



Licensing Sub-Committee agenda

Date: Wednesday 3 January 2024

Time: 10.30 am

Venue: Via Video Conference

Membership:

T Green (Chairman), B Stanier Bt and A Wood

Webcasting notice

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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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|----------|--|----------------|
| 4 | Hearing Procedure Rules | 3 - 10 |
| | To note the hearing procedure rules and virtual licensing sub-committee procedural rules. | |
| 5 | The Red Lion, 41 The Green, Wooburn Green, HP10 0EU | 11 - 72 |
| | To consider an application under s.34 of the Licensing Act 2003 to vary the premises licence in respect of The Red Lion, 41 The Green, Wooburn Green, Buckinghamshire, HP10 0EU (report attached). | |

If you would like to attend a meeting, but need extra help to do so, for example because of a disability, please contact us as early as possible, so that we can try to put the right support in place.

For further information please contact: Liz Hornby on 01494 421261 or democracy@buckinghamshire.gov.uk

Addendum Licensing and Regulatory Sub-Committee Virtual Procedural Rules

Procedure at Hearings before the Licensing Sub-Committee (“LSC”) in relation to matters 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) or as otherwise provided.

Hearings for Gambling Premises are dealt with under the Gambling Act 2005 as amended.

Introduction

The Licensing Act 2003 and the Licensing Act 2003 (Hearing) Regulations 2005 provide flexibility to Licensing Authorities in determining their own hearing procedures. Buckinghamshire Council has decided to hold such hearings remotely in accordance with these procedural rules.

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 be represented at the hearing it may proceed in their absence.
- (b) Where a party has not replied to the notice, does not attend and is not represented then the LSC 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 LSC 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 LSC 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 LSC 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 up to 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) if provided either at least 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 LSC will consider any such requests and confirm whether permission is granted for that person to speak.

The LSC 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 LSC 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 LSC will be made after the close of the hearing when the LSC retires with the Democratic Services Officer and the Legal Advisor to the sub-committee in a private session to consider all the evidence and submissions made at the hearing.

The decision of the LSC will be communicated to all parties by way of a written Decision Notice issued by Legal Services. They will endeavour to serve the notice within 5 working 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 be dated and set out the provisions of the right to appeal to the Magistrates Court.

The LSC 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 hearing without requirement for further notice.

These 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 hearing, and the agenda, together with details of how to join the hearing which will be available on the website.

Time and Place of Hearing

All hearings will be held remotely, including by (but not limited to) telephone conferencing, video conferencing, live webcast, and live interactive streaming unless a party can show good and sufficient reason why the hearing should be held in person. Where a party has notified the Council that they wish to attend a remote hearing but are unable to access the hearing remotely, for whatever reason, the Council will endeavour to make provision for them to be able to view the hearing at Council offices. The Council will use Microsoft Teams to hold virtual hearings and will invite external participants to virtual hearings, if any, via email or telephone. Virtual hearings 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 hearing should be held at the Council facility which is closest to the premises or issue that is the subject of the hearing. However, this requirement is disapplied in respect of remote hearings.

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 Hearings

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 15 minutes of the scheduled start of the LSC or such longer time as allowed by the Chairman, the business of the hearing will be adjourned. The Chairman may allow for flexibility around the start time of the hearing where there are any technical issues.

In the event of any apparent failure of the technology the Chairman should immediately determine if the hearing 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 hearing 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 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 hearing. 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 hearings and webcasting

A roll call or introductions will be made at the start of the hearing to record those present. There is no requirement for councillors to sign their names on the attendance sheets when attending a virtual hearing. The Democratic Services Officer will maintain a list of attendance throughout the hearing.

To be classified as a 'member in attendance' and attend the hearing remotely, the following conditions must be satisfied;

- a) Councillors sitting on the Sub-Committee must be able to hear and be heard and (where practicable) see and be seen by parties in attendance at the hearing.
- b) This full requirement also extends to parties attending to exercise a right to speak at the hearing.
- c) All other members of the public must as a minimum be able to hear and if practicable see the proceedings.

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 hearing.

Members of the press and public may only be excluded from a hearing in accordance with the Access to Information Rules.

The Regulations state that hearings 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 hearing is accessible to the public through such remote means the hearing is open to the public whether or not members of the public are able to attend the hearing in person. For clarity, a hearing 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 hearing will be opened and adjourned to allow for it to take place at a later date (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 hearing are the Members of the Sub-Committee, any officer supporting the hearing and those who have submitted valid representations, applicant and/or legal representative. The public gallery, where Members can sit and observe the hearing alongside members of the public, is the webcast version.

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 hearing 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.

Members of the LSC must consider beforehand if they need to declare any personal interests and

whether their personal interest is also a prejudicial interest in which case they will not be able to attend the hearing. Members who have any Disclosable Pecuniary Interests will not be able to attend the hearing either. Members should also consider beforehand if they have or would be considered to have predetermined the matter in which case they should also distance themselves from the determination of the matter and not attend the hearing.

Minutes of hearings

The Minutes of hearing will be published on the website.

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 LSC 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 hearing to advance their point of view and concerns and to test the case of their opponents and
 - to assist the LSC 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 LSC in relation to matters previously raised/submitted. Late evidence to be submitted at the hearing will only be considered by the LSC 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 any witnesses.
 - e. Any other party may question the Applicant.
 - f. The Members may question the Applicant.
 - g. The Responsible Authorities, who made representations. will present their case in turn and call any witnesses.
 - h. Any party may question the Responsible Authorities.
 - i. Any Members may question the Responsible Authorities.
 - j. Each Interested Party will present their case in turn and call any witnesses.
 - k. Any other party may question the Interested Party.
 - l. The Members 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 hearing 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 LSC are 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 LSC will meet (privately) virtually together with the Democratic Services Officer and Legal Advisor for the matter to be determined.
15. The LSC 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 hearing 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 hearing for as long as they consider necessary.

Adjournments

People will remain on the call with mics muted and cameras off until the hearing starts again. The Chairman may also want to consider having a comfort (screen) break for longer hearings. If there is a problem with the technology the Chairman should pause the hearing until that issue has been resolved. However, this does not stop a hearing going ahead because a person does not have access to the required technology in the first place. If technology fails for a wholly remote hearing, and the hearing is no longer open to the public, any decisions made could be challenged as unlawful which renders the whole hearing incapable of proceeding and therefore the Chairman should adjourn until the remote hearing 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 which will 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 LSC 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.

They 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.

SUBJECT:	APPLICATION FOR A VARIATION OF A PREMISES LICENCE at: The Red Lion, 41 The Green, Wooburn Green, Buckinghamshire, HP10 0EU
REPORT OF:	Application under section 34, Licensing Act 2003
Responsible Officer	Brian Whittall – Licensing Officer
Report Author	Brian Whittall – Licensing Officer
Ward/s Affected	The Wooburns, Bourne End & Hedsor Ward

1. Purpose of Report

To provide Members with information enabling 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 TLT Solicitors, One Redcliff Street, Bristol, BS1 6TP (“the agent”) in respect of their client Greene King Brewing and Retailing Limited, Westgate Brewery, Bury St Edmunds, IP33 1QT (the premises licence holder”) for The Red Lion, 41 The Green, Wooburn Green, HP10 0EU (“the premises”).

2. Background

2.1 The licence was granted following the transitional period in 2005 following which the licence holder has made applications to amend the internal layout of the premises. The premises is located at the end of a parade of retail shops. It located on Wooburn Green as has residential properties in close proximity to it.

A location plan for the premises is attached to this report marked **Appendix 1**.

3. The Application

3.1 This application is for a variation of a Premises Licence to commence with immediate effect upon the decision to grant by this licensing authority. The application has been made to change the hours for permitted activities, as follows:

To permit the sale of alcohol: from the end of permitted hours New Year’s Eve until the start of permitted hours New Year’s Day.

To permit late night refreshment:

from 23.00 hours New Year’s Eve until 05.00 hours New Year’s Day.

St George’s Day, St Patrick’s Day, Christmas Eve, and statutory holidays:

23.00 hours to 00.00 when they fall Sunday to Thursday

23.00 hours until 01.00 hours the following day when they fall Friday and Saturday

To permit recorded music:

Friday and Saturday from 10.00 hours until 01.00 hours. (currently permitted 10.00-23.00)

St George's Day, St Patrick's Day, Christmas Eve, Easter Sunday and Monday, bank holiday weekends Sunday - Monday, and statutory holidays from 10.00 until 00.00 Monday to Thursday, 10.00 until 01.00 Friday and Saturday, and 11.00 until 00.00 Sunday.

New Year's Eve until 00.30 New Year's Day.

To permit Live music:

New Year's Eve until 00.30 New Year's Day.

To permit the premises to open as follows:

Easter Sunday and Monday, Sunday preceding a bank holiday, Christmas Eve
Easter Sunday from 11.00 to 00.30 the following morning Easter Monday from 10.00 to 00.30 the following morning Sunday preceding a bank holiday from 11.00 to 00.30 the following morning Christmas Eve

To amend the following conditions:

- Condition SPN2 to read as follows:
The hours of use of the external area (beer garden) shall take place only from 10.00 to 23.00 Monday to Saturday and 11.00 to 22.00 on Sunday, to include Bank or Statutory Holidays and event days. (currently permitted from 11.00 Monday to Saturday and 12.00 Sunday)
- Condition PN8 to read as follows:
Whenever the premises is in use under this licence, the external doors and windows shall remain closed except for the immediate access and egress of the customers and staff during any regulated entertainment. (currently just for live music)

To add the following conditions (agreed with the applicant):

- All staff who have direct dealings with customers shall be trained in the following:
 - (i) Licensing law and in particular that relating to the sale of alcohol;
 - (ii) The Challenge 21 policy;
 - (iii) The premises licence and its conditions

Training will be refreshed every 6 months. A record shall be kept of this training and this record shall be available for inspection by the Licensing Authority or Police upon request.

- An incident log shall be kept at the premises and made available on request to an authorised officer of Buckinghamshire Council or Thames Valley Police. It will record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received concerning crime and disorder (d) any incidents of disorder (e) all seizures of drugs or offensive weapons.
As a minimum, the log will record the date and time of the incident, the name of the person making the entry, the nature of the incident and any actions taken.

- When regulated entertainment is provided at the premises, noise checks will be conducted at the nearest noise sensitive property. A noise check log of these checks will be kept and maintained at the premises. As a minimum the log will record the date and time of the check, the name of the person making the check, the result of the check, and if appropriate any action taken. The log will be made available to an authorised officer upon request.
- A challenge 21 policy shall operate in the premises shall operate in the premises in relation to the sale of alcohol.

A copy of the application is attached to this Report marked **Appendix 2**.

The current licence and a plan of the “premises” is attached **Appendix 3**.

4. Relevant Representations

4.1 Responsible Authorities:

- 4.1.1 **The Chief Officer of Police:** No objection. **Appendix 4**.
- 4.1.2 **The Licensing Authority:** No objection, **Appendix 5**.
- 4.1.3 **The Fire and Rescue Authority:** No response received.
- 4.1.4 **The Local Planning Authority (Head of Sustainable Development):** No response received.
- 4.1.5 **The Local Environmental Health Authority (Head of Environmental Health):** No objection. **Appendix 6**.
- 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 on the grounds of prevention of crime and disorder; Prevention of Public Nuisance; licensing objectives. There was one (1) representation in support of the application. **Appendix 7**.

5. Licensing Officer’s Observations:

5.1 The Relevant Representations received raise the follows issues:

- Prevention of a public nuisance
Representations mention a concern that the application shall have a negative effect on residents in nearby residential properties. There is a particular concern raised about noise from speakers in the outside areas of the premises.

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:

Hours

- 3.9 In general, the Licensing Authority will set the hours of licensed premises according to the individual merits of the case.
- 3.10 In some circumstances, flexible licensing hours can help to avoid harm to the licensing objectives caused by customers leaving licensed premises at the same time. Varied closing times can also help to promote diverse leisure economies.
- 3.11 However, in line with the duty to promote the licensing objectives, the Licensing Authority's Policy is to respect the right of residents to peace and quiet. In general, the Licensing Authority will take a more stringent approach to licensing hours in areas of higher residential density where there is greater risk of public nuisance.

Licence conditions

- 3.23 In considering variation applications, decision concerning conditions will be confined to the subject matter of the application as per case law ([Taylor vs Manchester City Council \[2012\]](#)). In practice this means that conditions will not be imposed in response to a variation application that do not relate to the application sought.

The prevention of public nuisance

- 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) **Outside areas.** The Licensing Authority supports the use of outside areas such as gardens and forecourts however robust management controls are usually required to ensure that the use of these areas does not cause a nuisance. Control measures may include adequate supervision, regular glass collections, curfews and last entry conditions.
- c) **Complaints procedure.** All licensed premises are expected to have a complaints procedure in place. This may include a dedicated phone line available for local residents to use in the event of problems arising. Any complaint should be recorded in a log together with details of any action taken to the response. All staff should be made aware of the complaints procedure and provided with clear instructions. In some circumstances regular meetings with neighbouring residents can be beneficial in addressing any concerns. Experience shows that this is most effective if action is taken at early stage to build good relations with local residents.

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.

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.

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 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.
- 7.2 **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.
- 7.3 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.
- 7.4 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.
- 7.5 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.

- 7.6 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.
- 7.7 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.
- 7.8 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.

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 to promote the licensing objectives.
- 8.4 The following options are available to the Licensing Sub Committee:

8.4.1 Grant the Premises Licence – as requested.

8.4.2 Reject the whole or part of the Application.

8.4.5 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).

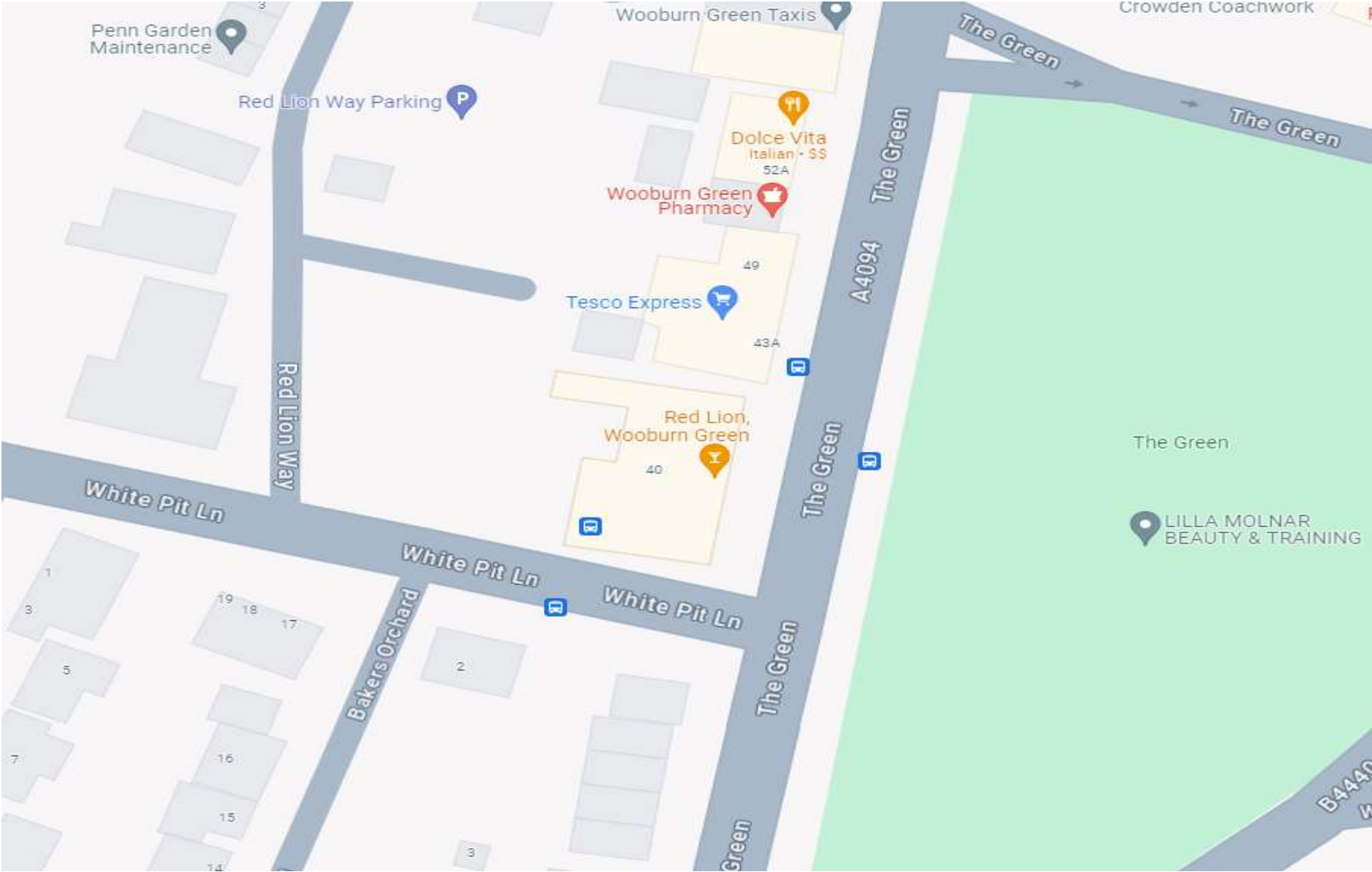
8.5 The Sub-Committee is asked to note that it may not reject the whole or part of the application or attach conditions - merely because it considers it desirable to do so. It must actually be **appropriate and proportionate** in order to promote the 4 licensing objectives and be in response to the representations received and full reasons must be given for the Sub-Committees decision.

Conditions offered in the Operating Schedule

Informative/s -

Officer Contact:	Brian Whittall (01494 421 346) – email address: brian.whittall@buckinghamshire.gov.uk
Background Papers:	Application Ref PR202310-334404 Licensing Act 2003, as amended Statement of Licensing Policy –Published February 2022. Home Office Guidance issued under Section 182 of the Licensing Act 2003, as amended.

Appendix 1



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Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Greene King Brewing and Retailing Limited
(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number 0022/PREM

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Red Lion 41 The Green			
Post town	Wooburn Green	Postcode	HP10 0EU

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£16,000.00 – Band

Part 2 – Applicant details

Daytime contact telephone number			
E-mail address (optional)	licensingpp@greeneking.co.uk		
Current postal address if different from premises address	Westgate Brewery		
Post town	Bury St Edmunds	Postcode	IP33 1QT

Part 3 - Variation

Please tick as appropriate

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

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

This is an application to change the hours for permitted activities as follows:

Remove the following non-standard timings for the sale of alcohol:

Good Friday: 12.00 – 01.00
Easter Saturday: 10.00 – 01.00
Bank holiday weekends Friday and Saturday: 11.00 to 01.00
Christmas Day: 11.00 – 23.30
New Year's Eve: 11.00 to 00.00
New Year's Day: 00.00-23.00

Remove the following non-standard timings for late night refreshment:

Christmas Day: 23.00 – 23.30
New Year's Eve: 23.00 – 00.00

To add the following:

To permit the sale of alcohol: from the end of permitted hours New Year's Eve until the start of permitted hours New Year's Day.

To permit late night refreshment:

from 23.00 hours New Year's Eve until 05.00 hours New Year's Day.
St George's Day, St Patrick's Day, Christmas Eve, and statutory holidays:
23.00 hours to 00.00 when they fall Sunday to Thursday
23.00 hours until 01.00 hours the following day when they fall Friday and Saturday

To permit recorded music:

Friday and Saturday from 10.00 hours until 01.00 hours. (currently permitted 10.00-23.00)

St George's Day, St Patrick's Day, Christmas Eve, Easter Sunday and Monday, bank holiday weekends Sunday - Monday, and statutory holidays from 10.00 until 00.00 Monday to Thursday, 10.00 until 01.00 Friday and Saturday, and 11.00 until 00.00 Sunday.

New Year's Eve until 00.30 New Year's Day.

To permit Live music:

New Year's Eve until 00.30 New Year's Day.

To permit the premises to open as follows:

Easter Sunday and Monday, Sunday preceding a bank holiday, Christmas Eve
Easter Sunday from 11.00 to 00.30 the following morning
Easter Monday from 10.00 to 00.30 the following morning
Sunday preceding a bank holiday from 11.00 to 00.30 the following morning
Christmas Eve

To remove the following conditions:

SPN1: Entertainment shall be held within the envelope of the building only and no music or loudspeakers shall be provided to the external areas of the premises. *(this conflicts with condition SPN3: The house of use of the speakers in the beer garden ('external background music') shall take place only from 11.00 to 21.00 on any day)*

The CCTV system will be reviewed and upgraded. Areas to be address are the internal areas, external areas of the car park and the front of the premises. The improvements to the system to be in place prior to December 24th 2010 to the satisfaction of the Police Licensing Officer.

To amend the following conditions:

Condition SPN2 to read as follows: The hours of use of the external area (beer garden) shall take place only from 10.00 to 23.00 Monday to Saturday and 11.00 to 22.00 on Sunday, to include Bank or Statutory Holidays and event days. (currently permitted from 11.00 Monday to Saturday and 12.00 Sunday)

Condition PN8 to read as follows: Whenever the premises is in use under this licence, the external doors and windows shall remain closed except for the immediate access and egress of the customers and staff during any regulated entertainment. *(currently just for live music)*

To add the following conditions:

All staff who have direct dealings with customers shall be trained in the following:

- (i) Licensing law and in particular that relating to the sale of alcohol;
- (ii) The Challenge 21 policy;
- (iii) The premises licence and its conditions.

A record shall be kept of this training which will be refreshed no less than every 6 months and this record shall be available for inspection by the Licensing Authority or Police upon request.

An incident log will be kept and maintained at the premises and all incidents shall be recorded in it. As a minimum, the log will record the date and time of the incident, the name of the person making the entry, the nature of the incident and any actions taken.

When regulated entertainment is provided at the premises, noise checks will be conducted at the nearest noise sensitive property. A noise check log of these checks will be kept and maintained at the premises. As a minimum the log will record the date and time of the check, the name of the person making the check, the result of the check, and if appropriate any action taken. The log will be made available to an authorised officer upon request.

A challenge 21 policy shall operate in the premises shall operate in the premises in relation to the sale of alcohol.

* please see attached operating schedule for the full hours set out for ease.

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

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

- | Provision of regulated entertainment (Please see guidance note 3) | Please tick all that apply |
|---|-------------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input checked="" type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue					
Wed					
			<u>State any seasonal variations for performing plays</u> (please read guidance note 6)		
Thur					
			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue					
Wed					
			State any seasonal variations for the exhibition of films (please read guidance note 6)		
Thur			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 7)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			Please give further details (please read guidance note 5)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 6)
Tue			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 7)
Wed			
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 5) Amplified and unamplified live music played within the premises					
Mon								
	10:00	23:00						
Tue								
	10:00	23:00						
Wed						State any seasonal variations for the performance of live music (please read guidance note 6)		
	10:00	23:00						
Thur								
	10:00	23:00						
Fri						Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 7)		
	10:00	23:00						
Sat						Easter Sunday: 11.00 – 00.00 Easter Monday: 10.00 – 00.00		
	10:00	23:00						
Sun			Sunday preceding a bank holiday: 11.00 – 00.00 New Year's Eve 10.00 – 00.30					
	11:00	23:00						

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish						
Mon								
	10:00	23:00						
Tue								
	10:00	23:00						
Wed						State any seasonal variations for the playing of recorded music (please read guidance note 6)		
	10:00	23:00						
Thur								
	10:00	23:00						
Fri						Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 7)		
	10:00							
Sat		01:00				Easter Sunday: 11.00 – 00.00 Easter Monday: 10.00 – 00.00		
	10:00							
Sun		01:00				Sunday preceding a bank holiday: 11.00 – 00.00		
	11:00	23:00				New Year’s Eve 10.00 – 00.30		

G

Performances of dance Standard days and timings (please read guidance note 8)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
Mon	10:00	23:00		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	10:00	23:00	<u>Please give further details here</u> (please read guidance note 5) Anything of a similar description to live and recorded music.		
Wed	10:00	23:00			
Thur	10:00	23:00	<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6)		
Fri	10:00				
Sat	10:00	01:00	<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sun		01:00	Easter Sunday: 11.00 – 00.00 Easter Monday: 10.00 – 00.00		
	11:00	23:00	Sunday preceding a bank holiday: 11.00 – 00.00 New Year's Eve 10.00 – 00.30		

I

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 5) Hot food and drink served on the premises.		
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 7) Easter Sunday: 23.00 – 00.00 Easter Monday: 23.00 – 00.00 Sunday preceding a bank holiday: 23.00 – 00.00 New Year's Eve: 23.00 – 05.00 St George's Day, St Patrick's Day, Christmas Eve and any other publicly declared holiday: Until 00.00 Sunday to Thursday, until 02.00 Friday and Saturday.		
	23:00				
Sat		01:00			
	23:00				
Sun		01:00			

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input type="checkbox"/>						
				Off the premises	<input type="checkbox"/>						
				Both	<input type="checkbox"/>						
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 6)								
Mon	10:00	23:00									
Tue	10:00	23:00									
Wed	10:00	23:00									
Thur	10:00	23:00				Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 7)					
Fri	10:00								Easter Sunday: 11.00 – 00.00 Easter Monday: 10.00 – 00.00		
Sat	10:00	01:00							Sunday preceding a bank holiday: 11.00 – 00.00 New Year's Eve: from the end of permitted hours New Year's Eve until the start of permitted hours New Year's Day.		
Sun	11:00	23:00							St George's Day, St Patrick's Day, Christmas Eve and any other publicly declared holiday: One additional hour		

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).</p> <p>None.</p>

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon			
	10:00	23:30	
Tue			
	11:00	23:30	
Wed			
	11:00	23:30	
Thur			
	11:00	23:30	
Fri			
	10:00		
Sat		01:30	
	10:00		
Sun		01:30	
	11:00	23:30	

Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 7)		
Easter Sunday: 11.00 – 00.30 Easter Monday: 10.00 – 00.30		
Sunday preceding a bank holiday: 11.00 – 00.30		
New Year's Eve: from the end of permitted hours New Year's Eve until the start of permitted hours New Year's Day.		
St George's Day, St Patrick's Day, Christmas Eve and any other publicly declared holiday: One additional hour		

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

SPN1: Entertainment shall be held within the envelope of the building only and no music or loudspeakers shall be provided to the external areas of the premises. *(this conflicts with condition SPN3: The house of use of the speakers in the beer garden ('external background music') shall take place only from 11.00 to 21.00 on any day)*

The CCTV system will be reviewed and upgraded. Areas to be address are the internal areas, external areas of the car park and the front of the premises. The improvements to the system to be in place prior to December 24th 2010 to the satisfaction of the Police Licensing Officer.

Please tick as appropriate

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

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.
The premises licence was submitted with a minor variation application 6 September 2023.

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

All staff who have direct dealings with customers shall be trained in the following:

- (i) Licensing law and in particular that relating to the sale of alcohol;
- (ii) The Challenge 21 policy;
- (iii) The premises licence and its conditions.

A record shall be kept of this training which will be refreshed no less than every 6 months and this record shall be available for inspection by the Licensing Authority or Police upon request.

b) The prevention of crime and disorder

An incidents will be kept and maintained at the premises and all incidents shall be recorded in it. As a minimum, the log will record the date and time of the incident, the name of the person making the entry, the nature of the incident and any actions taken.

c) Public safety

d) The prevention of public nuisance

The hours of use of the external area (beer garden) shall take place only from 10.00 to 23.00 Monday to Saturday and 11.00 to 22.00 on Sunday, to include Bank or Statutory Holidays and event days. (current permitted from 11.00 Monday to Saturday and 12.00 Sunday)

Whenever the premises is in use under this licence, the external doors and windows shall remain closed except for the immediate access and egress of the customers and staff during any regulated entertainment

When regulated entertainment is provided at the premises, noise checks will be conducted at the nearest noise sensitive property. A noise check log of these checks will be kept and maintained at the premises. As a minimum the log will record the date and time of the check, the name of the person making the check, the result of the check, and if appropriate any action taken. The log will be made available to an authorised officer upon request.

e) The protection of children from harm

A challenge 21 policy shall operate in the premises shall operate in the premises in relation to the sale of alcohol.

Checklist:


Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

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.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	25 October 2023
Capacity	Solicitor to applicant

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15) Amy King TLT Solicitors One Redcliff Street			
Post town	Bristol	Post code	BS1 6TP
Telephone number (if any)	0333 006 0472		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) amy.king@tlt.com			

Notes for Guidance

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.

1. 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 for the late night levy
2. 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 of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. 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:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - 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.

- 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.
 - 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.
 - 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:
 - 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.
 - 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.
 - 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.
 - 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:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - 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;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - 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.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 5. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 6. For example (but not exclusively), where the activity will occur on additional days during the summer months.

7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
8. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
9. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
10. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
11. Please list here steps you will take to promote all four licensing objectives together.
12. The application form must be signed.
13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
15. This is the address which we shall use to correspond with you about this application.

**Red Lion
41 The Green
Wooburn Green
HP10 0EU**

Proposed operating schedule

Sale of alcohol

Sunday: 11.00 – 23.00
Monday to Thursday: 10.00 – 23.00
Friday & Saturday: 10.00 – 01.00

Non-standard timings:

Easter Sunday: 11.00 – 00.00
Easter Monday: 10.00 – 00.00

Sunday preceding a bank holiday: 11.00 – 00.00

New Year's Eve: from the end of permitted hours New Year's Eve until the start of permitted hours New Year's Day.

St George's Day, St Patrick's Day, Christmas Eve and any other publicly declared holiday:
One additional hour

Late night refreshment

Friday and Saturday: 23.00 – 01.00

Non-standard timings:

Easter Sunday: 23.00 – 00.00
Easter Monday: 23.00 – 00.00

Sunday preceding a bank holiday: 23.00 – 00.00

New Year's Eve: 23.00 – 05.00

St George's Day, St Patrick's Day, Christmas Eve and any other publicly declared holiday:
Until 00.00 Sunday to Thursday, until 02.00 Friday and Saturday.

Recorded music & anything of a similar description

Sunday: 11.00 – 23.00
Monday to Thursday: 10.00- 23.00
Friday and Saturday: 10.00 – 01.00
Non Standard timings

Easter Sunday: 11.00 – 00.00
Easter Monday: 10.00 – 00.00

Sunday preceding a bank holiday: 11.00 – 00.00

New Year's Eve 10.00 - 00.30 New Year's Day.

St George's Day, St Patrick's Day, Christmas Eve and any other publicly declared holiday:
One additional hour

Live music:

Sunday: 11.00 – 23.00
Monday to Thursday: 10.00 – 23.00
Friday and Saturday: 10.00 – 23.00

Non Standard timings

Easter Sunday: 11.00 – 00.00
Easter Monday: 10.00 – 00.00

Sunday preceding a bank holiday: 11.00 – 00.00

New Year's Eve 10.00 - 00.30 New Year's Day.

Opening Hours

Sunday: 11.00 – 23.30
Monday to Thursday: 10.00 – 23.30
Friday & Saturday: 10.00 – 01.30

Non-standard timings:

Easter Sunday: 11.00 – 00.30
Easter Monday: 10.00 – 00.30

Sunday preceding a bank holiday: 11.00 – 00.30

New Year's Eve: from the end of permitted hours New Year's Eve until the start of permitted hours New Year's Day.

St George's Day, St Patrick's Day, Christmas Eve and any other publicly declared holiday:
One additional hour

Conditions

To remove:

SPN1: Entertainment shall be held within the envelope of the building only and no music or loudspeakers shall be provided to the external areas of the premises. *(this conflicts with condition SPN3: The house of use of the speakers in the beer garden ('external background music') shall take place only from 11.00 to 21.00 on any day)*

The CCTV system will be reviewed and upgraded. Areas to be address are the internal areas, external areas of the car park and the front of the premises. The improvements to the system to be in place prior to December 24th 2010 to the satisfaction of the Police Licensing Officer.

To amend:

Condition SPN2 to read as follows: The hours of use of the external area (beer garden) shall take place only from 10.00 to 23.00 Monday to Saturday and 11.00 to 22.00 on Sunday, to include Bank or Statutory Holidays and event days. (current permitted from 11.00 Monday to Saturday and 12.00 Sunday)

Condition PN8 to read as follows: Whenever the premises is in use under this licence, the external doors and windows shall remain closed except for the immediate access and egress of the customers and staff during any regulated entertainment. *(currently just for live music)*

To add:

All staff who have direct dealings with customers shall be trained in the following:

- (i) Licensing law and in particular that relating to the sale of alcohol;
- (ii) The Challenge 21 policy;
- (iii) The premises licence and its conditions.

A record shall be kept of this training which will be refreshed no less than every 6 months and this record shall be available for inspection by the Licensing Authority or Police upon request.

An incidents will be kept and maintained at the premises and all incidents shall be recorded in it. As a minimum, the log will record the date and time of the incident, the name of the person making the entry, the nature of the incident and any actions taken.

When regulated entertainment is provided at the premises, noise checks will be conducted at the nearest noise sensitive property. A noise check log of these checks will be kept and maintained at the premises. As a minimum the log will record the date and time of the check, the name of the person making the check, the result of the check, and if appropriate any action taken. The log will be made available to an authorised officer upon request.

A challenge 21 policy shall operate in the premises shall operate in the premises in relation to the sale of alcohol.

Appendix 3



Directorate for Communities

Licensing Services

The Gateway
Gatehouse Road
Aylesbury
HP19 8FF

Licensing@buckinghamshire.gov.uk

01296 585605

www.buckinghamshire.gov.uk

Premises Licence

Premises Licence Number PR101293 (PR202311-335914)
Date Issued 20 Nov 2023

Premises Details

Address - Location The Red Lion
41 The Green
Wooburn Green
Buckinghamshire
HP10 0EU

Telephone Number 01628 851338

Where the licence is time limited, the dates Not Applicable

Licensable Activities

Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities:

Opening Times

Monday: 11:00 - 23:00 Tuesday: 11:00 - 23:00 Wednesday: 11:00 - 23:00 Thursday: 11:00 - 23:00 Friday: 10:00 - 01:30 Saturday: 10:00 - 01:30 Sunday: 11:00 - 23:30

Non-Standard Timings:

Christmas Eve, Christmas Day, Boxing Day, New Year's Day, Spring & August Bank Holidays, Good Friday, Easter Saturday, Easter Sunday & Easter Monday, Proceeding & Preceding day before Bank Holiday. One extra hour St George's Day, St Patrick's Day one extra hour. Any other publicly declared holiday one extra hour

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

Alcohol is supplied for consumption both on and off the premises

Sale by Retail of Alcohol

Monday: 10:00 - 23:00 Tuesday: 10:00 - 23:00 Wednesday: 10:00 - 23:00 Thursday: 10:00 - 23:00 Friday: 10:00 - 01:00 Saturday: 10:00 - 01:00 Sunday: 11:00 - 23:00

Location: Both

Seasonal Variations: Not Applicable

Non-Standard Timings:

Easter Bank Holiday Weekend:-

Good Friday 12:00 - 01:00

Easter Saturday 10:00 - 01:00

Easter Sunday 11:00 - 00:00

Easter Monday 10:00 - 00:00

Bank Holiday Weekends:-

Friday - Saturday 11:00 - 01:00

Sunday 11:00 - 00:00

Christmas Day 11:00 - 23:30

New Year's Eve 11:00 - 00:00

New Year's Day 00:00 - 23:00

St George's Day, St. Patrick's Day, Christmas Eve an additional hour

Statutory Holidays an additional hour

Provision of Late Night Refreshment

Friday: 23:00 - 01:00 Saturday: 23:00 - 01:00

Location: Indoor

Seasonal Variations: Not Applicable

Non-Standard Timings:

Easter Bank Holiday Weekend:-

Good Friday 23:00 - 01:00

Easter Saturday 23:00 - 01:00

Easter Sunday & Easter Monday 23:00 - 00:00

Bank Holiday Weekends:-

Friday - Saturday 23:00 - 01:00

Sunday - Monday 23:00 - 00:00

Christmas Day 23:00 - 23:30

New Year's Eve 23:00 - 00:00

St George's Day , St. Patrick's, Christmas Eve an additional hour
Statutory Holidays an additional hour

Live Music

Monday: 10:00 - 23:00 Tuesday: 10:00 - 23:00 Wednesday: 10:00 - 23:00 Thursday: 10:00 - 23:00 Friday: 10:00 - 23:00 Saturday: 10:00 - 23:00 Sunday: 10:00 - 23:00

Location: Indoor

Seasonal Variations: Not Applicable

Non-Standard Timings:

Good Friday, St George's Day, St. Patrick's Day 18:00 - 00:00

Christmas Eve, Christmas, Boxing Day 18:00 - 00:00

New Year's Day 18:00 - 00:00

Good Friday, Easter Saturday, Sunday, & Monday 18:00 - 00:00

Bank Holiday weekends:-

Friday - Monday 18:00 - 00:00

Statutory Holidays 18:00 - 00:00

Recorded Music

Monday: 10:00 - 23:00 Tuesday: 10:00 - 23:00 Wednesday: 10:00 - 23:00 Thursday: 10:00 - 23:00 Friday: 10:00 - 23:00 Saturday: 10:00 - 23:00 Sunday: 10:00 - 23:00

Location: Indoor

Seasonal Variations: Not Applicable

Non-Standard Timings:

Good Friday, St George's Day, St. Patrick's Day 18:00 - 00:00

Christmas Eve, Christmas, Boxing Day 18:00 - 00:00

New Year's Day 18:00 - 00:00

Good Friday, Easter Saturday, Sunday, & Monday 18:00 - 00:00

Bank Holiday weekends:-

Friday - Monday 18:00 - 00:00

Statutory Holidays 18:00 - 00:00

Other Entertainment Involving Music or Dance

Monday: 10:00 - 23:00 Tuesday: 10:00 - 23:00 Wednesday: 10:00 - 23:00 Thursday: 10:00 - 23:00 Friday: 10:00 - 23:00 Saturday: 10:00 - 23:00 Sunday: 10:00 - 23:00

Location: Indoor

Seasonal Variations: Not Applicable

Non-Standard Timings:

Good Friday, St George's Day, St. Patrick's Day 18:00 - 00:00

Christmas Eve, Christmas, Boxing Day 18:00 - 00:00

New Year's Day 18:00 - 00:00

Good Friday, Easter Saturday, Sunday, & Monday 18:00 - 00:00

Bank Holiday weekends:-

Friday - Monday 18:00 - 00:00

Statutory Holidays 18:00 - 00:00

Licence Holder

Name: Greene King Brewing & Retailing Ltd

Address: Westgate Brewery, Bury St Edmunds, Suffolk, IP33 1QT

Telephone Number: 01284 763222

Email Address: licensing@greeneking.co.uk

Company No: 3298903

Designated Premises Supervisor

Name: Ana Margarida Carvalho

Address: Flat 71, Prince of Wales, Horspath Road, Oxford, OX4 2QW

Telephone Number: Not Stated

Email Address: Not Stated

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

Personal Licence Number: EDVE2102

Issuing Council: East Devon District Council



Lindsey Vallis

Transport Service Director

Annex 1 – Mandatory Conditions

The following conditions apply to all premises licences under the circumstances described, with the exception of community premises which are subject to the alternative licence condition. These following conditions are in addition to any conditions shown on the licence under Annex 2 and Annex 3.

Premises licences authorising the sale or supply of alcohol

Conditions 3, 4 and 6 do not apply to premises only licensed for consumption of alcohol “off” the premises.

Condition 1

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.

Condition 2

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

Condition 3

(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).

Condition 4

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

Condition 5

(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 licences 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.

Condition 6

The responsible person shall 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; and

(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.

Condition 7

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.

a. 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.

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.

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.

If the premises licence allows exhibition of films

Condition 8

Where a premises licence authorises the exhibition of film, the admission of children under the age of 18 to film exhibitions permitted under the terms of this licence shall be restricted in accordance with any recommendations made by:

- (a) The British Board of Film Classification (BBFC), where the film has been classified by that Board or
- (b) The Licensing Authority where no classification certificate has been granted by the BBFC, or, where the Licensing Authority has notified the licence holder that section 20 (3) (b) applies to the film in question and the admission of children must be in accordance with any recommendation made by the Licensing Authority.

If the premises licence has conditions in respect of door supervisors

Condition 9

1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:

- (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
- (b) be entitled to carry out that activity by virtue of section 4 of the Act.

2. But nothing in subsection (1) requires such a condition to be imposed:

- (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films); or
- (b) in respect of premises in relation to:
 - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
 - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

3. For the purposes of this section:

- (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and, which is licensable conduct for the purposes of that Act, (see Section 3(2) of that Act) and
- (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Annex 2 - Conditions consistent with the operating schedule

General licensing objectives

None

The prevention of crime and disorder

None

The prevention of public nuisance

Noise conditions

- PN8: Whenever the premises are in use under this licence, the external doors and windows shall remain closed except for the immediate access and egress of the customers and staff during any live performance
- PN12: No alteration or modification to any existing sound system (s) should be effected without the prior knowledge of an authorised officer of the Environmental Health Authority

Special Noise Conditions

- SPN1: Entertainment shall be held within the envelope of the building only and no music or loudspeakers shall be provided to external areas of the premises
- SPN2: The hours of use of the external area (beer garden) shall take place only from 11:00 to 23:00 Monday to Saturday and 12:00 to 22:00 on Sunday, to include Bank or Statutory Holidays and Event Days
- SPN3: The hours of use of the speakers in the beer garden ("external background music") shall take place only from 11:00 to 21:00 on any day

Outdoors Events

- PN18: Prominent, clear, legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly
- PN19: All reasonable steps shall be taken to ensure that people entering or leaving the premises do so in an orderly manner and do not in any way cause annoyance to residents and people passing by the premises

- PN21: The placing of refuse into receptacles such as bottles only take place between the hours of 07:00 and 20:00

Noxious Smells

- PN22: The premises shall be properly ventilated and noxious smells shall not be permitted to emanate from the premises so as to cause a nuisance to nearby properties

Public safety

None

The protection of children from harm

- All persons under 16 shall be accompanied by a responsible adult at all times

Annex 3 - Conditions attached after a hearing by the licensing authority

Prevention of Crime & Disorder

- The CCTV system will be reviewed and upgraded. Areas to be addressed are internal areas, external areas of the car park and the front of the premises. The improvements to the system to be in place prior to December 24th 2010 to the satisfaction of the Police Licensing Officer
- The recordings from the CCTV system shall be retained for a period of at least 28 days. Recordings shall immediately be made available to an authorised officer of the Licensing Authority, a Police Officer or Police Licensing Officer together with facilities for viewing. The digital recording system shall include the facility to provide an investigating officer with evidence on a removable media format that can be easily retrieved
- Outside of normal opening hours, a risk assessment will be carried out by the management of the premises for any late night events i.e. sporting or music events to ascertain if Door Supervisors are required. Where identified SIA registered Door Supervisors will be on duty during the 'late night events'. Risk assessments to be documented and made available for inspection by authorised officers.

Prevention of Public Nuisance

- No admissions or re-entry after Midnight of Friday and Saturdays save for those using the specified smoking area
- Regular monitoring of the car park to take place by the management and log shall be kept of the date and time
- Advice from the Council's Control of Pollution Unit will be sought about mitigation of noise



Directorate for Communities

Licensing Services

The Gateway
Gatehouse Road
Aylesbury
HP19 8FF

Licensing@buckinghamshire.gov.uk
01296 585605
www.buckinghamshire.gov.uk

Premises Licence Summary

Premises Licence Number PR101293 (PR202311-335914)
Date Issued 20 Nov 2023

Premises Details

Address - Location The Red Lion
41 The Green
Wooburn Green
Buckinghamshire
HP10 0EU
Telephone Number 01628 851338
Where the licence is time limited, the dates Not Applicable

Licensable Activities

Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities:

Opening Times

Monday: 10:00 - 23:30 Tuesday: 10:00 - 23:30 Wednesday: 10:00 - 23:30 Thursday: 10:00 - 23:30 Friday: 10:00 - 01:30 Saturday: 10:00 - 01:30 Sunday: 11:00 - 23:30

Non-Standard Timings:

Christmas Eve, Christmas Day, Boxing Day, New Year's Day, Spring & August Bank Holidays, Good Friday, Easter Saturday, Easter Sunday & Easter Monday, Proceeding & Preceding day before Bank Holiday. One extra hour St George's Day, St Patrick's Day one extra hour. Any other publicly declared holiday one extra hour

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

Alcohol is supplied for consumption both on and off the premises

Sale by Retail of Alcohol

Monday: 10:00 - 23:00 Tuesday: 10:00 - 23:00 Wednesday: 10:00 - 23:00 Thursday: 10:00 - 23:00 Friday: 10:00 - 01:00 Saturday: 10:00 - 01:00 Sunday: 11:00 - 23:00

Location: Both

Seasonal Variations: Not Applicable

Non-Standard Timings:

Easter Bank Holiday Weekend:-

Good Friday 12:00 - 01:00

Easter Saturday 10:00 - 01:00

Easter Sunday 11:00 - 00:00

Easter Monday 10:00 - 00:00

Bank Holiday Weekends:-

Friday - Saturday 11:00 - 01:00

Sunday 11:00 - 00:00

Christmas Day 11:00 - 23:30

New Year's Eve 11:00 - 00:00

New Year's Day 00:00 - 23:00

St George's Day, St. Patrick's Day, Christmas Eve an additional hour

Statutory Holidays an additional hour

Provision of Late Night Refreshment

Friday: 23:00 - 01:00 Saturday: 23:00 - 01:00

Location: Indoor

Seasonal Variations: Not Applicable

Non-Standard Timings:

Easter Bank Holiday Weekend:-

Good Friday 23:00 - 01:00

Easter Saturday 23:00 - 01:00

Easter Sunday & Easter Monday 23:00 - 00:00

Bank Holiday Weekends:-

Friday - Saturday 23:00 - 01:00

Sunday - Monday 23:00 - 00:00

Christmas Day 23:00 - 23:30

New Year's Eve 23:00 - 00:00

St George's Day , St. Patrick's, Christmas Eve an additional hour

Statutory Holidays an additional hour

Live Music

Monday: 10:00 - 23:00 Tuesday: 10:00 - 23:00 Wednesday: 10:00 - 23:00 Thursday: 10:00 - 23:00 Friday: 10:00 - 23:00 Saturday: 10:00 - 23:00 Sunday: 10:00 - 23:00

Location: Indoor

Seasonal Variations: Not Applicable

Non-Standard Timings:

Good Friday, St George's Day, St. Patrick's Day 18:00 - 00:00

Christmas Eve, Christmas, Boxing Day 18:00 - 00:00

New Year's Day 18:00 - 00:00

Good Friday, Easter Saturday, Sunday, & Monday 18:00 - 00:00

Bank Holiday weekends:-

Friday - Monday 18:00 - 00:00

Statutory Holidays 18:00 - 00:00

Recorded Music

Monday: 10:00 - 23:00 Tuesday: 10:00 - 23:00 Wednesday: 10:00 - 23:00 Thursday: 10:00 - 23:00 Friday: 10:00 - 23:00 Saturday: 10:00 - 23:00 Sunday: 10:00 - 23:00

Location: Indoor

Seasonal Variations: Not Applicable

Non-Standard Timings:

Good Friday, St George's Day, St. Patrick's Day 18:00 - 00:00

Christmas Eve, Christmas, Boxing Day 18:00 - 00:00

New Year's Day 18:00 - 00:00

Good Friday, Easter Saturday, Sunday, & Monday 18:00 - 00:00

Bank Holiday weekends:-

Friday - Monday 18:00 - 00:00

Statutory Holidays 18:00 - 00:00

Other Entertainment Involving Music or Dance

Monday: 10:00 - 23:00 Tuesday: 10:00 - 23:00 Wednesday: 10:00 - 23:00 Thursday: 10:00 - 23:00 Friday: 10:00 - 23:00 Saturday: 10:00 - 23:00 Sunday: 10:00 - 23:00

Location: Indoor

Seasonal Variations: Not Applicable

Non-Standard Timings:

Good Friday, St George's Day, St. Patrick's Day 18:00 - 00:00

Christmas Eve, Christmas, Boxing Day 18:00 - 00:00

New Year's Day 18:00 - 00:00

Good Friday, Easter Saturday, Sunday, & Monday 18:00 - 00:00

Bank Holiday weekends:-
Friday - Monday 18:00 - 00:00
Statutory Holidays 18:00 - 00:00

Licence Holder

Name: Greene King Brewing & Retailing Ltd
Address: Westgate Brewery, Bury St Edmunds, Suffolk, IP33 1QT
Telephone Number: 01284 763222
Email Address: Not Stated
Company No: 3298903

Designated Premises Supervisor

Name: Ana Margarida Carvalho

State whether the access to the premises by children is restricted or prohibited

Not Applicable

Appendix 4

[EXTERNAL] TVP Application Response - Full Variation for Red Lion, 41 The Green,
Wooburn Green, HP10 0EU: NO OBJECTION

Thu 23/11/2023 09:20

Dean, Andy (C2915) <andy.dean@thamesvalley.police.uk>

On 27/10/2023, we received a Full Variation application relating to Red Lion, 41 The Green,
Wooburn Green, HP10 0EU

=====
Remove old timings specifically around Non-standard ones. Change wording to conditions
and to add other conditions to bring the licence up to date

=====
Based on the supplied information, the Thames Valley Police response is: *** NO
OBJECTION ***

Andy

Andy Dean C2915 - Licensing Officer (Wycombe & South Oxfordshire);
[Address](#) – Police Station, Queen Victoria Road, High Wycombe, Bucks HP11 1BE;
[Telephone](#) - (Ext) 01865 309275, (int) 312 6077 (mobile); 07970 145 565
[Headquarters](#) – licensing@thamesvalley.police.uk
(Hours – Mon – Thurs 0700 – 1500, Fri 0700 – 14.30)
NOT RESTRICTED;

Licensed premises incident form; - [GEN 40](#)

For Further information on licensing; - [Alcohol Licensing Operational Guidance](#)
New NTE Guidelines Published; see - [Night Time Economy Operational Guidance](#)
Test Purchasing Operational guidance; - [Test Purchasing Operational Guidance](#)
Op Makesafe Operational Guidance ; - [Op Makesafe Operational Guidance](#)



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BUCKINGHAMSHIRE COUNCIL

MEMO

To: Licensing Services

From:

Catriona Crelling

Tel Ext: 5875

Date 20.11.23

Ref: PR202310-334404

Ref: PR202310-334404

**Application to Vary a Premises Licence
The Red Lion, 41 The Green, Wooburn Green, HP10 0EU**

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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	<p style="text-align: center;">STRATEGIC ENVIRONMENTAL PROTECTION TEAM</p> <p style="text-align: center;">Directorate for Planning, Growth and Sustainability</p>
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<p>To: The Licensing Authority</p>	<p>From: Environmental Protection, Reactive Team</p>
<p>Subject : Application to vary premises license, The Red Lion 41 The Green Wooburn Green Buckinghamshire HP10 0EU</p>	<p>Date: 2nd November 2023</p>

Thank you for consulting Environmental Health in relation to this major variation to a Premises License application.

Although the major variation does give some cause for concern in regard to supporting the licensing objectives. The inclusion of the proposed conditions on the application would satisfy the immediate concern. These conditions should therefore be fully adopted, implement and then maintained by the premises license holder.

There is no objection in relation to this application at the time.

Stuart Goodbun

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Appendix 7

Interested Parties

Sara Lawani

Tue 28/11/2023 20:46

Dear Sir /Madam

I am writing in response to the sign put up by The Red Lion pub in Wooburn.

I own a house very close to the pub and am horrified by the extended hours suggested. This will be a massive regular disturbance to people who live nearby. The music, the noise created in outside areas and also people returning to cars parked near houses in the early hours will greatly affect our sleep and quality of life. This is a conservation area. We have limits on changes that we can make to our homes and gardens, so how can these changes be allowed in a village pub? There is already a sports bar in another pub on the green. Extending the hours in The Red Lion would affect the sale of our houses and therefore the value of our homes. I very strongly disagree with the times suggested. We are already in a situation where Wooburn Green is struggling with all the traffic due to housing being built in the area and I think we need to really consider what is happening to this beautiful conservation area. I do appreciate that the new owners of the pub are making it into a friendly place for locals to go but surely we don't need those extended hours which will have a major impact on all their neighbours.

Yours faithfully

Sara Lawani

Wendy Pearce

Tue 21/11/2023 12:02

Dear Sir/Madam, I am writing to you regarding the licensing hours proposed for by the above public house, I want to say that I strongly object. I live opposite this pub & have had reason to complain several times regarding loud noise, music playing, unreasonable behaviour (drunkenness, fighting, cars being revved late at night) I don't understand why it was given permission for a sports bar anyway as there is one already across the green. There are houses surrounding this pub & are mostly elderly people & young families (as much of Wooburn Green residents are) it is a lovely country area & does not need this type of clientele that will be attracted by late nights & live music (there is also a pub across the green that plays live music).

Also this pub is known for being a place that travellers frequent, there has been several incidences where the police have been called (one time armed police) it does not need to be open for longer than legal hours. I have had to need complain several times, Carl Griffin Environmental Protection Officer Bucks Council regarding the noise which could be heard

from my lounge & bedroom, stopping me from sleeping, even this last Friday 17th November it was still open at 12pm & was noisy.

This village does not need a nightclub, just a nice country pub with good food & a good manager (this pub has had many different managers) please do not allow these hours at all for the sake of all the local residents. Thank you. Regards Wendy Pearce

Bill Morgan

Sunday, November 19, 2023 2:01 PM

Hi Folks

We object to a number of aspects of the proposed variation to the premises licence for the Red Lion in Wooburn Green.

1) Late Night Opening on New Years Eve until 5am is singularly inappropriate for a local pub in a small village on the grounds of noise, rowdiness and potential vandalism. Given the nature of New Years Eve (to celebrate the arrival of the new year) a 1am closure (at the latest) whilst not desirable could be tolerated.

2) Late night opening on the MANY other requested days (in excess of 10) should be limited to 12 midnight

3) A Music licence until 12:30am is again unacceptable for similar reasons stated above and there are no limitations proposed for the maximum decibel level that will apply to mitigate the noise. An 11pm limit should applied in this situation.

A general observation is that Wooburn Green village lies in the Wye Valley which means that noise from people and music is contained in the valley floor so travelling north south and affecting properties along the valley floor. This proposal also risks inviting many (potentially undesirables including drug dealers) people from outside the area, who will have no concern for the normal peaceful village environment and may well place a significant added burden on the already stretched Thames Valley Police as a result.

We have no objection to the Red Lion, as an important part of village life, extending the range of it current offering but the not where this disruption causes an anti social backlash.

We hope you will take these remarks in considering this application.

rgds

bill morgan and karen jones

[Public Register Site Guest User](#) Open Public Register Site Guest User Preview , 16/11/2023
15:28

Andrew Jackson

I wish to object to the proposed application to change existing conditions on the licence and particularly to proposition to:

'To remove the following conditions:

SPN1: Entertainment shall be held within the envelope of the building only and no music or loudspeakers shall be provided to the external areas of the premises. (this conflicts with condition SPN3: The house of use of the speakers in the beer garden ('external background music') shall take place only from 11.00 to 21.00 on any day)' as it does not in fact conflict with condition SPN3 since it is only background music which should be allowed in the beer garden to prevent excessive noise and disturbance, especially to local residents (and entertainment noise e.g. from live or recorded performances/music/sound from within the building taking place indoors should not be transmitted through to the speakers in the beer garden/outdoors at any point) and ask that it remain in place with its current conditions of 'Special Noise Conditions

- SPN1: Entertainment shall be held within the envelope of the building only and no music or loudspeakers shall be provided to external areas of the premises
- SPN2: The hours of use of the external area (beer garden) shall take place only from 11:00 to 23:00 Monday to Saturday and 12:00 to 22:00 on Sunday, to include Bank or Statutory Holidays and Event Days
- SPN3: The hours of use of the speakers in the beer garden ("external background music") shall take place only from 11:00 to 21:00 on any day'

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, 23/11/2023 11:32

William Dempster

The smoking area come beer garden is within a residential area and is completely open to be overlooked and heard by a number of local residents. Since reopening there has been no regard for the current licensing rules with customers shouting, swearing and drinking till well past midnight. With this lack off concern for local residents it would appear that the extension off opening hours would make the area unbearable to live in for the children, old people and residents alike. Please refuse this application

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19:56

Cllr Stuart Wilson

I would like to object to the removal of SPN3. The external areas are situated in a Conservation Area and is surrounded by residential dwellings. Background music is not required after 9pm for those dining.

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Further to my previous comment, I would wish to object to the removal of SPN1 and SPN3, as well as the amendment to SPN2. This is a Conservation Area and a residential area, so every effort should be made to avoid public nuisance. To this end, I would advocate a requirement for a member of staff to be supervising noise levels from external areas, doors and windows after 9pm.

[Public Register Site Guest User](#)Open Public Register Site Guest User Preview , 29/11/2023 10:29

Mike Balbini, Parish Council

The W&BEPC objects to the removal of SPN1: Entertainment shall be held within the envelope of the building only, and object to SPN3: The house of use of speakers in the beer garden (external background music) shall take place only from 11:00 to 21:00 on any day