

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 Red Lion, 41 The Green, Wooburn Green, Buckinghamshire, HP10 0EU

To:

The Applicant: Greene King Brewing and Retailing Limited
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 3rd January 2024

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.

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 - all other permitted licensable activities to remain as per current licence

Licensable Activities

<p>Sale by Retail of Alcohol (both on and off the premises)</p>	<p>Mon – Thurs: 10:00 hrs – 23:00 hrs. Fri – Sat: 10:00 hrs – 01:00 hrs. Sun: 11:00 hrs – 23:00 hrs.</p> <p><u>Non-standard timings</u> Easter Sunday: 11:00 hrs – 00:00 hrs Easter Monday: 10:00 hrs – 00:00 hrs</p> <p>Sunday preceding a Bank Holiday: 11:00 hrs – 00:00hrs.</p> <p>New Year’s Eve: from the end of permitted hours New Year’s Eve until the start of permitted hours New Year’s Day.</p> <p>St George’s Day, St Patrick’s Day, Christmas Eve and any other publicly declared holiday: One additional hour.</p>
<p>Late Night Refreshment</p>	<p>Fri-Sat: 23:00 hrs – 01:00 hrs.</p> <p><u>Non-standard timings</u> Easter Sunday: 23:00 hrs – 00:00 hrs. Easter Monday: 23:00 hrs – 00:00 hrs.</p> <p>Sunday preceding a Bank Holiday: 23:00 hrs – 00:00 hrs.</p> <p>New Year’s Eve: 23:00 hrs – 02:00 hrs.</p> <p>St George’s Day, St Patrick’s Day, Christmas Eve and any other publicly declared holiday 23.00 hrs until 00:00 hrs when they fall Sunday to Thursday and 23.00 hrs until 02:00 hrs when they fall on Friday and Saturday.</p>

<p>Recorded Music (Indoors)</p>	<p>Mon – Thurs: 10:00 hrs – 23:00 hrs. Fri – Sat: 10:00 hrs – 01:00 hrs. Sun: 11:00 hrs – 23:00 hrs.</p> <p><u>Non-standard timings</u> Easter Sunday: 11:00 hrs – 00:00 hrs. Easter Monday: 10:00 hrs – -00:00hrs.</p> <p>Sunday preceding a Bank Holiday: 11:00 hrs – 00:00 hrs.</p> <p>New Year’s Eve: 10:00 hrs – 00:30 hrs.</p>
<p>Live Music (Indoors)</p>	<p>Mon-Sat: 10:00 hrs – 23:00 hrs. Sun: 11:00 hrs – 23:00 hrs.</p> <p><u>Non-standard timings</u> Easter Sunday: 11:00 hrs – 00:00 hrs. Easter Monday: 10:00 hrs – -00:00 hrs.</p> <p>Sunday preceding a Bank Holiday: 11:00 hrs – 00:00 hrs.</p> <p>New Year’s Eve: 10:00 hrs – 00:30 hrs.</p>
<p>Other Entertainment Involving Music or Dance (Indoors)</p>	<p>Mon – Thurs: 10:00 hrs – 23:00 hrs. Fri – Sat: 10:00 hrs – 01:00 hrs. Sun: 11:00 hrs – 23:00 hrs.</p> <p><u>Non-standard timings</u> Easter Sunday: 11:00 hrs – 00:00 hrs. Easter Monday: 10:00 hrs – -00:00 hrs.</p> <p>Sunday preceding a Bank Holiday: 11:00 hrs – 00:00 hrs.</p> <p>New Year’s Eve: 10:00 hrs – 00:30 hrs.</p>

<p>Opening Times</p>	<p>Mon – Thurs: 10:00 hrs – 23:30 hrs. Fri – Sat: 10:00 hrs – 01:30 hrs. Sun: 11:00 hrs – 23:30 hrs.</p> <p><u>Non-standard timings</u> Easter Sunday: 11:00 hrs – 00:00 hrs. Easter Monday: 10:00 hrs – 00:30 hrs.</p> <p>Sunday preceding a Bank Holiday: 11:00 hrs – 00:30 hrs.</p> <p>New Year’s Eve: from the end of permitted hours New Year’s Eve until the start of permitted hours New Year’s Day.</p> <p>St George’s Day, St Patrick’s Day, Christmas Eve and any other publicly declared holiday: One additional hour.</p>
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The Prevention of Public Nuisance

- Condition PN8: Whenever the premises is in use under this licence, the external doors and windows shall remain closed except for the immediate access and egress of the customers and staff during any regulated entertainment.
- Condition SPN1 to be removed.
- Condition SPN2: The hours of use of the external area (beer garden) shall take place only from 10.00 to 23.00 Monday to Saturday and 11.00 to 22.00 on Sunday, to include Bank or Statutory Holidays and event days.
- When regulated entertainment is provided at the premises, noise checks will be conducted at the nearest noise sensitive property. A noise check log of these checks will be kept and maintained at the premises. As a minimum the log will record the date and time of the check, the name of the person making the check, the result of the check, and if appropriate any action taken. The log will be made available to an authorised officer upon request.

The Prevention of Crime and Disorder

- All staff who have direct dealings with customers shall be trained in the following:
 - (i) Licensing law and in particular that relating to the sale of alcohol;
 - (ii) The Challenge 21 policy;
 - (iii) The premises licence and its conditions.
 Training will be refreshed every 6 months. A record shall be kept of this training and this record shall be available for inspection by the Licensing Authority or Police upon request.

- An incident log will be kept at the premises and made available on request to an authorised officer of Buckinghamshire Council or Thames Valley Police. It will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 As a minimum, the log will record the date and time of the incident, the name of the person making the entry, the nature of the incident and any actions taken.

The Protection of Children from Harm

- A challenge 21 policy shall operate in the premises in relation to the sale of alcohol.

SCHEDULE 3

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

The Prevention of Public Nuisance

- The licence holder shall have a system in place to regularly monitor the use of outside areas by customers to ensure nearby residents are not disturbed by customer noise.

The Prevention of Crime and Disorder

- CCTV cameras will be positioned to address the internal areas, external areas of the car park and the front of the premises.
- The recordings from the CCTV system shall be retained for a period of 28 days. Recordings shall immediately be made available to an authorised officer of the Licensing Authority, a Police Officer or a Police Licensing officer together with facilities for viewing. The digital recording system shall include the facility to provide an investigating officer with evidence on a removable media format that can be easily retrieved (*This reflects the current wording of the condition and was not amended*).

Reasons for the Panel's Decision

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

The Panel considered the provisions of paragraphs 3.28 and 3.36 of the Licensing Policy as they relate to the Police and Environmental Health officers and took account of Section 9.12

of the Section 182 Guidance noting that no representations had been made by any Responsible Authorities.

The Panel in reaching their decision were conscious that the scope of their decision making was confined to the matters which formed the basis of the application for the variation of the premises licence.

Whilst sympathetic to the concerns raised by those persons who had made Relevant Representations the Panel noted that no evidence was presented to show that, on the balance of probabilities, granting the application would undermine the licensing objectives.

In making their decision, the Panel took into account the legislation (Licensing Act 2003 and Live Music Act 2012), the statutory guidance and the Council's own licensing policy.

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.

In granting the application for the variation the Panel were conscious of the need to strike a balance between the right of those who make Relevant Representations to respect for their private and family life and of the rights of the Applicant in relation to the licence.

The Panel considered that in all the circumstances the proposed conditions offered and agreed 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

A handwritten signature in black ink, consisting of a stylized initial 'J' followed by a horizontal line that tapers to the right.

Date: 8th January 2024