

Agenda Item No: 5

SUBJECT:	APPLICATION FOR A VARIATION OF A PREMISES LICENCE at: No 2 Pound Street, Pound Street, Wendover, Buckinghamshire, HP22 6EJ
Report Author	Kerryann Ashton – Licensing Officer
Ward/s Affected	Wendover, Halton & Stoke Mandeville

1. Purpose of Report

To provide Members with information enabling the determination of an application for a variation to the premises licence, in respect of which relevant representations have been received. The application has been submitted by **The Wendover Wine & Food Trading Co Ltd** (“the applicant”) in respect of **No 2 Pound Street, Pound Street, Wendover, Buckinghamshire, HP22 6EJ** (“the premises”).

2. Background

- 2.1 The premises is located in Wendover High Street in a parade next door to a Tapas restaurant. There is a mix of residential and commercial properties in the immediate area. The premises are not located within a cumulative impact policy area.
- 2.2 A location plan showing the premises is attached to this report marked **Appendix 1**. The current layout plan is attached as **Appendix 2**.
- 2.3 The premises currently have the benefit of a premises licence permitting the sale of alcohol for consumption both on and off the premises. The licence was granted under delegated authority on 4 June 2010 there being no objections. A copy of the current licence is attached as **Appendix 3**.

3. The Application

- 3.1 This application is for the variation of the current premises licence to take immediate effect. A copy of the application is attached as **Appendix 4**.
- 3.2 The variations sought are as follows:

To include the barn as part of the licensed area. An additional hour at the start of the session every day for the sale of alcohol for the whole of the licensed area. To add the provision of films, recorded music and the provision of late night refreshment.

<u>Current activities and hours</u>	<u>Proposed activities and hours</u>	<u>Effect of Variation</u>
<p>Supply of alcohol (On and off the premises)</p> <p>Standard days and timings: Monday to Thursday 10.00 – 23.00 Friday to Saturday 10.00 – 00.00 Sunday 10.00 – 22.00</p> <p>Seasonal variations: None Non-Standard timings: None</p>	<p>Supply of alcohol (On and off the premises)</p> <p>Standard days and timings: Monday to Thursday 09.00 – 23.00 Friday to Saturday 09.00 – 00.00 Sunday 09.00 – 22.00</p> <p>Seasonal variations: None Non-Standard timings: None</p>	<p>Additional hours at the start and end of the session and new area</p>
<p>Films</p>	<p>Films (Indoors only)</p> <p>Further details: Monday to Thursday 09.00 – 23.00 Friday to Saturday 09.00 – 00.00 Sunday 09.00 – 22.00</p> <p>Standard days and timings: None</p> <p>Seasonal variations: None</p> <p>Non-Standard timings: None</p>	<p><i>New activity</i></p>
<p>Recorded Music (Indoors only)</p> <p>Monday to Thursday 10.00 – 23.00 Friday to Saturday 10.00 – 00.00 Sunday 10.00 – 22.00</p> <p>Standard days and timings: None</p> <p>Seasonal variations: None</p> <p>Non-Standard timings: None</p>	<p>Recorded Music (Indoors only)</p> <p>Monday to Thursday 09.00 – 23.00 Friday to Saturday 09.00 – 00.00 Sunday 09.00 – 22.00</p> <p>Standard days and timings: None</p> <p>Seasonal variations: None</p> <p>Non-Standard timings: None</p>	<p><i>Additional hours at the start and end of the session and new area</i></p>
<p>Late Night Refreshment</p>	<p>Late Night Refreshment (Indoors only)</p> <p>Friday to Saturday 23.00 – 00.00</p>	<p><i>New activity</i></p>

	Standard days and timings: N/A Seasonal variations: None Non-Standard timings: None	
Hours premises are open to the public Not stated	Hours premises are open to the public Monday to Thursday 09.00 – 23.00 Friday to Saturday 09.00 – 00.00 Sunday 09.00 – 22.00 Seasonal variations: None Non-Standard timings: None	

3.3 The applicant is seeking to add the following conditions to his current operating schedule (as shown on Appendix 3 – Application form)

Annex 2 –Conditions consistent with the operating schedule

General – all four licensing objectives

There will be good staff training to insure that all staff are confident when managing the training area.

The new space to be licensed will accommodate circa 10 people maximum. It is a small space principally for tasting and educational purposes.

The prevention of crime and disorder Using social media and pub watch schemes CCTV signs to be prominent.

Ensuring that there are sufficient staff checking areas Keeping a record of any incidents (sales of alcohol refused) with notes of any action taken.

Good relations with local Police neighbourhood watch.

Public safety

Complete Fire risk assessment and training of staff by competent person. The business is primarily a training room for cheese (Academy of Cheese)

Additionally the room will be used for wine training, tasting and training sessions. The average age of our customers is 35-40 years old. We also have staff trained in first aid, food hygiene etc.

The prevention of public nuisance

All licensable activities are kept within the stated times.

Windows will be closed to limit noise additionally double glazing and heavily insulated walls as per planning officer.

Guests are asked to consider the neighbours whilst leaving the building.

No drinking is allowed outside the barn area of the property.

The protection of children from harm

Children will only be allowed accompanied with an adult as per licensing act. Staff will constantly be monitoring the room.

Staff are made aware to report any concerns immediately - children at risk etc.

3.4 The applicant has also provided some additional information about the premises which is attached as Appendix 5

3.5 The variation also seeks to change the layout plan of the premises. The amended plan is attached as Appendix 6.

4. Relevant Representations

4.1 Responsible Authorities:

4.1.1 The Chief Officer of Police: No objection

4.1.2 Environmental Health Department: No objection

4.1.3 Licensing Authority: Response received: No objection

4.1.4 No responses were received from any other Responsible Authority.

4.2 **Other persons:** Three valid objections were received during the 28 day consultation period which ended on the 6 May 2021. A report showing the representations is attached marked Appendix 7.

4.2 No letters of support were received during the consultation period.

5. Licensing Officer's Observations:

5.1 The Relevant Representation from other parties mainly raises the follows issues:

- The prevention of public nuisance
- The Prevention of crime and disorder

6. Policy Considerations

6.1 Regard must be had to the Council's adopted Licensing Policy published November 2015 is section 4.7, which details the Council's approach to licensing hours. Shops, stores and supermarkets should normally be free to provide sales of alcohol for 2015 when determining this application. Of particular relevance consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, for restricting those hours.

The Council's licensing policy also recognises the importance of respecting residents' right to peace and quiet (paragraph 4.3) and will apply a stricter approach to licensing hours in areas of higher residential density (paragraph 4.4.).

Also under public nuisance regard must also be had to section 7 in particular section 7.25 the steps 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. Also the steps taken or proposed to be taken by the Applicant to ensure customers leave the premises quietly.

- 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. Of particular relevance are section 9 which refers to determining applications and section 10 regarding conditions attached to premises licences and in particular paragraphs 10.13 to 10.15 regarding hours of trading relating to shops.

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.

- 2.17 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.
- 2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

7. Links to Council Policy Objectives

- 7.1 Licensing contributes to the Council's key priorities of strengthening communities by enabling more leisure opportunities. Appropriate use of licensing controls helps protect the vulnerable by ensuring only well run premises that promote the protection of children from harm are permitted to provide licensable activities. Efficient and effective application of licensing arrangements helps promote prosperity by ensuring interventions are targeted to problem areas, while compliant business are encouraged to flourish. In

addition, licensed operators provide good employment opportunities for local residents and encourage tourism.

- 7.2 The Council's Licensing Policy helps achieve the Community Plan objectives of reducing crime and fear of crime, a prosperous place to live and work and a pleasant and healthy environment.

8. Resources, Risk and Other Implications

- 8.1 **Resource:** The only resource implications to date have been officer time however if the applicant or persons making relevant representations appeal against the decision of the Licensing Sub – Committee this would result in legal fees to defend the appeal and further costs. In the event of a successful appeal the Council may also have to pay the applicant/other party's costs.
- 8.2 **Human Rights:** The Licensing Sub - Committee's decision regarding this application will have Human Rights implications in respect of both the Applicant and the persons making relevant representations which also need to be considered equally and fairly so that the decision is proportionate and the right balance is met. The referral of this matter to the Sub - Committee is laid down in the Licensing Act 2003, as amended and is also in accordance with Article 6 of the Human Rights Act 1998, the right to a fair hearing, which is an absolute right. The Applicant and the persons making relevant representations have been notified of the Hearing and invited to make representations. A statutory right of appeal to the Magistrates Court and the right (if it arises) to challenge the Sub-Committee's decision by way of Judicial Review to the High Court also ensure a fair hearing to both the Applicant and the persons making relevant representations.
- 8.3 Article 8 and Article 1 of the First Protocol - the right to respect for private/family life and peaceful enjoyment of property/possessions (including Licences) - also need to be considered. The persons making relevant representations have a right to respect for their private and family life and their home. They are entitled not to be disturbed by unreasonable noise and/or nuisance. However, this is a qualified right and has to be balanced against the rights of others including the rights of businesses in the area to operate.
- 8.4 Article 14 of the Human Rights Act 1998 - the right to freedom from discrimination, which is an absolute right – also needs to be considered. The human rights provided under the Human Rights Act 1998 must not be subject to discrimination under various headings, including race, national or social origins, association with a national minority group, or other status.
- 8.5 Interference with these rights is acceptable within the terms of the Human Rights Act 1998 if it safeguards the rights of others, is legitimate, proportionate and balanced in that there is a need to find a fair balance between the protection of individual rights and the interests of the community at large – other than rights under Article 6 and 14 which are absolute rights and cannot be interfered with.
- 8.6 Therefore if Members refuse to grant the application to vary the Premises Licence in whole or part or grant it subject to Conditions this will be a breach of the rights of the Applicant unless such refusal (in full or part) is and/or the Conditions imposed are appropriate, proportionate and can be justified, on balance, by being outweighed by the

rights of the community at large to peaceful enjoyment of their property/possessions. Any restriction placed upon the Premises Licence must not go beyond what is strictly necessary to achieve its legitimate purpose in order to mitigate the interference with the community at large's enjoyment of their property/possessions.

- 8.7 By taking into consideration all the material considerations relating to this application and balancing the interests/rights of all parties involved it is considered that the Licensing Sub-Committee's decision will be both proportionate and justified having had regard to the Human Rights Act 1998.
- 8.8 The Equality Act 2010, including the Council's Public Sector Equality Duty, must be taken into account when making decisions in relation to licensing applications.

9. Determination by the Licensing Sub-Committee

- 9.1 The Sub Committee is obliged to determine applications in the light of the above and any other material considerations with a view to promoting the four licensing objectives. Regard must also be had to the Council's Licensing Policy, November 2015, Home Office Guidance issued under Section 182 of the Licensing Act 2003, as amended, relevant representations received and the evidence presented at the Hearing.
- 9.2 Each application must be considered on its own merits and any conditions attached to premises licences must be tailored to the individual style and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed, may be unlawful where they cannot be shown to promote the licensing objectives in any individual case.
- 9.3 The Sub Committee must avoid duplication of other legal requirements and should only impose conditions on a premises licence which are appropriate and proportionate for the promotion of the licensing objectives and where additional and/or supplementary measures are required in order to promote the licensing objectives.
- 9.4 The following options are available to the Licensing Sub Committee:

9.4.1 Grant the Variation Application in full or part - subject to any Conditions to be attached to the premises licence (which modify, or add to or vary the Conditions already imposed on it) which are consistent with the Operating Schedule and which are considered appropriate and proportionate for the promotion of the four licensing objectives in response to relevant representations received - and any relevant Mandatory Conditions.

On a "without prejudice" basis, a draft list of **proposed Conditions** is attached to this Report marked "The Schedule".

9.4.2 Reject the whole of the Variation Application.

9.4.3 Grant the Variation Application subject to different conditions for different parts of the premises or licensable activities if this is considered appropriate and proportionate to promote the four licensing objectives and in response to the representations received).

9.5 The Sub-Committee is asked to note that

- 9.5.1 It may not reject the whole or part of the application or modify or add to or vary the existing conditions - merely because it considers it desirable to do so. It must actually be **appropriate and proportionate** in order to promote the four licensing objectives and be in response to the representations received and full reasons must be given for the Sub-Committees decision.
- 9.5.2 When determining the application to vary the Premises Licence consideration must be given to the effect of the variations proposed. Any modification or variation to Conditions or any additional Conditions to be added to the Premises Licence must also be as a result of the effect of the variation if granted on the promotion of the four licensing objectives.

THE SCHEDULE

The Mandatory Conditions Annex

1 – Mandatory conditions

For the purposes of this schedule

"the Act" means the Licensing Act 2003;

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

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

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

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

Mandatory Condition - s19 of the Licensing Act 2003 - Supply of Alcohol

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

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

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

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

Mandatory Condition 1

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

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

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

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

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

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

- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective; .
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner; .
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

Mandatory Condition 2

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

Mandatory Condition 3

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

Mandatory Condition 4

The responsible person must ensure that:-

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:-
 - (i) beer or cider: ½ pint; .
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and .
 - (iii) still wine in a glass: 125 ml; .
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and .
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available."

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

Mandatory Condition 5

- 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 2. For the purposes of the condition set out in paragraph 1:-
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) "permitted price" is the price found by applying the formula:-

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

Where:-

- (i) P is the permitted price,

- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence:-
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Proposed conditions

Annex 2 –Conditions consistent with the operating schedule – To be added to current operating schedule

General – all four licensing objectives

There will be good staff training to insure that all staff are confident when managing the training area.

The new space to be licensed will accommodate circa 10 people maximum.

It is a small space principally for tasting and educational purposes.

Current -

Not only do we take responsibility of holding a licence very seriously but we also believe that we have a responsibility to our customers-our local community, to run a sound and well managed business. Our target market look for quality which we will be aiming to bring to all parts of our establishment

The prevention of crime and disorder

Using social media and pub watch schemes CCTV signs to be prominent

Ensuring that there are sufficient staff checking areas

Keeping a record of any incidents (sales of alcohol refused) with notes of any action taken

Good relations with local Police neighbourhood watch.

Current

The shop will be fitted with adequate security including colour CCTV, serviced burglar alarm system, lockable window grills, heavy duty security door at rear of property and as little money kept on site as possible

Public safety

Complete Fire risk assessment and training of staff by competent person. The business is primarily a training room for cheese (Academy of Cheese)

Additionally the room will be used for wine training, tasting and training sessions. The average age of our customers is 35-40 years old. We also have staff trained in first aid, food hygiene etc.

Current

We will look to conform to all relevant and current health and safety directives. We will ensure that the property, our equipment and storage facilities will be maintained and kept in an ordinary manner. We will work with fire safety officers to also ensure our thorough compliance with all relevant guidelines and directives.

The prevention of public nuisance

All licensable activities are kept within the stated times.

Windows will be closed to limit noise additionally double glazing and heavily insulated walls as per planning officer.

Guests are asked to consider the neighbours whilst leaving the building.

No drinking is allowed outside the barn area of the property.

Current

We all have a long history in the licensed trade and take our responsibilities very seriously. We are looking to create an environment where people who enjoy good wine and food can come to buy, consume and learn more about these products in a professional and mature environment.

Persons or behaviour not fitting with this ethos will not be welcomed or tolerated

The protection of children from harm

Children will only be allowed accompanied with an adult as per licensing act.

Staff will constantly be monitoring the room.

Staff are made aware to report any concerns immediately - children at risk etc.

Current

Our offering will have no appeal to children - we do not intend to sell cheap or "kiddie" friendly products - no alcopops at this address.

We will however train all our staff in how to spot and deal with potential under age people who enter the store looking to buy alcohol and keep a record of such incidents. We will of course join the "No to under 21 scheme"

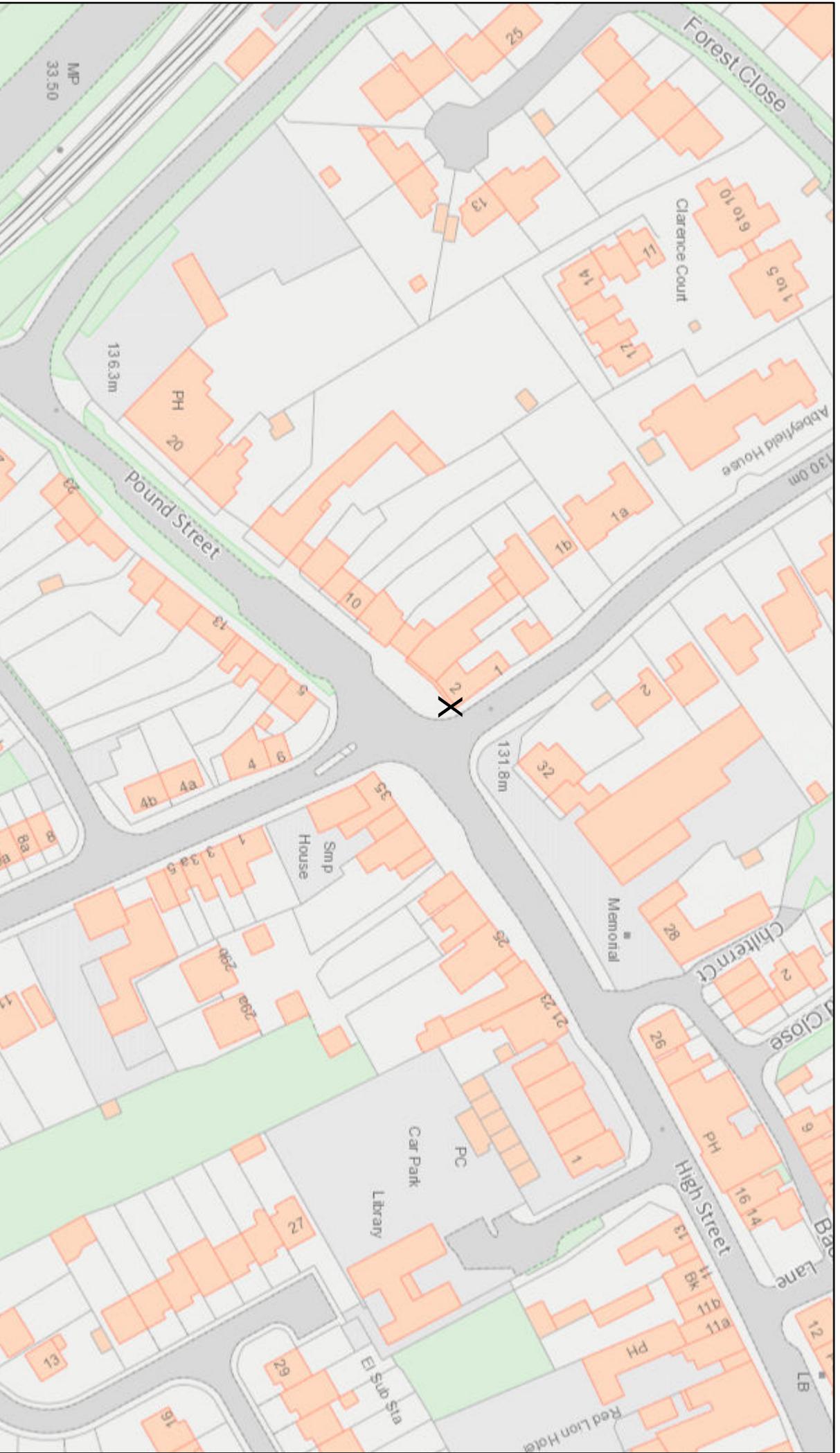
Informative/s -

This Premises Licence does not purport to grant planning permission for the use of the premises hereby permitted by this Licence and/or for the hours of operation hereby permitted by this Licence and the Applicant is advised to contact the Planning Department to check compliance with the relevant planning legislation/requirements and to submit any necessary planning applications prior to operation.

Officer Contact: Kerryann Ashton (01296 585 560)
email address: kerryann.ashton@buckinghamshire.gov.uk

Background Papers:	<ul style="list-style-type: none">• Application ref PR202104-251279• Licensing Act 2003, as amended• Licensing Policy – Aylesbury Vale Area Published November 2015.• Home Office Guidance issued under Section 182 of the Licensing Act 2003, as amended
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Number 2 Pound Street, Wendover



21/05/2021, 10:28:08

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0 0.01 0.02 0.03 0.04 mi
0 0.01 0.03 0.06 km
Ordnance Survey data © Crown copyright and database right 2021. OS 100030994.



Premises Licence - COPY

Premises Licence Number

10/00566/LAPRE (PR1059)

Date Issued

4th June 2010

Premises Details

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

2 Pound Street
Wendover
Buckinghamshire
HP22 6EJ

Telephone number

Where the licence is time limited the dates

Not applicable.

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

Sale by Retail of Alcohol	Monday to Thursday	10:00 - 23:00
Sale by Retail of Alcohol	Friday to Saturday	10:00 - 00:00
Sale by Retail of Alcohol	Sunday	10:00 - 22:00
Playing of Recorded Music	Monday to Thursday	10:00 - 23:00
Playing of Recorded Music	Friday to Saturday	10:00 - 00:00
Playing of Recorded Music	Sunday	10:00 - 22:00

The opening hours of the premises

Not stated.

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

Supply of alcohol from these premises is authorised for consumption both on and off the premises.

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

The Wendover Wine & Food Trading Co LTD
2 Pound Street
Wendover
Buckinghamshire
HP22 6EJ

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

Company Number 07208799

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

Mr James Grant

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

9584
London Borough Of Tower Hamlets

Annex 1 – Mandatory conditions

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

2 No supply of alcohol may be made at a time when:
(i) there is no designated premises supervisor in respect of the premises; or
(ii) the designated premises supervisor does not hold a personal licence or his/her personal licence has been suspended.

Annex 2 –Conditions consistent with the operating schedule

General Licensing Objectives

Not only do we take responsibility of holding a licence very seriously but we also believe that we have a responsibility to our customers-our local community, to run a sound and well managed business. Our target market look for quality which we will be aiming to bring to all parts of our establishment

The prevention of crime and disorder

The shop will be fitted with adequate security including colour CCTV, serviced burglar alarm system, lockable window grills, heavy duty security door at rear of property and as little money kept on site as possible

Public Safety

We will look to conform to all relevant and current health and safety directives. We will ensure that the property, our equipment and storage facilities will be maintained and kept in an ordinary manner. We will work with fire safety officers to also ensure our thorough compliance with all relevant guidelines and directives.

The prevention of public nuisance

We all have a long history in the licensed trade and take our responsibilities very seriously. We are looking to create an environment where people who enjoy good wine and food can come to buy, consume and learn more about these products in a professional and mature environment. Persons or behaviour not fitting with this ethos will not be welcomed or tolerated

The protection of children from harm

Our offering will have no appeal to children - we do not intend to sell cheap or "kiddie" friendly products - no alco pops at this address.

We will however train all our staff in how to spot and deal with potential under age people who enter the store looking to buy alcohol and keep a record of such incidents. We will of course join the "No to under 21 scheme"

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

Not applicable.

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.

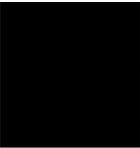
You may wish to keep a copy of the completed form for your records.

I/We  The Wendover Wine & Food Trading Co Ltd
(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	10/00566/LAPRE (PR1059)
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Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Barn behind No2 Pound Street, Wendover			
Post town		Postcode	
Aylesbury 		HP22 6EJ	

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ 17,500

Part 2 – Applicant details

Daytime contact telephone number	
E-mail address (optional)	
Current postal address if different from premises address	
Post town	Postcode
	

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)
To add another area for the sale of alcohol and playing of recorded music screening of films and sport

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)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

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)			<u>Will the performance of a play take place 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			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 6)		
Thur					
Fri			<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)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			<u>Will the exhibition of films take place 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			
Mon	09:00	23:00	<u>Please give further details here</u> (please read guidance note 5) We will mainly be screening educational films in relation to food and beverage		
Tue	09:00	23:00			
Wed	09:00	23:00	<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 6)		
Thur	09:00	23:00			
Fri	09:00	00:00	<u>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</u> (please read guidance note 7) Type text here		
Sat	09:00	00:00			
Sun	09:00	22:00			

C

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details</u> (please read guidance note 5)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)
Tue			
Wed			
Thur			<u>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</u> (please read guidance note 7)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place 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			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
Thur					
Fri			<u>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</u> (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 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) <u>State any seasonal variations for the performance of live music</u> (please read guidance note 6) <u>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</u> (please read guidance note 7)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 8)			<u>Will the playing of recorded music take place 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			
Mon	09:00 - 23:00		<u>Please give further details here</u> (please read guidance note 5) Music will be played as background music - the area is principally a training and educational space		
Tue	09:00 - 23:00				
Wed	09:00 - 23:00		<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6)		
Thur	09:00 - 23:00				
Fri	09:00 - 00:00		<u>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</u> (please read guidance note 7) Type text here Type text here		
Sat	09:00 - 00:00				
Sun	09:00 - 22:00				

G

Performances of dance Standard days and timings (please read guidance note 8)			<u>Will the performance of dance take place 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			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)		
Thur					
Fri			<u>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</u> (please read guidance note 7)		
Sat					
Sun					

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)</p>	Indoors	<input checked="" type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><u>Please give further details here</u> (please read guidance note 5)</p>		
Wed					
Thur			<p><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)</p>		
Fri					
Sat			<p><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)</p>		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 8)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	09:00	23:00		<u>Please give further details here</u> (please read guidance note 5) Background music may be played. The room will mainly be used for tasting and training purposes. It is a wine and cheese training room. We work alongside the Academy of Cheese.	
Tue	09:00	23:00			
Wed	09:00	23:00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 6)		
Thur	09:00	23:00			
Fri	09:00	00:00	<u>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</u> (please read guidance note 7)		
Sat	09:00	00:00			
Sun	09:00	22:00			

Type text here

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"/>
Day	Start	Finish		Both	<input checked="" type="checkbox"/>
Mon	09:00 -	23:00	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 6)		
Tue	09:00 -	23:00			
Wed	09:00 -	23:00			
Thur	09:00 -	23:00	<u>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</u> (please read guidance note 7)		
Fri	09:00 -	00:00			
Sat	09:00 -	00:00			
Sun	09:00 -	22:00			

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>
--

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			<u>State any seasonal variations</u> (please read guidance note 6)
Day	Start	Finish	
Mon	09:00	23:00	
Tue	09:00	23:00	
Wed	09:00	23:00	
Thur	09:00	23:00	
Fri	09:00	00:00	
Sat	09:00	00:00	
Sun	09:00	22:00	<u>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</u> (please read guidance note 7)

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.

The current license for the shop at No2 Pound Street authorises that licensable activities can only start from 10:00 We would like to alter that and make both licensable areas to be licensed from 9am.
The reason for the change is to be able to give wine training and additionally open the shop and be able to sell alcohol at a time that is especially popular for seasonal shopping (eg Christmas)

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.

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)

There will be good staff training to insure that all staff are confident when managing the training area.
The new space to be licensed will accomodate circa 10 people maximum.
It is a small space principally for tasting and educational purposes.

b) The prevention of crime and disorder

Using socila media and pub watch schemes
CCTV signs to be prominent
Ensuring that there are sufficient staff checking areas
Keeping a record of any incidents (sales of alcohol refused)
with notes of any action taken
Good relations with local Police neighborhood watch

c) Public safety

Complete Fire risk assesment and training of staff by compitent person
The business if primarily a training room for cheese (Academy of Cheese)
Additionally the room will be used for wine training, tasting and
training sessions. The average age of our customers is 35-40 years old.
We also have staff trained in first aid, food hygiene etc.

d) The prevention of public nuisance

All licensable activities are kept within the stated times. Windows will be closed to limit noise additionally double glazing and heavily insulated walls as per planning officer.
Guests are asked to consider the neighbours whilst leaving the building.
No drinking is allowed outside the barn area of the property.

e) The protection of children from harm

Children will only be allowed accompanied with an adult as per licensing act.
Staff will constantly be monitoring the room.
Staff are made aware to report any concerns immediately - children at risk etc.

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	24/03/2021
Capacity	Director

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)

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)			
Post town		Post code	
Telephone number (if any)			

Tue 5/4/2021 7:31 PM

The applied for licensed area is where customers will gather for tastings and is set inside the barn. This area forms a second room (in the back of the barn). It will also have a fire door that says **“keep shut”** which includes a double glazed fireproof panel. The fire door has also been soundproofed for the benefit of delegates/tastings whilst they are on training/tasting courses. The room immediately outside of the tasting room which forms the main entrance to the barn is strictly a working space that houses a cheese aging room, small preparation kitchen and is for preparation of cheese and cured meats. The customers will only be allowed to consume their wine and food in the tasting/training room and will not be allowed to take drinks/food outside of our licensed areas to consume. **The area immediately outside the tasting room is a working space and is only used as passage to and from the tasting room.**

The courtyard is not going being used for people to sit and drink it is for the sole purpose of parking staff cars (as well as our neighbours staff cars (from Tres Corozones) and where the rubbish from both business is stored. This is also an area where “goods in” are received for both businesses. Unlike our neighbours “private room” set on the first floor our ground floor tasting room does not overlook any properties it looks out to a wall that forms the car park for “Numbers Accountants” and additionally **the door to the tasting room is set back from the front door within the building and opens in to our courtyard and not Dobbins Lane.** When we have no tasting or training classes the room will become a meeting space throughout the day which can only be used with prior reservation. I must stress that this small room approx. 8 metres by 2.2 metres will only fit approximately 10 guests seated and will only be used as a bookable space for the purpose of events that are either tastings training classes and meetings.

The new window in the tasting room is double glazed and the external walls have all been lagged in line with Bucks AVDC buildings control officer recommendations. This means that all external walls and the roof have been lagged to well over 100mm this measurement excludes the original wall and roof thickness. The thickness of the external walls and roof is considerably thicker than standard residential property.

The tasting/training room is not visible to residents of Dobbins Lane. The 2 retirement homes are set 70 and 600 metres away from our shop and barn. Our delegates and tasting classes benefit from a secure well-built room that will not only keep noise out but keep it in. The large double glazed window to the tasting room is opposite the car park of the accountants and does not overlook any of our neighbours. Our leasehold buildings form the very beginning of Dobbins lane and are not set between other residential properties. They do not impact on the residents and have always been in constant use throughout the day and night without any complaint to date.

The purpose of the variation of alcohol licence is merely to adjust the timing in the morning for the sales of alcohol from 9am from 10am in line with most other high street retail stores such as Budgens that sits across the road from us. We have operated the same licensed hours for

over 11 years with no complaints or problems made to date. We are conscious of our community and do not allow any unruly/loud/raucous/disorderly behaviour from our guests. As the licensee and former police officer in the MET I and my designated staff have been taught not to allow this behaviour or more importantly serve members of the public alcohol in line with the law.

The purpose of this tasting room is not for large parties it is for educational and tasting purposes. The reason why we were awarded the Bucks Recovery Grant in the first place was to enable us to help create and build a world class (although bijoux) tasting and educational facility for wine and cheese. We will be able to secure jobs and create a quality training facility that people will travel to exclusively to learn about artisan produce.

I do hope that the above gives clarification and assurance that the variation of licence will not impact on the community negatively but only compliment and importantly allow our business to thrive and grow jobs to help secure its future with another innovative and valuable revenue stream born through educational and experience classes in artisan food and wine.

Cheers James

Best Regards

James Grant RACA 🍷

Columnist

Academician - Royal Academy of Culinary Arts

World Cheese Judge

Training Partner - Academy of Cheese

Education Champion – Speciality Food Magazine

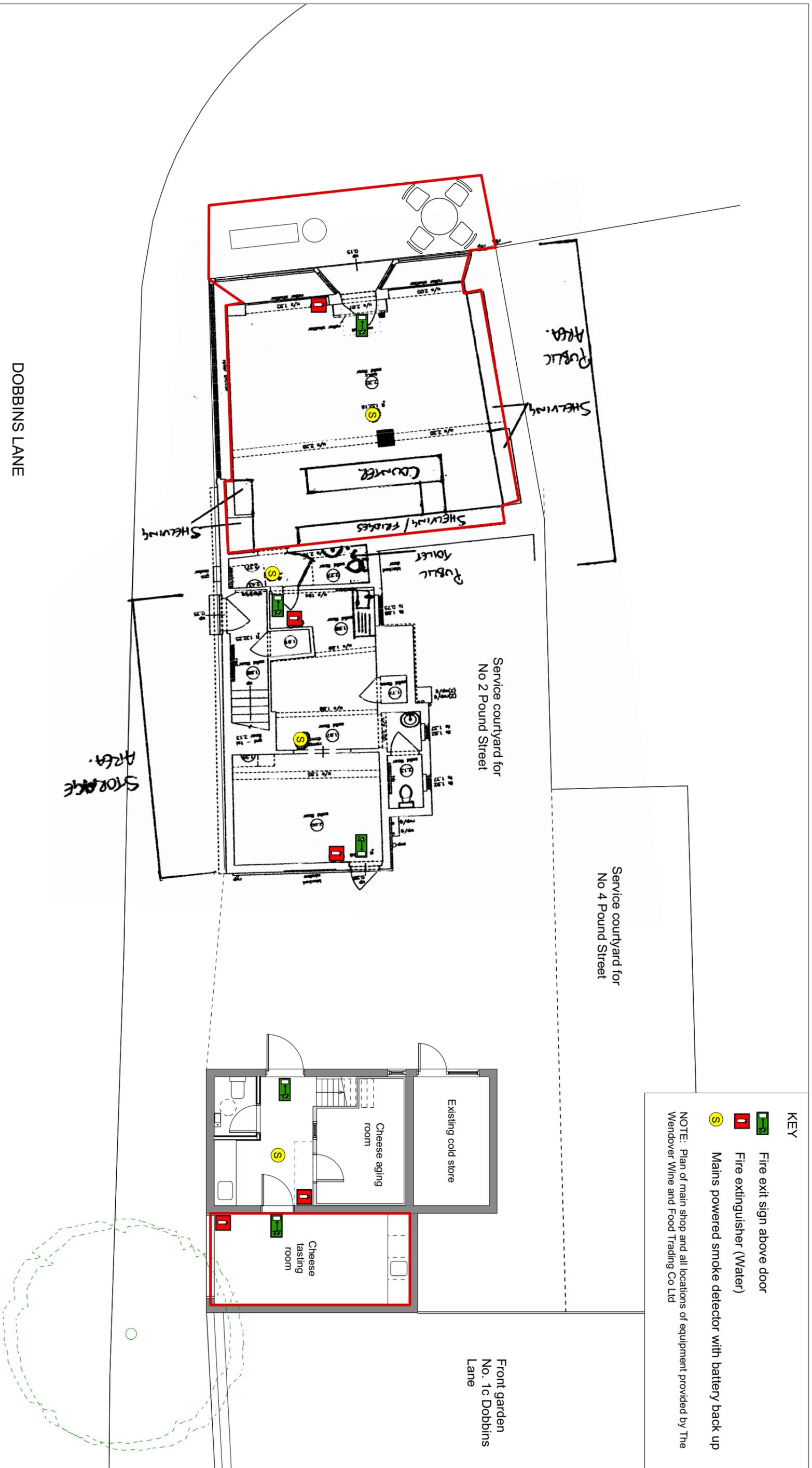
07801627342

No2 Pound Street

www.2poundstreet.com

Best British Retailer,

British Cheese Awards 2011



KEY

- Fire exit sign above door
- Fire extinguisher (Water)
- Mains powered smoke detector with battery back up

NOTE: Plan of main shop and all locations of equipment provided by The Wendover Wine and Food Trading Co Ltd

1 **Ground Floor plan**
PROPOSED

DOBIBNS LANE

revisions

00	24.03.2021	For information
01	06.04.2021	For information



project
No 2 Pound Street

title
PROPOSEDED PLAN

Fire safety

status
DESIGN INTENT - For information
To be read in conjunction with all relevant information - do not scale
Copyright of CLAD studio

scale
1:100

size
A3

drawing number
018-100

rev.
01

Appendix 7

Comment 1

Sat 4/10/2021 2:26 PM

Dear Sirs

I wish to formally object to the abovementioned licence application submitted by Mr James Grant of No. 2 Pound Street Wendover Bucks where he wishes to sell alcohol beyond normal shopping hours namely to 11pm.

In my opinion there are already sufficient licensed premises in Wendover to cater for the sale of alcohol and the closing time applied for is far to late potentially causing noise and disturbance to the local and adjoining residents.

An eighteen year resident of Wendover

Additional email

Tue 4/20/2021 2:17 PM

To the Licensing Manager Buckinghamshire Council

Dear Sir

Further to your email of 20th April 2021 I can confirm that my objection to this application relates both to the prevention of public nuisance and the prevention of crime and disorder. I hope this helps the matter.

Kind regards

Comment 2

Sun 4/11/2021 12:37 PM

FOR THE ATTENTION OF THE LICENCE SERVICES MANAGER
I WRITE CONCERNING THE ABOVE MATTER APPLIED FOR BY MR JAMES GRANT OF NO 2 POUND STREET WENDOVER. NO 2 IS SITUATED AMONG RESIDENTIAL DWELLINGS, TO THE REAR ,ALONGSIDE AND OPPOSITE, THESE HOMES HOUSE FAMILIES WITH VERY YOUNG CHILDREN, ELDERLY PEOPLE, OTHERS OF ALL AGES, I CANNOT SEE HOW THE LICENCE VARIATION CAN BENEFIT WENDOVER AT ALL. THERE ARE PUBS AND ALL RESTAURANTS OF WHICH THERE ARE MANY IN WENDOVER SERVING ALCOHOL UNTIL VERY LATE AT NIGHT. IT HAS ALWAYS BEEN A PRACTICE OF NO 2 TO SERVE THEIR CUSTOMERS OUTSIDE ON THE PAVEMENT BOTH BEFORE AND DURING THE LOCK DOWN REGULATIONS AND AS IS NORMAL WHEN PEOPLE DRINK THEY BECOME VERY NOISY, THIS WOULD BE OF GREAT CONCERN TO THOSE RESIDENTS OF WENDOVER WHO LIVE NEARBY AND DO NOT WISH TO HAVE SUCH A DISTURBANCE LATE INTO THE NIGHT, I HOPE YOU CAN THE REASONS FOR MY CONCERN AND FOR MY OPPOSITION TO THESE PLANS YOURS (A LONG STANDING WENDOVER RESIDENT)

Additional email

Wed 4/21/2021 1:31 PM

Thank you for your e-mail of 20th April, I write to confirm the reasons for my objections to the application for a variation in licence by No 2 Pound Street Wendover are public nuisance & prevention of crime & disorder, I hope this is helpful.

With regards

Comment 3

29/04/2021 14:09

The site is in very close proximity to domestic housing, including two developments dedicated to elderly and retired residents. Noise from a bar, courtyard and film screening facilities sited here will cause a nuisance, particularly during the summer months. This site is therefore unsuitable for this type of use. In addition, the operational hours as detailed are inappropriate for the village.