

## **LICENSING ACT 2003**

Sections 34, 35, 36 and Sections 19, 19A and Licensing Act 2003 (Hearings) Regulations 2005/44 and Licensing Act 2003 (Hearings) Amendment Regulations 2005/78

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

**PREMISES:** New Bury Farm, Mill Road, Slapton, LU7 9BT

#### **To:**

The Applicant – Newbury Supplies Ltd t/a Bury Farm Equestrian Centre  
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 hearing of the Licensing Sub-Committee

**ON 19<sup>th</sup> July 2022**

**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)

#### 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 or authorised by a person who holds a personal licence.

#### S20 of the Licensing Act 2003 – Exhibition of Films

1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation by that body.
3. Where -
  - a. the film classification body is not specified in the licence, or
  - b. the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,admission of children must be restricted in accordance with any recommendation made by that licensing authority.
4. In this section “*children*” means persons aged under 18; and “*film classification body*” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (authority to determine suitability of video works for classification).

#### S21 of the Licensing Act 2003 – Door Supervision

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 that 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 (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.

**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**

### **Non-standard Timings**

The following hours are not to be used on more than two weekends per calendar year

#### **Opening Times**

Saturday	10:00 – 00:00
Sunday	00:00 – 22:00

#### **Retail Sale of Alcohol (On and off the premises)**

Saturday	08.00 – 22.00
Sunday	08:00 – 22:00

#### **Live Music (Outdoors)**

Saturday	10.00 – 22.00
Sunday	10:00 – 22:00

#### **Recorded Music (Outdoors)**

Saturday	10.00 – 22.00
Sunday	10:00 – 22:00

#### **Anything of a Similar Description to Music and Dancing (Outdoors)**

Saturday	10.00 – 22.00
Sunday	10:00 – 22:00

#### **Plays (Outdoors)**

Saturday	10.00 – 22.00
Sunday	10:00 – 22:00

#### **Films (Outdoors)**

Saturday	10.00 – 22.00
Sunday	10:00 – 22:00

#### **Performance of Dance (Outdoors)**

Saturday	10.00 – 22.00
Sunday	10:00 – 22:00

## Public Safety

- For (non-equine) outdoor events where more than 1500 persons are expected to attend, the Premises Licence Holder shall present the Event Management Plan to the Licensing Authority, Thames Valley Police, Environmental Health and the Safety Advisory Group [28 days] before the first event day.
- The Event Management Plan shall include but not be limited to the following:-
  - a. Nature & style of the event, including crowd profile
  - b. Capacity and expected audience
  - c. Event programme & advertising
  - d. Communication strategy
  - e. Site and location plans
  - f. Management structure
  - g. Special effects
  - h. Campsite safety and security (when on site)
  - i. Emergency evacuation plan
  - j. Medical plan
  - k. Information and welfare
  - l. Safeguarding children and young people and age controls
  - m. Transport and traffic management plans
  - n. Food, drink and water provision
  - o. Waste management
  - p. Working at height
  - q. Animal welfare
  - r. Noise management planning and controls
  - s. Temporary demountable structures
  - t. Fire risk assessment
  - u. Electrical safety
  - v. Welfare and sanitation plan
  - w. Extreme weather and contingency plans
  - x. Waste management
  - y. Crowd management
  - z. Emergency procedures
  - aa. Barriers and fencing
  - bb. Entry search and eviction policy
  - cc. Alcohol and drugs policy
  - dd. Counter terrorism
- So far as is reasonably practicable the Premises Licence Holder shall ensure that the event is run in accordance with the Event Management Plan.
- The premises licence is limited to 4,999 persons.

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

- Alcohol sold for consumption off the premises shall be sold in sealed containers only and guests will not be permitted to leave the site with alcohol in open containers.

The following conditions are to be removed from Annex 2 of the current licence

#### **General licensing objectives**

- Members only area.

#### **The prevention of crime and disorder**

- Visitors must be signed in by a member so all users will be recorded.

#### **The prevention of public nuisance**

- Members only will ensure continuity.

#### **Public Safety**

- Members will be encouraged to walk to the premises as most of our trade will be local.

#### **The protection of children from harm**

- Members only – children to vacate by 21.00 hours and will need to be accompanied by an adult before this time

### **SCHEDULE 3**

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

#### **The Prevention of Public Nuisance**

- All outdoor events to which this licence relates shall not take place unless and until, for the year in question:
  - a. the commencement date of the event for that year has been agreed in writing by the Licensing Authority; and
  - b. at least three months prior to the commencement date of that event (agreed pursuant to condition (a) above), a draft Noise Management Plan has been submitted by the Licensee to the Licensing Authority and to any other authority/body that the Licensing Authority may request; and
  - c. at least twenty eight days prior to the commencement date of that year's event (agreed pursuant to condition (a) above) a final Noise Management Plan has been submitted by the Licensee to the Licensing Authority; and
  - d. at least fourteen days prior to the commencement date of that year's event (agreed pursuant to condition (a) above), a Noise Management Plan has been approved by the Licensing Authority in writing.



- The Licensee shall ensure that the premises site is operated at all times in accordance with the Noise Management Plan approved for that event.
- The specified periods for the Noise Management Plan as set out in (a) to (d) shall not apply to the event to be held on 13 & 14 August 2022. In respect of the August 2022 event only, the outdoor events to which this licence relates shall not take place unless and until at least seven days prior to the commencement date of that event a Noise Management Plan has been approved by the Licensing Authority in writing.

#### **Protection of children from harm**

- All children (under the age of 18 years) must be accompanied by an adult (over 18 years of age) at all times whilst on the premises.
- No children will be permitted to remain on the premises after 22.00 hours.

### **SCHEDULE 4**

#### **Plans**

The plan of the licensable area is amended in accordance with the plan attached to this decision notice.

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

In reaching their decision the Panel carefully considered the written representations and oral submissions from the Relevant Authorities and Interested Parties together with oral submissions from the Applicant and their representative made at the hearing.

The Panel noted that the Police, as the experts in the prevention of crime and disorder had raised no objection to the application. In addition, the Environmental Health Authority, as the experts in the prevention of public nuisance had reached an agreement with the Applicant with regard to the Noise Management Plan. The Panel found it regrettable in respect of the event planned for 13 & 14 August 2022 that the Noise Management Plan could not be approved in accordance with the usual time scales proposed, but were reassured that a Noise Management Plan has been produced and is expected to be approved by the Local Authority very soon.

The Panel were sympathetic to the concerns raised by the Party who made a relevant representation in their written submission in relation to the licencing objective of public nuisance. In making their decision, the Panel noted that the Applicant had taken steps to respond to concerns raised and had worked in conjunction with the Licensing Authority and the Council's Safety Advisory Group in considering the impact on the local community. The

Panel was also mindful of the benefit licensed events can provide to communities, as recognised in the Council's licensing policy.

In all the circumstances, the Panel were satisfied that the conditions offered and agreed by the Applicant and the responsible authority were reasonable and proportionate, sufficiently promoting the licencing objectives of prevention of crime and disorder, prevention of public nuisance, the protection of children from harm and public safety.

In making their decision, the Panel took into account the legislation, the statutory guidance, in particular 2.15 – 2.21 and the Council's own licensing policy, paragraphs 3.36 and 3.64

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.

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: 26 July 2022