disorder**

Our route to market is at shows and events and repeat customer through e-mails and over the phone. The property is not an active off licence. The public are not able to access the property. The property is entirely secure at the boundary and the wine is kept in a locked double garage with CCTV overlooking the entrance way. CCTV is monitored regularly. We do not hold cash at the property.

### **Public safety**

Our route to market is at shows and events and repeat customer through e-mails and over the phone. The property is not an active off licence. The public are not able to access the property. The property is entirely secure at the boundary and the wine is kept in a locked double garage with CCTV overlooking the entrance way. At shows and events , we comply with detailed health and safety requirements of the show. These encompass fire safety checks, COVID 19 requirements, evacuation procedures, procedures for lifting , clear public, traffic regulations when setting up stand, throughways access to first aid. Staff are not permitted to sell and open bottles for consumption at events. Staff are not permitted to drink alcohol at events.

### **Prevention of public nuisance**

Our route to market is at shows and events and repeat customer through e-mails and over the phone. The property is not an active off licence. The public are not able to access the property. The property is entirely secure at the boundary and the wine is kept in a locked double garage with CCTV overlooking the entrance way. At shows and events , we refuse the sale of alcohol to a person who is drunk. Staff are not permitted to sell and open bottles for consumption at events. Staff are not permitted to drink alcohol at events.

### **Protection of children from harm**



No children or any member of the public are permitted on the premises. The property is secure at the boundary and the wine is kept in a locked double garage with CCTV overlooking the entrance way. At shows and events, all our wines, beers and spirits are for off-sales for home delivery and as such we pledge never to assist with any requests for opening bottles. The premises licence holder shall ensure that all staff members engaged in selling alcohol shall receive training. This training will take place prior to the selling our products. Further verbal reinforcement and refresher training covering the above will be carried out thereafter at intervals not to exceed eight weeks with the date and time of the verbal reinforcement documented. We operate a "Challenge 25" policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. Signage advertising the Challenge 25 policy is displayed at shows and events.

### **Premises plan upload**

#### **Upload the premises plan**

["Premices Licence\_80LL\_Plans.pdf"]

### **Declaration**

I/We apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described above in this application and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] **I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK** (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK.

**The DPS named in this application form is entitled to work in the UK** (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work.

**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.

**Full name:** Mark Jones

**Capacity:** Director

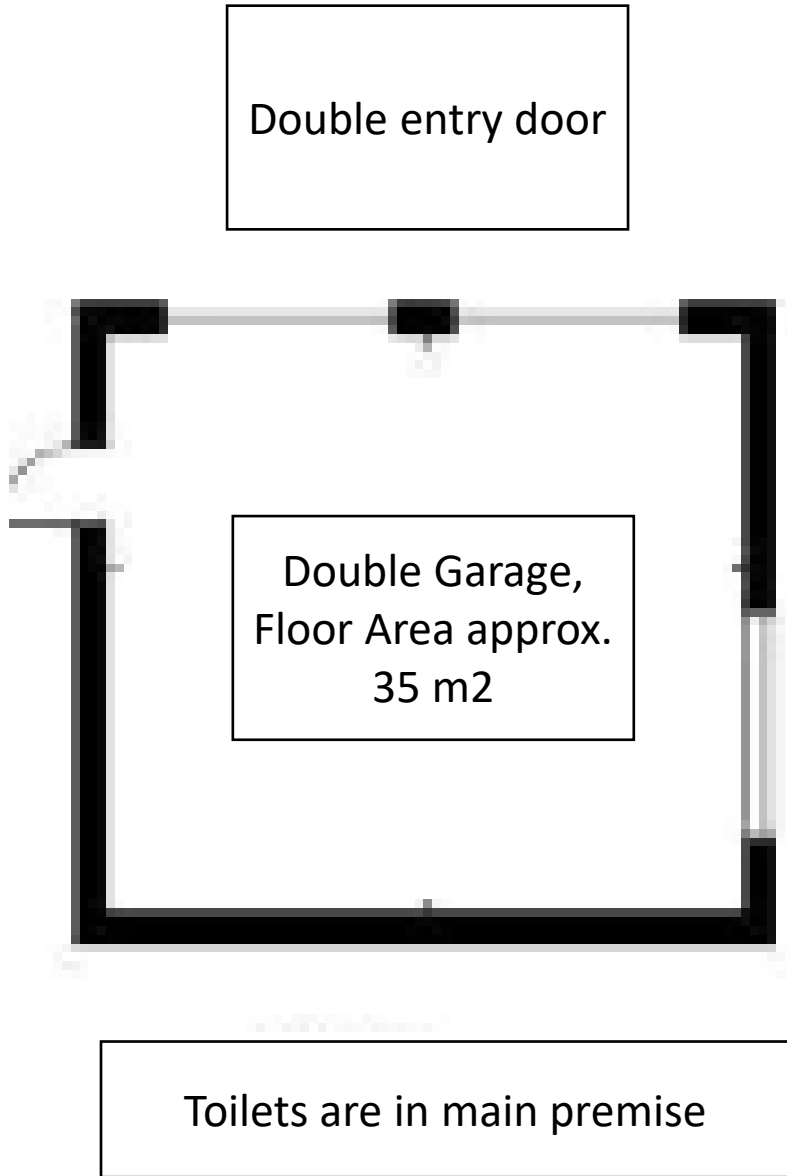
**Date:** 18 April 2023

**2nd Applicant (if applicable):**

**Capacity:**

APPENDIX 3

Side door  
Fire escape  
Page 27



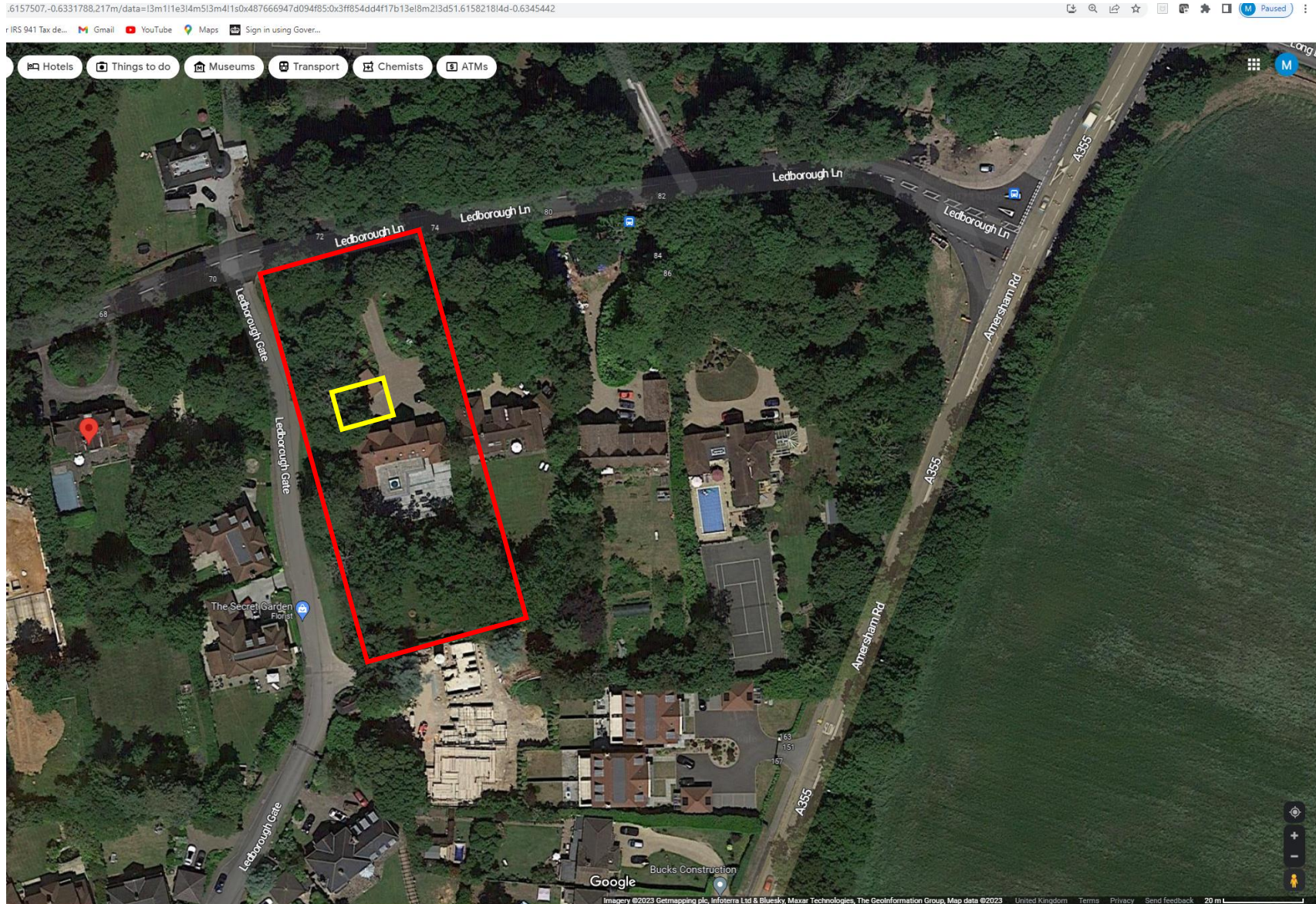
Front View  
Access is up main  
drive

Garage



2 of 22 Front View

Overall view of 80 Ledborough Lane  
Red line is full site boundary  
Yellow line is the double garage



BUCKINGHAMSHIRE COUNCIL

MEMO

To: Licensing Services

From: Catriona Crelling

Tel Ext: 5875

Date 12.05.23

Ref: PR202304-319146


Ref: PR202304-319146

**Application for a New Premises Licence**

Vinity Wines Limited, Coppers, 80 Ledborough Lane HP9 2DG

I have reviewed this application and can confirm that having taken into consideration the promotion of the four licensing objectives, the Buckinghamshire Council Statement of Licensing Policy and the Secretary of State Section 182 Guidance the Licensing Authority have no objections.

Yours sincerely



Catriona Crelling  
Senior Licensing Officer

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**THE LICENSING ACT 2003 SECTION 5(3) CONSULTATION**

<b>LICENSING REFERENCE:</b>		<b>FOR ATTN:</b> Licencing Team	
<b>PLANS NO:</b>	Yes		
<b>DATE RECEIVED:</b>	20/04/2023		
<b>PREMISES ADDRESS:</b>	80 Ledborough lane, Beaconsfield, Buckinghamshire		
	HP9 2DG		
<b>OUR REF. (FILE NO).</b>	S4280	FSEC Cat.	Licensing

**SECTION A – THIS AUTHORITY DOES NOT WISH TO MAKE “RELEVANT REPRESENTATION” UNDER THE FOLLOWING SECTION OF THE ABOVE ACT**

- Application for a premises licence under section 18(6) and 18(6)b**
- Variation of a premises licence under section 34 and or section 35(5) or 36(6)**
- Application for a club premises certificate under section 72(3)**
- Application for variation of a club premises certificate under section 85(3)**
- 

**THE GROUNDS FOR “RELEVANT REPRESENTATION” ARE: -**

Copy of Fire Risk Assessment requested from applicant - this does not constitute 'relevant representation'.

Signature and Role of officer: Katie Kolb    Date    25/04/23

Correspondence address: Buckinghamshire Fire & Rescue Service  
 Marlow Fire Station  
 Parkway, Marlow  
 SL7 1RA

Telephone Number	Office	01628 470640	Mobile	07919 057880
Email address	kkolb@bucksfire.gov.uk			

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## APPENDIX 6

**Directorate for Planning, Growth and Sustainability** Appendix  
King George V House, King George V Road, Amersham, Bucks HP6  
5AW

[environmentalhealth@buckinghamshire.gov.uk](mailto:environmentalhealth@buckinghamshire.gov.uk)  
01494 732058  
[www.buckinghamshire.gov.uk](http://www.buckinghamshire.gov.uk)

Licensing Authority  
Buckinghamshire Council  
The Gateway  
Gatehouse Road  
Aylesbury  
Buckinghamshire  
HP19 8FF

Dealt with by: Mr A Godman  
Direct Line: 01494 732934  
Your Ref: RP202304-319146  
Date: 9/5/2023  
Our Ref: 23/00723/LIAPPL  
Email: [Andrew.Godman@Buckinghamshire.gov.uk](mailto:Andrew.Godman@Buckinghamshire.gov.uk)

BY EMAIL

Dear Sir/Madam

### **Licensing Act 2003**

**Re: Coppers, 80 Ledborough Lane, Beaconsfield, Buckinghamshire, HP9 2DG**

I acknowledge safe receipt of the Premises Licence application documentation (including proposed Operating Schedule) as regards the above premises.

I am an authorised officer of the Council as set out in Section 69(2)(d) of the Licensing Act 2003. I fulfil the duties of a Responsible Authority as defined by Section 69(4)(e) of the Act in terms of the Council's statutory functions connected with the minimisation or prevention of risks associated with pollution to the environment or harm to human health.

I have reviewed the proposed Operating Schedule in the context of what steps, if any, are appropriate for the promotion of the licensing objectives as described in Section 4 of the Licensing Act 2003 and wish to make a **Representation against the granting of a premises licence on the terms set out in the application.**

The application relates to a dwelling house in relative close proximity to other residential properties. Accordingly, I am concerned that without suitable and sufficient control measures there is a significant potential for disturbance to a number of local residential properties due to noise from deliveries/collections associated with 80 Ledborough Lane.

### **Inadequacy of the steps cited in the proposed Operating Schedule**

The steps that are currently identified in the proposed Operating Schedule are necessary and, in principle, go some way to securing the overall licensing objectives as stated in the Act. However, the current wording of these measures do not permit their direct translation into clear and enforceable licence conditions that reflect the *Crawley Borough Council v Attenborough 2006*

judgement and consequently, in my view, amount to a set of *unreliable* control measures in their current form.

Accordingly, I invite officers of the Licensing Authority to exercise their powers, as recognised in Section 182 guidance, to refine the wording of these measures to render them effective. In particular, I believe that enforceable conditions are needed as regards the following:

- 1) A numerical restriction, i.e. no more than 4, on the number of deliveries/collections per week
- 2) A restriction on the times when deliveries/collections may take place (i.e. between 09:00 - 18:00 only)
- 3) That no member of the public will be granted access to the premises in connection with the *Sale by Retail of Alcohol* licensable activity

### The way forward

I would be grateful if I can be kept abreast of any revision to the proposed Operating Schedule conditions flowing from the above so that I can review the relevance and necessity of my Representation.

It is my expectation that a mutually agreeable revised Operating Schedule will emerge from discussions between the applicant and the Licensing Authority. If, however, no such agreement is reached within the prescribed consultation period then I am mindful that this matter will be subject to formal determination by a full Licensing Sub-committee.

If you would like to discuss this case please do not hesitate to contact me.

Yours sincerely,





Mr A Godman  
Environmental Health Officer

cc Applicant

[EXTERNAL] RE: PR202304-319146: Premises Licence application - Coppers, 80 Ledborough L



finance@vinitywines.co.uk

To  Andrew Godman;  Licensing Mailbox

Brian


 Follow up. Completed on 10 May 2023.

[Click here to download pictures.](#) To help protect your privacy, Outlook prevented automatic download of some pictures in this message.

You don't often get email from [finance@vinitywines.co.uk](mailto:finance@vinitywines.co.uk). [Learn why this is important](#)

Andrew,

Many thanks. These comments are very reasonable. Thank you for your input.

Best regards  
Mark Jones,  
Finance Department  
Vinity Wines  


**REPRESENTATIONS**

Dear Sir / Madam,

I would like to object to the granting of a license to Vinity Wines, of "Coppers" 80, Ledborough Lane, Beaconsfield, Buckinghamshire.

This is a residential area, not a commercial one and in particular, the sale of alcohol from a house in our neighbourhood is completely inappropriate on several levels.

There are many suitable commercial and industrial sites locally where space can easily be rented to undertake such an activity.

I particularly object on the grounds that:

1. The garage in question is *not* invisible, either from from the road or other properties , as is falsely suggested in the application.
2. Storing large volumes of alcohol in a domestic environment is inviting criminal activity into the area (i.e. burglary). This should require a secure walled unit with security wire atop and a steel door, not a flimsy garage roll-back door.
3. Particularly if their business increases, there will be several van pick-ups every day which will pose additional traffic-related danger to both children walking to school (High March is a short walk up the road) and the many dog-walkers that walk along this Lane to reach the adjacent fields.
4. Noise. No mention is made of the additional noise that will be made by successive teams picking up and loading crates several times/day. This is unacceptable in such a quiet residential neighbourhood.
5. This undertaking is likely to attract more rodents which may then spread to surrounding houses and present a consequent health hazard.

I would be grateful if I could be kept apprised about this application.

Many thanks.

Mr Joe Marais MBCh FRCS(ORL)



Dear Sir/Madam

I am writing with respect to an application by Vinity Wines Ltd for a premises licence for the off-site supply of alcohol in respect of a double garage at 80 Ledborough Lane, Beaconsfield.

The is a residential neighbourhood and wholesale alcohol business is totally inappropriate. It would be unsafe and a health and safety issue should there be a licence issued.

Our objection is:

Health and Safety issue should there be a fire

Increase in noise and pollution  
Commercial use of a residential building inappropriate.  
Storing Wholesale alcohol levels and selling such alcohol from a residential building is inappropriate  
Increase in traffic of Vans/Lorries  
Commercial use of a residential building would make any insurance null and void  
Dangerous future precedent

We strongly object to this application

We appeal to the Licensing body to reject this application.

Kind regards

Hatem Algraffee and family

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Dear Sir/Madam,

We are neighbours of the property at 80 Ledborough Lane, Beaconsfield which is the subject of a Licensing Application for the wholesale sale of alcohol from the double garage at no. 80 Ledborough Lane. We live in the Ledborough Gate close next door and our communal driveway runs immediately adjacent to 80 Ledborough Lane (a few yards). We are writing to object to this application on the grounds that street (ie Ledborough Lane) is wholly inappropriate and unsuitable a location for a wholesale alcohol distribution business and such commercial use of a residential building in this road is inappropriate.

The property and Ledborough Lane generally (as you can see from local Planning materials) is within an area defined as "Special Character" and identified as within the "Woodland Roads" Character Area within the South Bucks Townscape Character Study. We do not believe a wholesale distribution business (of any kind) is consistent with this very quiet residential area.

We set out below our objections and grounds and kindly ask you to consider these.

- Prevention of public nuisance objective

We believe the application is not being wholly accurate in its portrayal of the nuisance this will create. There are many residential premises in the vicinity of the double garage. There are 31 houses and families in the Ledborough Gate close (plus 5 other houses off the driveway) and all them using the driveway and pavement directly running next to (and parallel with) the garage proposed in this premises application. Our driveway has much pedestrian use, dog walking (many people from our close and many more from even further up Ledborough Lane walk directly past no. 80 to get to the Ledborough Woods and fields walking path entrance at the bottom of Ledborough Lane), children and parents walk past the property to play or in the course of taking to school etc. The double garage is visible from the road side and other properties near the proposed premise – indeed the driveway to the garage is only a few yards from the Ledborough Gate driveway and

pavement. It is impossible to say that the deliveries will only amount to 3/4 a week as any business looks to expand and so this will surely increase and become possible to constitute many deliveries and collections per day - so we disagree there will be minimal impact on the overall traffic flow. We do not see how the deliveries would be restricted from increasing materially in future to a much greater level.

To our eyes, this amounts effectively to industrial storage and distribution of wholesale alcohol.

- Prevention of crime/disorder objective

If material quantities of ("high end", expensive) wine are kept in a locked double garage with CCTV overlooking the entrance way (NB there is no obvious evidence of that 24 hour CCTV in place) there is most certainly an increased crime risk for theft and attraction of such criminals to the general neighbouring area. Valuables attract theft including industrial quantities. This seems much more suitable a storage business for an industrial estate or lock-up facility, not a residential address. If this is a personal business being run from home we doubt that the "CCTV is monitored regularly" as that would require full time monitoring and security staff which we doubt is the case. Thieves do not know that the business will not hold cash at the property and so sellers of expensive wines could be expected to have cash or other valuables to hand as well as the expensive wines themselves. Generally we believe this does increase crime risk in the general area as it could attract criminals who also see other opportunities at neighbouring residential properties.

We do not see any evidence of planning permission for this change of use either and no application pending. A license to sell alcohol remotely or online is one thing but what amounts to industrial storage and distribution is quite another and there are plenty of local industrial estates and premises more suitable for this in the outskirts of town.

Thank you for considering.

Andrew and Natasha Gallagher

[REDACTED]  
[REDACTED]  
[REDACTED]

From: Paul Nagle [REDACTED]  
Sent: 15 May 2023 12:15  
To: Licensing Mailbox <[Licensing@buckinghamshire.gov.uk](mailto:Licensing@buckinghamshire.gov.uk)>  
Subject: [EXTERNAL] Objection - Vinity Wines Ltd

You don't often get email from [REDACTED] [Learn why this is important](#)

Dear Sir,

I refer to the application by Vinity Wines Ltd (dated 18th April 2023) for a premises licence for the off-site supply of alcohol in respect of a double garage at 80 Ledborough Lane, Beaconsfield.

I strongly object to this application on the following grounds:

1. The prevention of public nuisance. There are 31 residential houses in Ledborough Gate, along with 5 houses on the connection road to Ledborough Lane in very close proximity to the proposed application at 80 Ledborough Lane, contrary to what's stated on their application
2. The prevention of crime & disorder. Increased risk of burglaries and attempted burglaries once it becomes known large quantities of alcohol are held on the premises.
3. The prevention of children from harm. School children regularly walk to and from local school and local school bus connections, early in the morning and late evening in seasonal darkness.
4. Public Safety. If the business grows there is a potential for a lot more traffic. The double garage is very visible contrary to what's stated in their application.

I'd be grateful if my objections can be considered.

Yours Sincerely

Paul Nagle

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Dear Sirs

I am writing to object to this application on the grounds that the residential road Ledborough Lane is a totally unsuitable location for a wholesale alcohol business and commercial use of a residential building in this road is inappropriate.

I add the following comments which I ask you to consider and I trust you will reject the application.

Health and Safety issue should there be a fire.

Increase in noise and pollution.

Storing wholesale quantities of alcohol and selling such alcohol from a residential building is inappropriate.

Increase in traffic due to customers and delivery vans.

Safety of school children who walk along this road going to and from school.

Safety of dog walkers and their dogs who walk along this road going to and from very nearby fields and woods.

Kind regards

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

I refer to the application by Vinity Wines Ltd for a premises licence for the off-site supply of alcohol in respect of a double garage at 80 Ledborough Lane, Beaconsfield.

I strongly object to this application on the grounds that Ledborough Lane is a residential road. Commercial activities should be undertaken within designated commercial areas not on residential roads.

I strongly do not believe that this type of wholesale business would result in 3/4 deliveries each week. Sales may very well be at shows and events but once email sales increase then of course delivery vans will be required to dispatch these orders or customers will drive to collect their orders, so it is ridiculous to suggest deliveries will be limited.

Already Ledborough Gate has seen an immense increase in through traffic due to the opening of the Beaconsfield relief road. We do not need additional vehicles on this road that will result if licensing approval is granted. This business should be in a commercial area.

Any increase in traffic results in an increase to potential harm not only to children but also to adults of all ages. It is a nightmare already trying to turn right out of Ledborough Lane as it is. Soon there will be a fatal accident. Locating a wholesale business in this location is madness.

If it is a wholesale business, and only present at shows and markets, then why has the applicant stated this.

*"The premises licence holder shall ensure that all staff members engaged in selling alcohol shall receive training. This training will take place prior to the selling of our products. We operate a Challenge 25" policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age."*

*This doesn't strike me that sales will only be at "shows and events" or via the internet.*

*Norfolk and Shropshire are very different locations to Beaconsfield. Are these two other locations situated in suburban , residential areas as well? Probably not.*

*Furthermore this application is not accurate. It states that Vinity wines supply only wine for home delivery yet on the UK Government company registration website it states something very different. Nature of Business. " Wholesale of wine, beer, spirits and other alcoholic beverages"*

See below and this link.

<https://find-and-update.company-information.service.gov.uk/company/13788897>

Overview	Filing history	People	More
Registered office address <b>80 Ledborough Lane Ledborough Lane, Beaconsfield, England, HP9 2DG</b>			
Company status <b>Active</b>			
Company type <b>Private limited Company</b>		Incorporated on <b>8 December 2021</b>	
<b>Accounts</b>		<b>Confirmation statement</b>	
First accounts made up to <b>31 December 2022</b> due by <b>8 September 2023</b>		Next statement date <b>7 December 2023</b> due by <b>21 December 2023</b>	
		Last statement dated <b>7 December 2022</b>	
<b>Nature of business (SIC)</b>			
46342 - Wholesale of wine, beer, spirits and other alcoholic beverages			
<b>Previous company names</b>			
<b>Name</b>	<b>Period</b>		
VINITY LIMITED LTD	08 Dec 2021 - 14 Mar 2022		

Finally a residential garage is not the place to sell anything, let alone wholesale alcohol.

Taking into consideration all these points I trust you will reject the application.

Kate Eckersley

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Sun 14/05/2023

To the licensing committee,

I am writing to object to the application on the grounds that the residential road Ledborough Lane is an unsuitable location for a wholesale alcohol business and commercial use of a residential building in this road is inappropriate.

Other considers

Increase in noise and pollution.

Health and Safety issue should there be a fire.

Selling alcohol from a residential building is inappropriate



Increase in traffic due delivery vans. Assumes no customers will be attending - this would increase additional traffic issues

Many thanks,  
Nicola Starr  
Sent from my iPhone

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**Brian Whittal**

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**Subject:** FW: 80 Ledborough Lane, Beaconsfield, HP92DG

**From:** Brian Whittal

**Sent:** 17 May 2023 08:48

**Subject:** 80 Ledborough Lane, Beaconsfield, HP92DG

All,

Following your representations I have sought to mediate between parties.

Environmental Health, the responsible authority on matters related to public nuisance have agreed the following amendment to the conditions with the applicant that withdraws their objection:

- **A numerical restriction, i.e. no more than 4, on the number of deliveries/collections per week**
- **A restriction on the times when deliveries/collections may take place (i.e. between 09:00 - 18:00 only)**
- **That no member of the public will be granted access to the premises in connection with the *Sale by Retail of Alcohol* licensable activity**

Additionally, the following amendment have been agreed with the applicant:

- **Alcohol shall be stored in a secure double locked double garage**
- **The premises licence holder will have a good quality colour digital CCTV system installed, maintained and operated at all times the premises are open for licensable activities. The system will have cameras located within the premises to cover entrance points to the secure garage. The CCTV system will record clear images allowing the identification of individuals and the equipment will have accurate and constant date and time generation. All recorded footage must be securely retained for a minimum of 31 days. There will be on site someone that can allow the immediate viewing of CCTV upon request of a Police Officer or an Officer of a Responsible Authority and be able to provide recorded images on removable media (DVD / CD / USB) at that request or at least within 24 hours of that request providing the business is open for licensable activities. This request must be in line with Data Protection legislation (or similar if legislation changes).**
- **No children or any member of the public are permitted on the licensed premises to consume alcohol**
- **The premises licence holder shall ensure that all staff members engaged in selling alcohol shall receive training. This training will take place prior to the selling our products.**
- **Further verbal reinforcement and refresher training covering the above will be carried out thereafter at intervals not to exceed eight weeks with the date and time of the verbal reinforcement documented. Such records to be made available to an authorised officer upon request**

- **We shall operate a "Challenge 25" policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. This ID will be in the form of a valid UK driving licence, a valid UK Passport or other National ID card that holds a hologram and has a date of birth written thereon or a government sponsored PASScard.**

Wholesale sales are not a licensable activity, only the retail sale is specified in the legislation. That is, the Council has not authority from a Licensing Act perspective in respect to the wholesale storage of alcohol. If planning permission is required for this activity, then that shall be a matter for planning legislation/enforcement, if applicable.

The legislation does not prohibit the sale of alcohol from residential premises. There are a number of existing licences granted within the authority of a similar nature to this applicant, so any hearing to determine this application shall focus solely on the promotion of the licensing objectives, with regard to statutory guidance and our own licensing policy.

If the proposed amendments to the application satisfy your concerns, then please can you reply that you wish to withdraw your representation. Otherwise, this matter shall go forward to a hearing of the licensing sub-committee for them to determine this application.

If you have any further queries, then please do not hesitate to contact me.

Regards,

Brian Whittall  
Licensing Officer  
Communities Directorate  
Buckinghamshire Council

Tel: 01494 421346

Email: [Brian.Whittall@buckinghamshire.gov.uk](mailto:Brian.Whittall@buckinghamshire.gov.uk)

Address: The Gateway, Gatehouse Road, Aylesbury, HP19 8FF

**\*\* Working days Monday – Thursday \*\***

Tue 16/05/2023

Hi Brian

This all seems reasonable and we can confirm we are satisfied and agree to the wording you have proposed.

Best regards  
Mark Jones,  
Finance Department  
Vinity Wines  
