

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: Simply Local, 18-20 Eastfield Road, Burnham, SL1 7NZ

To:

The Applicant: Mr Hashmeet Singh Kapoor
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 1st August 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 and 2 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.

Licensable Activities

Supply of alcohol (off the premises only)	Every Day	07:00 – 23:00
Hours premises are open to the public	Every Day	07:00 – 23:00

Prevention of Crime and Disorder

- CCTV shall be installed to Home Office Guidance standards and maintained in a good working condition and recordings shall be kept for 31 days and shall be made available to police and authorised Officers from the council.
- The CCTV system shall be capable of obtaining clear facial recognition images and a clear head and shoulders image of every person entering or leaving the premises.
- The CCTV system shall display on any recordings, the correct date and time of the recording.
- A member of staff trained in the use of the CCTV system shall be available at the premise at all times that the premises are open to the public.
- A CCTV camera shall be installed to cover the entrance of the premises and further cameras installed to cover the internal area and servery counter.
- A suitable intruder alarm complete with panic button shall be fitted and maintained.
- Appropriate signage will be displayed, in prominent position informing customers they are being recorded on CCTV.
- An incident log shall be kept at the premises, and made available for inspection on request to an authorised officer of the council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.

Prevention of Public Nuisance

- A notice shall be displayed at the exit requesting patrons to respect the needs of local residents and businesses and leave the area quietly. The request will be reinforced by verbal instructions from staff members.

Protection of Children from Harm

- A Challenge 25 policy will be in force, where any person looking under the age of 25 shall be asked to prove their age when attempting to purchase alcohol and signs to this effect will be displayed at the premises.
- The only acceptable ID will be those with photographic identification documents, including passport, photo-card, driving license or proof of age card bearing the PASS hologram.
- A refusal book shall be kept at the premises and updated as and when required and made available for inspection on request to a Licensing Officer, Police or other responsible authority.
- A sign stating “No proof of age – No sale” shall be displayed at the point of sale.

SCHEDULE 3

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

- All staff are to receive training every six months in relation to the Licensing Act 2003 including underage sales prevention. The training will also include the operating procedures of the business. Staff training must be documented. All training shall be signed and dated, and a copy of such records will be available for inspection by Police and local authority enforcement officers on request.

Reasons for the Panel’s Decision

In reaching their decision the Panel carefully considered the written representations and oral submissions from the Parties who made Relevant Representations together with oral submissions from the Applicant and their representative made at the hearing. Equal weight was given to the written representations from the Interested Parties who were unable to attend the hearing as to those in attendance.

In making their decision, the Panel also took into account the legislation, the statutory guidance and the Council’s own licensing policy, in particular:

Buckinghamshire Council Alcohol and Entertainment Licensing Policy Statement:

- Para 2.36 - licensing is not the primary mechanism for controlling anti-social behaviour away from the premises and beyond the direct control of operators.
- Para 3.26 and 3.28– the Licensing Authority will look to the police as the main source of advice on crime and disorder.
- Para 3.27– Applicants are expected to demonstrate in their operating schedule how they intend to promote the crime prevention objective in relation to the licensable activities provided and should also consider local circumstances.
- Para 3.79–The Licensing Authority will not consider the issue of commercial “need” in determining any licence application, as this is a matter for planning control and the

market. Therefore, the Licensing Authority will not seek to impose quotas of premises, licences or certificates.

Statutory Guidance issued under Section 182 Licensing Act 2003:

- Para 2.26 – beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law.
- Para 10.15– Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.
- Para 14. - There can be confusion about the difference between the “need” for premises and the “cumulative impact” of premises on the licensing objectives, for example, on crime and disorder. “Need” concerns the commercial demand for another pub or restaurant or hotel and is a matter for the planning authority and for the market. This is not a matter for a licensing authority in discharging its licensing functions or for its statement of licensing policy.

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. In addition no response had been received from the Safeguarding and Child Protection Unit.

The Panel was sympathetic to and understanding of the concerns raised by the Persons who made Relevant Representations, however, the Panel was mindful that no evidence was presented to suggest that the Applicant’s premises would breach the licensing objectives of prevention of crime and disorder or prevention of public nuisance.

The Panel took into account the relevant provisions of the Human Rights Act 1998 as they related to all parties, 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 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.

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.

A handwritten signature in black ink, consisting of a vertical stroke on the left and a horizontal stroke extending to the right.

Clerk to the Licensing Sub-Committee

Date: 2nd August 2023.