

LICENSING ACT 2003

Sections 17, 18, 19, 19A, 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: The Journeyman, 10 Packhorse Road, Gerrards Cross, Buckinghamshire SL9 7QE

To:

The Applicant – Oakman Group
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 25TH APRIL 2023

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 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.

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 offered up by the Applicant as part of the Operating Schedule

Supply of Alcohol (On and Off Premises)

Monday	08:00 – 23:00
Tuesday	08:00 – 23:00
Wednesday	08:00 – 23:00
Thursday	08:00 – 23:00
Friday	08:00 – 00:00
Saturday	08:00 – 00:00
Sunday	09:00 – 23:00

Late Night Refreshment (Indoors)

Friday	23:00 – 00:00
Saturday	23:00 – 00:00

Opening Hours

Monday	08:00 – 00:00
Tuesday	08:00 – 00:00
Wednesday	08:00 – 00:00
Thursday	08:00 – 00:00
Friday	08:00 – 00:00
Saturday	08:00 – 00:00
Sunday	09:00 – 23:00

The Prevention of Crime and Disorder

- The premises shall install and maintain a comprehensive CCTV system in accordance with any minimum requirements of Thames Valley Police.
 - a. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
 - b. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance.

- c. All recordings shall be stored for a minimum period of 31 days with date and time stamping.
 - d. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
- The supply of alcohol at the premises between the hours of 08:00 and 10:00 shall only be to a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal.
 - Substantial food shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.

Public Safety

- Health and Safety Risk Assessments shall be maintained at the premises and shall be made available to an authorised officer on request.

The Prevention of Public Nuisance

- Notices, at least in A4 size, shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
- A direct telephone number for the manager at the premises shall be publicly available at all times that the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.

The Protection of Children from Harm

- A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
- All staff involved in the sale of alcohol shall be training in the prevention of sales of alcohol to underage persons and the Challenge 25 scheme in operation. A record of such training shall be kept/be accessible at the premises at all times and be made immediately available for inspection to an authorised officer or Police Officer on request.

SCHEDULE 3

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

The Prevention of Public Nuisance

- All external areas of the licensed premises shall be vacated and not permitted for the use of patrons by 21.00 hours each day, save for patrons smoking.
- The Licensee shall ensure that the premises site is operated in accordance with the Noise Management Plan dated 18 July 2022.

Reasons for the Panel's Decision

In reaching their decision the Panel carefully considered all the written representations from together with oral submissions from the Applicant and persons who made relevant representations at the hearing.

The Panel considered the statutory guidance, in particular paragraphs 2.17 – 2.19 and the Council's own Licensing Policy, paragraphs 3.36 and 3.37.

The Panel were sympathetic to the objections raised by the Interested Parties in relation to the licensing objectives of public nuisance and the prevention of crime and disorder. The Panel noted that the Police, as the experts in the prevention of crime and disorder had raised no objection to the application. The Environmental Health Authority, when considering the need to prevent public nuisance, had made representations about the need for a condition restricting access to the outside area of the premises after 21.00 hours. A condition to this effect was duly offered by the Applicant in response. The Panel were reassured by the amendments that the Applicant made to their operating schedule in response to objections raised by Interested Parties. The Panel felt that the amended operating schedule and conditions offered by the Applicant were reasonable and appropriate and sufficient to promote the licensing objectives of prevention of crime and disorder, prevention of public nuisance, the protection of children from harm and public safety.

In considering the Interested Parties' concerns about parking as a potential public nuisance, the Panel noted that there is a local authority public car park close to the premises. The Panel also had in mind paragraph 2.21 of the Statutory guidance, namely that "beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law".

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.

INFORMATIVE: The Panel noted that should issues relating to the Prevention of Public Nuisance occur following the grant of the premises licence any party is able to request a review of the premises licence under Section 51 Licensing Act 2003.

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.

S. Phillips

Clerk to the Licensing Sub Committee

Date: 28 April 2023