

## **LICENSING ACT 2003**

Sections 17, 18, 19, 19A, and 23 and 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:** Vinity Wines Limited, 80 Ledborough Lane, Beaconsfield, HP9 2DG

**To:**

The Applicant – Mark Jones (Director of Vinity Wines 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** 8 June 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 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.

### **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**

#### **Supply of Alcohol (Off Premises Only)**

Monday to Sunday: 09:00 to 18:00

#### **Hours Premises are Open to the Public**

Monday to Sunday: 09:00 to 18:00

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

- Alcohol shall be stored in a secure double locked double garage.
- The premises licence holder will have a good quality colour digital CCTV system installed, maintained and operated at all times the premises are open for licensable activities. The system will have cameras located within the premises to cover entrance points to the secure garage. The CCTV system will record clear images allowing the identification of individuals and the equipment will have accurate and constant date and time generation. All recorded footage must be securely retained for a minimum of 31 days. There will be on site someone that can allow the immediate viewing of CCTV upon request of a Police Officer or an Officer of a Responsible Authority and be able to provide recorded images on removable media (DVD/ CD/ USB) at that request or at least within 24 hours of that request providing the business is open for licensable activities. This request must be in line with Data Protection legislation (or similar if the legislation changes).
- The premises licence holder shall ensure that all staff members engaged in selling alcohol shall receive training. This training will take place prior to the selling of products. Further verbal reinforcement and refresher training will be carried out thereafter at intervals not to exceed eight weeks with the date and time of the verbal reinforcement documented. Such records to be made available to an Authorised Officer upon request.

#### **The Protection of Children from Harm**

- A Challenge 25 policy shall be operated at the premises where any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. This ID will be in the form of a valid UK driving licence, a valid UK Passport or other National ID card that holds a hologram and has a date of birth written thereon or a Government sponsored PASScard.

### **SCHEDULE 3**

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

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

- Deliveries or collections relating to the licensable activity (the sale of alcohol) shall be restricted to the hours of 09:00 to 18:00 hours.
- There shall be no more than 4 collections or deliveries relating to the licensable activity (the sale of alcohol) per week to/ from the premises.
- No member of the public shall be permitted access to the licensed premises.
- Delivery drivers shall be given clear, written instructions to use their vehicles in a responsible manner so as not to cause a nuisance to any residents or generally outside the licensed premises; not to leave engines running when vehicles are parked; and not to obstruct the highway.

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

In reaching their decision the Panel carefully considered the written representations and oral submissions from all parties.

The Panel noted that there had been no representations from the Chief of Police in respect of the licensing objective of Prevention of Crime and Disorder.

The Panel noted that the Applicant had recognised the concerns raised by the Persons who made Relevant Representations and the Responsible Authority, Environmental Health, in respect of the licensing objective of Prevention of Public Nuisance and had agreed to the additional conditions put forward by Environmental Health including a fresh condition relating to the activities of delivery drivers to further alleviate such concerns and to ensure that the application did not undermine the licensing objective of Prevention of Public Nuisance.

Whilst sympathetic to the Persons who made Relevant Representations, the Panel obtained a greater understating of the business model from the oral representations made by the Applicant at the hearing which gave them confidence, that as a result of the conditions agreed, the Applicant would promote the licensing objectives of Prevention of Crime and Disorder and Prevention of Public Nuisance.

In making their decision, the Panel also took into account the legislation, the statutory guidance and the Council's own licensing policy.

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.

The Panel considered that in all the circumstances the existing and proposed conditions offered by the Applicant were reasonable and proportionate, sufficiently promoting the licensing objectives of the 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, consisting of a stylized, cursive script.

Clerk to the Licensing Sub-Committee

Date: 13<sup>th</sup> June 2023