

# **LICENSING ACT 2003**

Sections 51 & 52 Licensing Act 2003

## **NOTIFICATION OF DECISION FOLLOWING REVIEW OF A PREMISES LICENCE WHERE A VALID APPLICATION FOR REVIEW HAS BEEN MADE**

**PREMISES:** Anatolia Food Centre, 51 - 52 Oxford Street, High Wycombe, HP11 2DJ

### **To:**

The Applicant: The Chief Constable of Thames Valley Police  
Any Persons who made Relevant Representations  
Any Responsible Authority who made Relevant Representations  
The Chief Constable of Thames Valley Police

### **Take Notice**

**THAT** following a review hearing of the Licensing Sub-Committee

**ON 10<sup>th</sup> December 2020**

**BUCKINGHAMSHIRE COUNCIL** as the Licensing Authority for the Premises

**RESOLVED TO MODIFY THE CONDITIONS OF THE PREMISES LICENCE.**

**THE PREMISES LICENCE IS MODIFIED TO TAKE EFFECT FROM (WITH THE INSERTION OF ADDITIONAL CONDITIONS AS SET OUT IN SCHEDULE 3) THE END OF THE PERIOD GIVEN FOR APPEALING THIS DECISION OR IF THE DECISION IS APPEALED AGAINST, THE DATE THE APPEAL IS DISPOSED OF.**

### **SCHEDULE 1**

**Mandatory Conditions contained on an existing Premises Licence**

### **SCHEDULE 2**

**Conditions contained on existing Premises Licence**

### **SCHEDULE 3**

**Conditions necessary to promote the Licensing objectives and agreed in response to a review of the Premises Licence**

### **The Prevention of Crime and Disorder**

The Premises Licence Holder shall ensure that all staff involved in the selling of alcohol based products will be trained with regards to the Licensing Act 2003 minimally covering topics of

underage sales, labelling of alcohol, storage of tobacco products, refusals of service, the completion of the Refusals/Incident log and conditions of the licence. Evidence that initial training has been carried out will be supplied to the Licensing Authority and Thames Valley Police within six weeks of the date of this notice. All subsequent training will be recorded in written records and will be provided for inspection upon request from a Police Officer or an Officer of a Relevant Authority.

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

It was noted that the Licensing Authority had made no representations and were not a party to the proceedings. Further that there had been no other representations from relevant authorities or interested parties.

The Licensing Authority's decision to issue a final warning to the Licence Holder in October 2020 was entirely separate to the application for review submitted by Thames Valley Police who had acted on their own intelligence.

Nonetheless, the Applicant had failed to amplify on such evidence in the application to review the licence and as such the Panel could only consider the following three breaches of the current licence conditions witnessed during the inspection on 6<sup>th</sup> October:

1. Alcohol was on display and available for retail sale without bearing a label bearing the premises name.
2. Tobacco products were stored under the counter.
3. The member of staff on duty was unable to operate the CCTV.

The Licence Holder's representative confirmed that the issues with labelling and CCTV had now been rectified. It was also noted that the CCTV had been provided to the Licensing Officer within 24 hours of request. Parties had clarified during the hearing that there was no indication that the tobacco was foreign as previously indicated in the application for review.

The Licence Holder's legal representative further confirmed that the Licence Holder had arranged for staff training to be undertaken within the next six weeks and indeed the appointed Licensing Consultant, present at the hearing, was also going to be engaged in this process. It was understood that training could be undertaken online and therefore would not be impacted by COVID-19 restrictions. The Panel agreed with the representative's suggestion that such training be included as a condition.

The Panel noted that the Licence Holder was aware of the conditions added to the premises licence following the review hearing in June 2019 as these were detailed in the resulting Decision Notice issued on 20 June 2019 and the Licence Holder's Consultant was also present at that hearing. Nonetheless, the Panel accepted that whilst the Licence Holder had requested a copy of the current licence in March 2020, this was not provided until October 2020.

The Panel considered that these breaches were relatively minor and, given that steps had now been taken to remedy the same it would be disproportionate to revoke or suspend the

licence. It did appear to the Panel that the Licence Holder had taken notes of issues previously raised and was taking steps to ensure that the licensing objectives were not being undermined. Nonetheless, given the previous suspension it was considered that the Licence Holder should have taken particular care to ensure that all conditions were complied. Should any future breaches be discovered, this would seriously undermine the Licensing Authority's confidence in the Licensing Holder to uphold the licensing objectives. The Licence Holder was an experienced licensee and historically was aware of issues raised in respect of his licence. It was noted that the Licence Holder wanted to work with the police and the Licensing Authority in promoting the licensing objective of the prevention of crime and disorder.

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

The Panel has taken into account the relevant provisions of the Human Rights Act 1998, namely:

- Article 6 – the right to a fair hearing
- Article 8 – respect for private and family life
- Article 1, First Protocol – peaceful enjoyment of possessions.

The Panel considered that in all the circumstances the existing and proposed conditions offered by the applicant were sufficient to promote the licensing objectives of the prevention of public nuisance, the prevention of crime and disorder, public safety and the protection of children from harm.

## **INFORMATIVE**

**The Panel commented that any further breaches of the Licensing Act by the Licence Holder shall be given serious consideration and any further review of the licence may result in the revocation of the premises licence.**

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

Clerk to the Licensing Sub-Committee

Date: