

LICENSING ACT 2003

Sections 17, 18, 19, 19A, 20, 21 and 23 of the Licensing Act 2003 (Hearings) Regulations 2005/44 and Licensing Act 2003 (Hearings) Amendment Regulations 2005/78

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

PREMISES: MARLOW MOVES, HIGGINSON PARK, POUND LANE, MARLOW SL7 2AE

To:

The Applicant – Market Square Group Limited
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 24th MAY 2022

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, 3 and 4 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 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.

Mandatory Condition – section 20 of the Licensing Act 2003 – Exhibition of Film

The admittance of persons to an exhibition of a film (including the exhibition of adverts) is to be restricted in accordance with recommendations given either by the body designated under section 4 of the Video Recordings Act 1984 specified on this licence, or by the Licensing Authority itself where the Licensing Authority provides notice to the holder that section 20(3)(b) applies to the film in question. In this case the admission of persons must be restricted in accordance with any recommendation made by the Licensing Authority. For the purposes of this licence the body designated under section 4 of the Video Recordings Act 1984 is the British Board of Films Classification (BBFC).

Mandatory Condition – Section 21 of the Licensing Act 2003 – Door Supervision

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, the licence must include a condition that 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.

SCHEDULE 2

Conditions offered up by the Applicant as part of the Operating Schedule

Supply of Alcohol (On and Off the Premises)

Monday - Sunday 09:00 – 22:00

Films (Outdoors)

Monday - Sunday 09:00 – 22:00

Live Music (Outdoors)

Monday – Sunday 09:00 – 22:00

Recorded Music (Outdoors)

Monday - Sunday 09:00 – 22:00

Performance of Dance (Outdoors)

Monday - Sunday 09:00 – 22:00

Opening Hours

Monday - Sunday 09:00 – 22:00

The Prevention of Crime and Disorder

- The licensed premises will be supervised at all times by registered SIA guards.
- All consumption of alcohol will be monitored by bar staff under the guidance of the DPS. Alcohol will only be served in plastic containers and any session drinking by groups of people will be discouraged.
- There will be no special offers on drinks encouraging excess consumption.
- There will be focus on quality consumption with the real ale and craft beers rather than quantity consumption.
- No alcohol pops will be sold at this event.

Public Safety

- Event stewards will be on patrol at all times to ensure that all visitors are aware of facilities such as toilets, refreshments (e.g. water) rest areas and medical points and where they are located.
- All facilities will be clearly indicated.
- A full risk assessment will be conducted detailing emergency evacuation procedures and all other public safety concerns.

The Prevention of Public Nuisance

- A Noise Management Plan has been completed, which is an Appendix to the Event Management Plan. This NMP includes detail on sound checks and noise levels.
- All sound levels will be monitored to ensure that they remain within acceptable levels, with sound boards on hand to dampen noise if required.
- All visitors will be reminded that they should leave the premises quietly and will be monitored by security staff.
- The stages will be directed away from residential properties i.e. facing with back to residential properties in the vicinity.
- The control limits set at the mixer position shall be adequate to ensure that the MNL shall not exceed 65dB(A) over any 15 minute period (LAeq) when measured 1 metre from the façade of any noise sensitive premises throughout any rehearsal, sound check or sound propagation test.

- 15 minute monitoring period are to be taken over exact quarters synchronised with the current time (e.g. 00:00 to 00:15 etc.)
- Event staff will be mindful of noise generated by other exhibitors and/or trades people operating within the boundary of the premises license. Noise generated by ancillary activities such as power generators, waste control and removal and artificial light shall be monitored.
- All generators shall be Denyo Eventa super-silent diesel generators. Generators will not run overnight. Once all visitors have left the generators will be switched off.
- The sound engineer shall continually monitor noise levels at the sound mixer position and ensure that the off-site noise limits are not exceeded at any time during the course of the event. The Licensing Authority shall have access to the results of the on and off-site noise monitoring during and post event.
- The music level shall not exceed a C-weighted limit of up to 70dB in either of the 63HZ or 125HZ octave frequency band at 2km and beyond.
- All music levels will be tightly monitored to ensure that they remain within the levels agreed with Environmental Health.
- Monitoring points will include the grassy area where Pound Lane meets Low Pounds Lane. And the boundary of the park where it borders the Riverside/Dunstable House.
- No sound checks shall take place other than on the day before the event (between 10:00 and 16:00), and on the day of the concert (between 09:00 and 22:00).no sound rehearsals or propagation tests shall take place on the day(s) of the event.
- Rehearsals, sound checks and sound propagation tests will only be between the hours of 09:00 and 22:00 on events days.
- A Noise propagation test shall be undertaken at least 1 hour prior to the start of the event in order to set appropriate control limits at the sound mixer position. The sound system shall be configured and operated in a similar manner intended for the event. The sound sources used for the test shall be similar in character to the music likely to be produced during the event.
- Any complaints with regard to music volume shall be passed to the Sound Technician within 10 minutes of the noise notification.
- Notices shall be displayed in prominent position at or near exit(s) requesting patrons to leave quietly and avoid disturbance to nearby residential area.
- The licensee shall ensure that the sound engineer is informed of the sound control limits.

- The Designated Premises Supervisor is aware of the guidance in 195 Code of Practice on Environmental Noise Control at Concerts produced by The Noise Council and will make use of its recommendations where appropriate.

The Protection of Children from Harm

- The premises licence holder will ensure that a challenge 25 age verification policy will apply to the premises whereby all staff likely to be involved in the sale or supply of alcohol will be trained to ask any patron attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form or method of identification that complies with any mandatory condition that may apply to this licence.
- All multiple purchases from the bar will be monitored to ensure that they are not being supplied to underage visitors.
- All children under the age of 16 within the premises must be supervised by adults.
- An area for adults with children will be set aside within the designated area.

SCHEDULE 3

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

The applicant has agreed to a maximum of 4 days in a year consisting of 2 events lasting no more than 2 days.

Reasons for the Panel's Decision

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

The Panel were sympathetic to the objections raised by the Interested Parties in relation to the licensing objective of public nuisance, however the Panel noted that the Police, as the experts in the prevention of crime and disorder and the Environmental Health Authority, as the experts in the prevention of public nuisance in respect of noise complaints had raised no objection to the application. The Panel took account of the fact that the conditions offered up by the applicant included submitting a Noise Management Plan to the Environmental Health prior to the event for approval.

The Panel took account of 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.

In all the circumstances, the Panel noted that the Applicant in their organization of the event and their representations to the Panel demonstrated that by allowing the premises licence, the Applicant would promote the four licensing objectives of prevention of crime and disorder, the prevention of public nuisance, the protection of children from harm and public safety.

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:

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