

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: The Royal British Legion Club, 48 Beech Tree Road, Holmer Green HP15 6UT

To:

The Applicant – Holmer Green Royal British Legion Club 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 14th 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).

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 –
$$P=D + (D \times V)$$
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 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

Supply of Alcohol (on the premises only)	Sunday to Thursday 10:00 – 23:30 Friday to Saturday 10:00 – 00:00 New Year’s Eve, New Year’s Day, Christmas Eve, Christmas Day, Boxing Day, Easter Weekends and Bank Holidays to be extended by one hour after standard licensed timings
Live Music (Indoors and Outdoors)	Sunday to Thursday 10:00 – 23:30 Friday to Saturday 10:00 – 00:00 New Year’s Eve, New Year’s Day, Christmas Eve, Christmas Day, Boxing Day, Easter Weekends and Bank Holidays to be extended by one hour after standard licensed timings
Recorded Music (Indoors and Outdoors)	Sunday - Thursday 10:00 – 00:00 Friday – Saturday 10:00 – 00:30 New Year’s Eve, New Year’s Day, Christmas Eve, Christmas Day, Boxing Day, Easter Weekends and Bank Holidays to be extended by one hour after standard licensed timings d timings

<p>Performance of dance (Indoors and Outdoors)</p>	<p>Sunday to Thursday 10:00 – 23:30 Friday to Saturday 10:00 – 00:00</p> <p>New Year’s Eve, New Year’s Day, Christmas Eve, Christmas Day, Boxing Day, Easter Weekends and Bank Holidays to be extended by one hour after standard licensed timings</p>
<p>Late night refreshment (Indoors and Outdoors)</p>	<p>Sunday to Thursday 23:00 – 23:30 Friday to Saturday 23:00 – 00:00</p> <p>New Year’s Eve, New Year’s Day, Christmas Eve, Christmas Day, Boxing Day, Easter Weekends and Bank Holidays to be extended by one hour after standard licensed timings</p>
<p>Performance of a Play (Indoors and Outdoors)</p>	<p>Sunday to Thursday 10:00 – 23:30 Friday to Saturday 10:00 – 00:00</p> <p>New Year’s Eve, New Year’s Day, Christmas Eve, Christmas Day, Boxing Day, Easter Weekends and Bank Holidays to be extended by one hour after standard licensed timings</p>
<p>Exhibition of a Film (Indoors)</p>	<p>Sunday to Thursday 10:00 – 23:30 Friday to Saturday 10:00 – 00:00</p> <p>New Year’s Eve, New Year’s Day, Christmas Eve, Christmas Day, Boxing Day, Easter Weekends and Bank Holidays to be extended by one hour after standard licensed timings</p>
<p>Indoor Sporting Events</p>	<p>Sunday to Thursday 10:00 – 23:30 Friday to Saturday 10:00 – 00:00</p> <p>New Year’s Eve, New Year’s Day, Christmas Eve, Christmas Day, Boxing Day, Easter Weekends and Bank Holidays to be extended by one hour after standard licensed timings</p>
<p>Entertainment of a similar description (to Live Music; Recorded Music or Performance of Dance) (Indoors and Outdoors)</p>	<p>Sunday to Thursday 10:00 – 23:30 Friday to Saturday 10:00 – 00:00</p> <p>New Year’s Eve, New Year’s Day, Christmas Eve, Christmas Day, Boxing Day, Easter Weekends and Bank Holidays to be extended by one hour after standard licensed timings</p>

Opening Hours	Sunday to Thursday	10:00 – 23:30
	Friday to Saturday	10:00 – 00:00
New Year's Eve, New Year's Day, Christmas Eve, Christmas Day, Boxing Day, Easter Weekends and Bank Holidays to be extended by one hour after standard licensed timings be extended by one hour after standard licensed timings		

SCHEDULE 3

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

None.

Reasons for the Panel's Decision

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

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. It was also noted that no objections had been raised by residents living within the vicinity of the premises.

In making their decision, the Panel also took into account the legislation, the statutory guidance and the Council's own licensing policy, in particular para 2.21 of the Section 182 Guidance ("Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law") and paras 3.36 (consideration of measures proposed to deal with the potential for public nuisance, with weight to be placed on recommendations made by Environmental Health Officers), 3.11 (respect the rights of residents to peace and quiet) and 3.14 (standards of management) of the Council's Licensing Policy.

The Panel 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.

The Applicant has held a premises licence since 2016 and there has been no history of complaints and the Panel considered that in all the circumstances, that to grant the variation to the premises licence, subject to the existing conditions, was reasonable and proportionate and would not undermine the licensing objectives of prevention of public nuisance, the prevention of crime and disorder, public safety and the protection of children from harm.

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.

A handwritten signature in black ink, appearing to be a stylized 'J' followed by a horizontal line.

Clerk to the Licensing Sub-Committee

Date: 19th July 2022