

LICENSING ACT 2003

Sections 17, 18(3), and (4), 19, 19A, 23(1)(a), (2) and (4) and Regulation 9 Licensing Act 2003 (Hearings) Regulations 2005/44

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

Premises: 19 Wood Lane, Wendover, Buckinghamshire HP22 5PW

To:

The Applicant: Mr. James Wherwell, Wendover Beers Ltd

The Chief Constable

Interested Parties

Take Notice

THAT following a hearing of the Licensing Sub-Committee

ON 14th June 2021

BUCKINGHAMSHIRE COUNCIL as the Licensing Authority for the Premises

HAS AGREED

TO GRANT 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)

Section 19 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 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 of 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
 - b. An ultraviolet feature.

Mandatory Condition 4

The responsible person must ensure that:-

- a. Where any of the following alcoholic drinks are 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: 25ml or 35ml; 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 that 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 charged on the date of 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

Reduction of crime and disorder

The premises will remain secured when not in use.

All alcohol to be secured at the Premises behind lockable mesh shelves.

No alcoholic products to exposed to the public.

RingDoorbell Camera and CCTV is to be maintained both inside and outside the Premises.

Gravel path to be maintained at both entrances to the Premises.

Public safety

All sales of alcohol to be transacted online via the e.commerce website set up by the company for that purpose.

Prevention of Public Nuisance

Delivery of alcoholic products to the Premises for retail sales is limited to two per month.

Deliveries from the Premises may be made between 17:00 and 21:00 Wednesday to Friday; 11:00 to 18:00 on Saturday and between 11:00 and 16:00 on Sunday.

Deliveries to customers from the Premises will be made by the Premises Licence holder or a staff member using the Premises Licence Holder's own personal transport.

The protection of children from harm

No access to the premises will be permitted to those under 18 years of age at any time. Signage recording this measure to be fixed to the exterior of the Premises.

SCHEDULE 3

Conditions necessary to promote the Licensing Objectives for the prevention of crime and disorder and agreed in response to representations made.

Retail sale of alcohol (off sales only)	Wednesday to	
	Friday	17:00 to 21:00
	Saturday	11:00 to 18:00
	Sunday	11:00 to 16:00

Hours Open to the Public

Wednesday to Friday	17:00 to 21:00
Saturday	11:00 to 18:00
Sunday	11:00 to 16:00

The application for an off-sales licence is granted with the following conditions.

Retail Sale of Alcohol (off sales only) under this Licence will be completed remotely by way of the internet except purchases made for personal consumption by the premises Licence Holder.

A record of all alcohol sales and deliveries will be kept and made available for inspection by the Police, Licensing Authority or Trading Standards Officers for 6 months from the date of delivery.

At the time the order is placed, a declaration will be required from the customer confirming that the customer is aged 18 or over.

Delivery of alcoholic products may be delivered to residential or commercial addresses but not to any public place.

All delivery drivers to be aged 18 or over.

All staff responsible for making alcohol sales shall be trained in the requirements of the Challenge 25 age verification policy.

All members of staff at the Premises shall seek "credible photographic proof of age evidence" from any person on delivery of alcohol who appears to be under the age of 21 years and who is seeking to purchase or consume alcohol. Such credible evidence, which shall include a photograph of the customer, will either be a passport, photographic driving licence, or Proof of Age card carrying a "PASS" logo

Reasons for the Panel's decision

1. The Panel noted that there were no representations made by Responsible Authorities. It further noted that all objections raised by Interested Parties had been withdrawn at the time of the hearing save for one. This was comment 2 recorded at Appendix 5 in the Licensing Officer's Report. However, the Interested Party did not attend despite being advised of the remote hearing. Nevertheless, the Panel considered this objection in its deliberations.
2. In considering the application which was for off-sales only, the Panel was aware that the Premises were located at a domestic address in a residential area. The remaining

objection alleged that the granting of the Licence may lead to public disorder as well as parking problems. However, there was no evidence for this before the Panel.

3. Having heard the Applicant's representations, the Panel considered that concerns relating to Public Nuisance had been met when the Applicant confirmed that all purchases would be off-sales and would be via an e-commerce web-site. The Premises would not be used as a bar with attending patrons.
4. In reaching their decision the Panel took into account of the proposed conditions in the operating Schedule as well as the subsequent conditions offered by the Applicant. The Panel noted that the conditions offered by the Applicant went a long way to address the representation made by the sole non-attending Interested Party.
5. The panel agreed that in all the circumstances the conditions were appropriate and proportionate in promoting the licensing objective.
6. In making their decision, the panel also took into account the legislation, the statutory guidance and the Council's own licensing policy.
7. The Panel has taken into account the relevant provisions of the Human Rights Act 1998, namely:

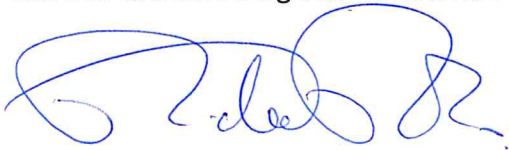
Article 6 – the right to a fair hearing

Article 8 – respect for private and family life

Article 1, First Protocol – peaceful enjoyment of possessions.

8. 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

A handwritten signature in blue ink, appearing to be 'J. Lee', written in a cursive style.

Date: 17th June 2021

