

LICENSING ACT 2003

Sections 17, 18(3) and (4) and 23(1)(a), (2) and (4) Licensing Act 2003 (Hearings) Regulations 2005/44

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

PREMISES: Grillbox Peri Peri, 1 Dashwood Avenue, High Wycombe, HP12 3DN

To:

The Applicant – Humaira Serwat
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 9 May 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)

Mandatory Condition 2

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

SCHEDULE 2

Conditions consistent with the Operating Schedule submitted by the Applicant

Opening hours

Monday to Sunday 12:00 to 03:00

Late night refreshment hours

Monday to Sunday 23:00 to 03:00

SCHEDULE 3

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

Late night refreshment hours

Monday to Sunday 23:00 to 03:00

Prevention of Crime and Disorder

(1) The Premises licence Holder must ensure that:

- a. The premises licence holder maintain a digital CCTV system with cameras located within the premises to cover all public areas including entrances, exits, the till area and will operate at all times the premises are open for licensable activities.
- b. 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 and will be capable of downloading recorded images onto removable media (DVD/ USB) or uploading via email to a secure CCTV database, upon the request of an Officer of a Responsible Authority or Police Officer or in any case within 24 hours of that request. There will be staff on duty at all times when the premises are open to be able to allow an Officer of a Responsible Authority or Police Officer to immediately view any footage requested under the Data Protection Act (or other replacement legislation) and to provide those images as stated.

(2) The Premises Holder must ensure that an incident report book is maintained and available to all staff, Police, and an Officer of a Responsible Authority. All key staff should receive training on how to enter information into the log. Key details need to be

kept. Date, Time, nature of incident, Completed By and when and action taken (URN, Police Ref Number). All entries will be written in English.

- (3) The Premises Holder must ensure that all staff will receive training in the following aspects of the Licensing Act: the FOUR Licencing Objectives, Premises licence requirement's, completion of the incident log. This training will be recorded on written records. These records must be made available for inspection upon demand of an Officer of a Responsible Authority or Police Officer.

Prevention of Public Nuisance

- (1) There will be signs placed at the exit points of the premises asking customers to leave the area quickly and quietly so not to annoy the local residents.
- (2) The premises will be closed and no members of the public shall be admitted after 23.00 hours and all external areas of the premises shall be vacated and not permitted for the use of customers.
- (3) The provision of late night refreshment is restricted to delivery only between the hours of 23.00 hours and 03.00 hours. Delivery drivers shall use their vehicles in a responsible manner so as not to cause a nuisance to any residents. Delivery drivers are not to leave engines running when vehicles are parked.

SCHEDULE 4

Plans

No premises licence shall be issued until an accurate plan has been submitted and approved by the Licensing Authority.

Reasons for the Panel's Decision

In making their decision, the Panel carefully considered the written representations and oral submissions from the Responsible Authorities together with oral submissions from the Applicant made at the hearing.

The Panel noted that the Applicant recognised the concerns raised by Thames Valley Police and the Licensing Authority in respect of the licensing objectives. The Applicant had agreed to amended conditions prior to the hearing to address the concerns raised by Thames Valley Police.

The Licensing Authority had made representations about the need to prevent public nuisance regarding restricting access to the Premises after 23:00 hours. The Panel were, on the balance of probabilities, reassured by the Applicant's oral submissions during the hearing and felt the revised operating schedule offered by the Applicant was reasonable and sufficient to promote the licensing objectives of Prevention of Public Nuisance and Prevention of Crime and Disorder. The Panel noted that the Police, as the experts in the Prevention of Crime and Disorder, had raised no objections to the application at the hearing following the revised operating schedule.

The Panel took account of the concerns raised by the Licensing Authority regarding the accuracy of the plan which had been submitted as part of the application. Taking into consideration the licensing objectives of public safety and the prevention of crime and disorder they felt the most appropriate course was to require an accurate plan to be submitted prior to the premises licence being issued.

In considering the concerns about parking as a potential public nuisance, the Applicant noted that there were two parking spaces to the rear of the Premises and an open space to the front of the Premises. The Panel also considered the Statutory guidance where paragraph 2.21 states “beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law.”

The Panel was aware that it could not make assumptions as to any potential impact the requested application might have in relation to the licensing objectives but must reach a decision based on the evidence before it. There was no evidence which could be presented to show that granting the application would undermine the licensing objectives.

The Panel also 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 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.

Clerk to the Licensing Sub-Committee



Date: 15th of May 2023