

## **LICENSING ACT 2003**

Sections 34, 35(1), (3), (4), (5) and (6), 36, 19, 19A, 22 and Regulation 9 Licensing Act (Hearings) Amendment Regulations 2005/44

### **NOTIFICATION OF GRANT OF APPLICATION FOR A VARIATION OF A PREMISES LICENCE WHERE RELEVANT REPRESENTATIONS WERE MADE**

**PREMISES:** No. 2 Pound Street, Pound Street, Wendover, Buckinghamshire, HP22 6EJ.

**To:**

The Applicant – The Wendover Wines & Food Trading Co Ltd  
Any Persons who made Relevant Representations  
The Chief Constable of Thames Valley Police

#### **Take Notice**

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

**ON 8<sup>th</sup> June 2021**

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

**HAS AGREED**

**TO GRANT A VARIATION OF A PREMISES LICENCE SUBJECT TO** the mandatory and other conditions set out in Schedules 1, 2 and 3 below.

### **SCHEDULE 1**

#### **Mandatory Conditions**

#### **MANDATORY CONDITIONS SPECIFIED BY THE LICENSING ACT 2003**

For the purposes of this schedule:

“the Act” means the Licensing Act 2003

“Disability” has the meaning given in section 6 of the Equality Act 2010

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

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

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

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

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

Every supply of alcohol under the premises licence must be made or 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 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 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 older age as may be specified in the policy) to produce on request, before being served with 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 whiskey: 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 2003 (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 –
$$P=D + (DxV)$$
where
    - i. P is the permitted price;
    - ii. D is the amount of duty chargeable in relation to the alcohol as if the duty 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.

## SCHEDULE 2

### Conditions consistent with the Operating Schedule submitted by the Applicant – all other permitted licensable activities to remain as per current licence

#### Licensable Activities

Retail Sale of Alcohol (on and off)	Monday to Thursday	09.00-23.00
	Friday to Saturday	09.00-00.00
	Sunday	09.00-22.00
Provision of Films (indoor)	Monday-Thursday	09.00-23.00
	Friday-Saturday	09.00-00.00
	Sunday	09.00-22.00
Provision of Late Night Refreshment Friday-Saturday		11.00 -00.00

#### Requested Opening Hours

Monday – Thursday	09.00-23.00
Friday – Saturday	09.00-00.00
Sunday	09.00-22.00

#### General

- All staff involved in the selling of alcohol based products shall be trained with regards to the Licensing Act 2003 so they are confident managing all areas of the premises, the training minimally covering topics of underage sales, proxy sales, refusals of service and the completion of the Refusals / Incident log. This training shall be recorded in written records and shall be provided for inspection upon request from an Officer of a Relevant Authority or Police Officer.
- The extended licensed area shall accommodate the maximum of 10 people.

#### The Prevention of Crime and Disorder

- A register of refusals of alcohol will be maintained at the premises. This record must include the date and the time of the incident; the name of the staff member who refused the sale and the reason the sale was refused. Records must be kept at the premises which details all refusals to sell alcohol. All entries must be made within 24 hours of the refusal. The register shall be made available for inspection and copying by the Police and an officer of a Responsible Authority within a reasonable time of a request.
- The Premises licence holder shall ensure that they maintain a digital CCTV system with cameras located within the premises to cover public areas.

- The Premises licence holder shall ensure that there are sufficient staff checking all areas where licensable activities are being carried out

### **Public Safety**

- The premises licence holder shall complete fire risk assessments, collate and review all necessary safety related documentation from third party suppliers to ensure public safety is promoted and staff trained by a competent person.

### **Prevention of public nuisance**

- Prominent notices shall be displayed at entrances/exits reminding customers that the premises are located in a residential area and to respect neighbours when leaving the premises
- The licence holder shall ensure that when licensable activities are being carried windows shall remain closed to limit noise
- The license holder shall ensure that no alcohol is purchased for consumption outside the barn area of the licensed premises

### **The Protection of Children from Harm**

- No person under the age of **18** will be allowed within the premises unless supervised by their parent or guardian,

## **SCHEDULE 3**

### **Conditions necessary to promote the Licensing objectives and agreed in response to the representations made**

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

- All CCTV recorded footage shall be securely retained for a minimum of 28 days and shall be capable of downloading recorded images onto removable media (DVD / USB or upload to a specific database directed by TVP)) upon the request of an Officer of a Relevant Authority or Police Officer or in any case within 24 hours of that request at no expense to the requesting agency. There shall be staff on duty at all times the premises are open to be able to allow an Officer of a Relevant Authority or Police Officer to immediately view any footage requested under the Data Protection Act (or other replacement legislation) and to provide those images as stated.

### **The Protection of Children from Harm**

- A challenge 25 policy for the sale of alcohol shall be adopted and implemented at the premises.

## Reasons for the Panel's Decision

The Panel took all written representation made by local residents and also the licence conditions the licence holder was prepared to offer. The Panel noted that no other Responsible Body had objected to the variation of the premises licence. The Panel considered that the conditions agreed were an appropriate and proportionate response to promote the licencing objectives. In reaching their decision the Panel took account of all the evidence, the relevant legislation, statutory guidance and the Council's own licensing policy.

The Panel also took 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.

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: 15<sup>th</sup> June 2021