

SUBJECT:	APPLICATION FOR A VARIATION OF A PREMISES LICENCE at: Mirage, 39A Buckingham Street, Aylesbury, HP20 2NQ
Report Of:	Application under Section 34 Licensing Act 2003
Responsible Officer:	Kerryann Ashton – Licensing Officer
Report Author	Kerryann Ashton – Licensing Officer
Ward/s Affected	Aylesbury North

1. Purpose of Report

To provide Members with information enabling the determination of an application for a variation to the premises licence, in respect of which relevant representations have been received. The application has been submitted by Mirage (Aylesbury) Ltd (“the applicant”) in respect of Mirage, 39A Buckingham Street, Aylesbury, HP20 2NQ (“the premises”).

2. Background

2.1 The premises is located within the town centre of Aylesbury in a mixed area of commercial and residential premises. The premises consist of a nightclub in the basement level.

2.2 A location plan showing the premises is attached to this report marked **Appendix 1**.

A copy of the current layout plan is attached as **Appendix 2**.

2.3 The original premises licence was granted in 2005 as a conversion application and authorised the sale of alcohol (on the premises) between the hours of 12pm and 11.30 pm Sunday to Wednesday and 12pm to 2am Thursday to Saturday. As well as regulated entertainment from 12pm to 11.30pm on a Monday to Wednesday and 12pm to 2.30am on a Thursday to Saturday and 12pm to 11pm on a Sunday.

This licence was granted under delegated powers.

2.4 The premises applied for a variation of the premises licence in October 2005.

The variation was to extend the sale of alcohol (on the premises) between the hours of 12pm and 01:00am Monday to Wednesday and 12pm to 2am Thursday to Saturday. Amend live music to 12pm to 11.30pm on a Monday to Wednesday and 12pm to 2.30am on a Thursday to Saturday and 12pm to 11pm on a Sunday. And recorded music Monday to Wednesday 12pm to 01:00am and 12pm to 02:30am Thursday to Saturday. Opening hours Monday to Wednesday 12pm to 1:00am, Thursday to Saturday 12pm to 02:30am and 12pm to 11pm on a Sunday. This licence was granted under delegated powers.

2.5 The premises applied for a variation in 2006 which was determined by a Licensing Subcommittee.

The variation was for sale of alcohol Monday to Saturday 12pm to 02.15am and Sunday 12pm to 11pm. Regulated entertainment and opening hours Monday to Saturday 12pm to 02.30am and 12pm to 11.30pm on a Sunday.

2.6 The premises applied for another variation in 2008 and was determined by a Licensing Subcommittee. The Variation was sale of alcohol Monday to Wednesday 12pm to 02.15am, Thursday to Saturday 12pm to 02.45am and 12pm to 11pm on Sunday. Regulated entertainment Mon to Wednesday 12pm to 02.30am, Thursday to Saturday 12pm to 03.00am and 12pm to 11.30pm on a Sunday. Late night Refreshment Monday to Wednesday 11pm to 02.30am, Thursday to Saturday 11pm to 0300am and Sunday 12pm to 11.30pm. And the opening hours Monday to Wednesday 12pm to 02.30am, Thursday to Saturday 12pm to 03.00am and 12pm to 11.30pm on a Sunday.

2.7 This is the current licence in place which was issued in 2018 following a licence transfer.

<u>Current activities and hours</u>	<u>Proposed activities and hours</u>
<p>Sale of Alcohol Both on and off the premises:</p> <p>Monday to Wednesday 12:00 - 02:15 Thursday to Saturday 12:00 - 02:45 Sunday 12:00 - 23:00</p>	<p>Monday to Wednesday 12:00 – 02:15 Thursday 12:00 – 02:45 Friday to Saturday 12:00 – 03:15 Sunday 12:00 - 23:00</p>
<p>Live music , Recorded music, other entertainment etc.:</p> <p>Monday to Wednesday 12:00 - 02:30 Thursday to Saturday 12:00 – 03:00 Sunday 12:00 - 23:30</p>	<p>Monday to Wednesday 12:00 - 02:30 Thursday 12:00 – 03:00 Friday to Saturday 12:00 – 03:30 Sunday 12:00 - 23:30</p>
<p>Late Night Refreshment:</p> <p>Monday to Wednesday 23:00 - 02:30 Thursday to Saturday 23:00 - 03:00 Sunday 23.00 - 23.30</p>	<p>Monday to Wednesday 23:00 - 02:30 Thursday 23:00 - 03:00 Friday to Saturday 23:00 – 03:30 Sunday 23.00 - 23.30</p>
<p>Hours premises are open to the public:</p> <p>Monday to Wednesday 12:00 - 02:30 Thursday to Saturday 12:00 - 03:00 Sunday 12:00 - 23:30</p>	<p>Monday to Wednesday 12:00 - 02:30 Thursday 12:00 - 03:00 Friday to Saturday 12:00 – 03:30 Sunday 12:00 - 23:30</p>

2.8 Licence Timeline:

Premises originally called St James

Licence holder 2005 – 2009 St James Leisure club Limited

Licence holder 2009 – 2018 Buckingham Developments (Aylesbury) Ltd
Premises changed trading name to Mirage
Licence holder 2018 to present Mirage (Aylesbury) Ltd

2.9 A copy of the current licence is attached as **Appendix 3**.

3 The Application

3.1 This application is for a variation of the current premises licence to take immediate effect. A copy of the application form is attached as **Appendix 4**.

3.2 The variations sought are as follows: To extend current licensable activities on a Friday and Saturday.

Current Non-standard timings for all licensable activities (including opening hours)

- a. On New Year's Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.
- b. On Christmas Eve an extension to the terminal hour by one hour.
- c. Over Bank Holiday weekends, on the Friday, Saturday, Sunday and Monday, an extension to the terminal hour by one hour.

3.3 The steps the applicant intends to take to promote the licensing objectives are set out in the operating schedule (see Appendix 4, section 16 of application form).

4. Relevant Representations

4.1 Responsible Authorities:

4.1.1 **The Chief Officer of Police:** Submitted a representation during the consultation period a copy of which is attached as **Appendix 5**.

4.1.2 **The Fire and Rescue Authority:** Response received: No comment. A copy of the response is attached as **Appendix 6**.

4.1.3 **The Local Planning Authority (Head of Sustainable Development):** No Response received: No comment

4.1.4 **The Local Environmental Health Authority (Head of Environmental Health):** Response received: No comment. A copy of the response is attached as **Appendix 7**.

4.1.5 **Weights and Measures Authority (Trading Standards Officer):** No response received: No comment

4.1.6 **The Safeguarding and Child Protection Unit:** No response received: No comment

4.1.7 **The Licensing Authority:** No Response received: No comment

4.1.8 No responses were received from any other Responsible Authority.

4.2 **Other persons:** One valid objection was received during the 28-day consultation period which ended of the 10 September 2024. A copy of the representation is attached marked **Appendix 8**.

4.2 No letters of support were received during the consultation period.

5 Licensing Officer's Observations:

5.1 The Relevant Representation from other parties mainly raises the follows issues:

- The prevention of crime and disorder

The representation at **Appendix 8** states they have concerns that the variation hours will have a detrimental impact and an increase in potential crime and disorder.

The representation from Thames Valley Police states they object to this application to extend its hours and cannot support the application and in making the objection they make reference to the Alcohol and entertainment licensing policy statement of 2022.

They go on to say that Thames Valley Police having assessed the likely impact of the extension of hours of this application, the premises being a town centre-based public house, which sells alcohol for consumption on the premises they believe by granting additional hours, it would add to the existing cumulative impact. And state regard should be had not only to the nature of incidents and timing but also to the wider impact this has for example policing.

The representation goes on to detail a record of incidents that the premise has been associated with. The list shows both positive and negative side of the way the premise is run.

The representation they have submitted contains a statement from a current serving officer and reports showing incidents during the nighttime economy.

6. Policy Considerations

6.1 Regard must be given to the Council's Statement of Licensing Policy (published 4th March 2022) when determining this application.

(Para 1.7) Licensing is concerned with promotion of the licensing objectives:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

The Council, in its role as Licensing Authority, must ensure that when it carries out licensing functions that it does so with a view to promoting the licensing objectives. This Policy explains how the Licensing Authority plans to do this. (Para 1.8)

The Policy seeks to balance the interests of business and residents to make sure that Buckinghamshire Council continues to offer a wide choice of high quality and well managed entertainment and cultural venues within an environment that is safe and attractive to residents, business and visitors. (Para 1.9)

In the policy Part C - promoting the licensing objectives Para 3.14 states the Licensing Authority seeks to encourage the highest standards of management in licensed premises and expects this to be demonstrated through the operating schedule.

In preparing their applications, applicants are strongly encouraged to consider the terms of this Policy in general and this chapter in particular. In considering applications, the Licensing Authority will also take this Policy as a starting point. (Para 3.19)

In considering variation applications, decision concerning conditions will be confined to the subject matter of the application as per case law (Taylor vs Manchester City Council [2012]). In practice this means that conditions will not be imposed in response to a variation application that do not relate to the application sought. (Para 3.23)

Hours test

In general, the Licensing Authority will set the hours of licensed premises according to the individual merits of the case. (Para 3.9)

In some circumstances, flexible licensing hours can help to avoid harm to the licensing objectives caused by customers leaving licensed premises at the same time. Varied closing times can also help to promote diverse leisure economies. (Para 3.10)

The Licensing Authority's experience is that premises which are alcohol-led are more likely to give rise to concerns regarding late night nuisance and crime and disorder, the more so when they involve one or more of the following: (Para 3.12)

- Directed at a younger clientele
- Involve vertical drinking
- Playing of loud music
- Include outside drinking areas

Premises falling within this category will be expected to demonstrate clearly, including by the use of licence conditions and management systems, that the hours applied for will not risk harm to the licensing objectives.

Section 17 of the Crime and Disorder Act 1998 places a legal duty on the Council to consider the reduction of crime and disorder, including the reduction of anti-social behaviour, in all its activities. The Licensing Authority will look to the police as the main source of advice on crime and disorder matters and will also seek to involve the local Community Safety Partnership for advice on anti-social behaviour. (Para 3.26)

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. Applicants should also consider local circumstances, for example such as the terminal hour of other licensed premises in close proximity, local crime and anti-social behaviour 'hot spots' and the position of taxi ranks and other transport hubs. (Para 3.27)

The Licensing Authority will treat the police as the main source of advice on conditions to be applied in order to promote the crime prevention objective. Conditions imposed on licences will, so far as possible, reflect any local crime prevention strategies and the local Police and Crime Plan published by the Police and Crime Commissioner for Thames Valley. (Para 3.28)

'Cumulative impact' is about the concentration of licensed premises in a particular area and the impacts of this. In some areas licensed premises that sell alcohol and late night food and drink can contribute to a nuisance and/or disorder problems. These problems can happen when a large number of drinkers gather in one area when leaving a premises at closing time or queuing for food or public transport. Sometimes lots of licensed premises in an area can have a negative impact on the licensing objectives, such as public nuisance or crime and disorder. Where there is evidence of this the council can introduce a 'cumulative impact' policy which means that a licence application that would have a negative impact will probably be refused. These policies must be supported by evidence and an assessment must be published every 3 years. (Para 3.73)

Before considering introducing a cumulative impact policy within the Buckinghamshire Council area the Licensing Authority will take the following steps (Para 3.74):

- Identify that there is a concern about crime and disorder, or public safety or public nuisance or protection of children from harm
- Consider whether there is good evidence that crime and disorder or nuisance are occurring or whether there are activities which pose a threat to public safety or the protection of children from harm
- If such problems are occurring, identify whether these problems are being caused by customers of licensed premises, or that the risk of cumulative impact is imminent
- Identifying the boundaries of the area where problems are occurring (this can involve mapping where the problems occur and identifying specific streets or localities where such problems arise)
- Consultation with those individuals or groups specified within section 5(3) of the Act and subject to the outcome of the consultation, include and publish details of the cumulative impact policy in the licensing policy statement.

The Licensing Authority will take the following into account, where applicable, when considering evidence of cumulative impact (para 3.75):

- Local crime and disorder statistics, including statistics on specific types of crime and crime hotspots.
- Statistics on local anti-social behaviour offences.
- Health-related statistics such as alcohol-related emergency attendances and hospital admissions.
- Environmental health complaints, particularly in relation to litter and noise.
- Complaints recorded by the local authority, which may include complaints raised by local residents or residents' associations.
- Representations in response to licence applications that cite cumulative impact as an issue.
- Response to surveys with key stakeholders.
- Evidence from ward, town and parish councillors.
- Evidence obtained by, or on behalf of, the Licensing Authority, for example details of existing licensed premises, complaints to the licensing service and observational reports.

The effect of adopting a cumulative impact policy, is to create a 'rebuttable presumption' to refuse applications which are likely to add to the cumulative impact. As such, the applicant will need to demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives in order to rebut any such presumption. This presumption requires at least one of the responsible authorities or other persons to make a relevant representation before the Licensing Authority can lawfully consider applying any adopted cumulative impact policy. If there are no representations, the Licensing Authority must grant the application in terms that are consistent with the operating schedule submitted. (Para 3.76)

Applicants are advised to give consideration to potential cumulative impact issues when setting out the steps they will take to promote the licensing objectives as well as showing how they will mitigate any potential negative harms in their application. Applicants are also reminded that less weight is likely to be attached to any arguments relating to there being no complaints arising from existing premises when seeking a variation or renewal of an authorisation within a cumulative impact policy area. This is because, given the nature of the area and concentration of licensed premises, it can be difficult to attribute

complaints and problems to any particular premises, especially with regards to nuisance being caused in outside areas. (Para 3.77)

It should be noted that special policies are not absolute. The individual circumstances of each application will be considered on its merits. The Licensing Authority will grant applications where the applicant has demonstrated that the operation of the premises is unlikely to add to the cumulative impact that is already being experienced in the area. (Para 3.78)

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. (Para 3.79)

At the time of publishing this Policy the Licensing Authority has not been presented with sufficient evidence to support the adoption of any cumulative impact policies within Buckinghamshire Council’s area. Should the Licensing Authority determine that there is sufficient evidence, as outlined in this section, that an area requires the adoption of a cumulative impact policy, an assessment of the supporting evidence will be published separately and reviewed at least every 3 years. (Para 3.80)

The Licensing Authority recognises that there are other mechanisms for controlling cumulative impact problems, such as bad behaviour by a minority of customers once away from licensed premises. These strategies include measures both within and outside the licensing regime (Para 3.81):

- planning control
- positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority, including best practise schemes such as Pubwatch, Town Centre Partnerships and BIDs
- Community Protection Notices and Public Space Protection Orders
- the provision of CCTV surveillance in town centres, taxi ranks, street cleaning and litter patrols
- the confiscation of alcohol from adults and children in designated areas
- police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices
- prosecution for the offence of selling alcohol to a person who is drunk (or allowing such a sale)
- raising a contribution to policing the late night economy through the Late Night Levy
- Early Morning Alcohol Restriction Orders
- the use of fixed closing times, staggered closing times and zoning when such restrictions are justified by the available evidence. Decisions would continue to be made on the merits of each case in accordance with what is appropriate for the promotion of the licensing objectives.

6.2 Regard must also be had to the national Guidance issued by the Home Office under Section 182 of the Licensing Act 2003, as amended.

Each application must be considered on its own merits and in accordance with the licensing authority’s statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the

premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case. (Para 1.17)

In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. Licensing authorities and responsible authorities are expected to publish information about what is meant by the promotion of the licensing objectives and to ensure that applicants can readily access advice about these matters. However, applicants are also expected to undertake their own enquiries about the area in which the premises are situated to inform the content of the application. (Para 8.41)

Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact assessment), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy. (Para 8.43)

In relation to Prevention of crime and disorder the Statutory Guidance states:

Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP). (Para 2.1)

Cumulative impact is the potential impact on the promotion of the licensing objectives of a number of licensed premises concentrated in one area. (Para 14.20)

In some areas where the number, type or density of licensed premises, such as those selling alcohol or providing late night refreshment, is high or exceptional, serious problems of nuisance and disorder may arise outside or some distance from those premises. Such problems generally occur as a result of large numbers of drinkers being concentrated in an area, for example when leaving premises at peak times or when queuing at fast food outlets or for public transport. (Para 14.21)

In some areas where the number, type or density of licensed premises, such as those selling alcohol or providing late night refreshment, is high or exceptional, serious problems of nuisance and disorder may arise outside or some distance from those premises. Such problems generally occur as a result of large numbers of drinkers being concentrated in an area, for example when leaving premises at peak times or when queuing at fast food outlets or for public transport. (Para 14.24)

Section 5A of the 2003 Act sets out what a licensing authority needs to do in order to publish a CIA and review it, including the requirement to consult with the persons listed in section 5(3) of the 2003 Act. The 2003 Act does not stipulate how the CIA should be used once published, because the requirements for determining applications for new licences or variations are the same in areas with a CIA as they are elsewhere, as set out in sections 18, 35, 72 and 85 of the Act. However, any CIA published by a licensing authority must be summarised in its statement of licensing policy. Under section 5(6D) a licensing

authority must also have regard to any CIA it has published when determining or revising its statement of licensing policy. (Para 14.25).

7. Resources, Risk and Other Implications

- 7.1 **Resource:** The only resource implications to date have been officer time however if the applicant or persons making relevant representations appeal against the decision of the Licensing Sub – Committee this would result in legal fees to defend the appeal and further costs. In the event of a successful appeal the Council may also have to pay the applicant/other party's costs.
- 7.2 **Human Rights:** The Licensing Sub - Committee's decision regarding this application will have Human Rights implications in respect of both the Applicant and the persons making relevant representations which also need to be considered equally and fairly so that the decision is proportionate and the right balance is met. The referral of this matter to the Sub - Committee is laid down in the Licensing Act 2003, as amended and is also in accordance with Article 6 of the Human Rights Act 1998, the right to a fair hearing, which is an absolute right. The Applicant and the persons making relevant representations have been notified of the Hearing and invited to make representations. A statutory right of appeal to the Magistrates Court and the right (if it arises) to challenge the Sub-Committee's decision by way of Judicial Review to the High Court also ensure a fair hearing to both the Applicant and the persons making relevant representations.
- 7.3 Article 8 and Article 1 of the First Protocol - the right to respect for private/family life and peaceful enjoyment of property/possessions (including Licences) - also need to be considered. The persons making relevant representations have a right to respect for their private and family life and their home. They are entitled not to be disturbed by unreasonable noise and/or nuisance. However, this is a qualified right and has to be balanced against the rights of others including the rights of businesses in the area to operate.
- 7.4 Article 14 of the Human Rights Act 1998 - the right to freedom from discrimination, which is an absolute right – also needs to be considered. The human rights provided under the Human Rights Act 1998 must not be subject to discrimination under various headings, including race, national or social origins, association with a national minority group, or other status.
- 7.5 Interference with these rights is acceptable within the terms of the Human Rights Act 1998 if it safeguards the rights of others, is legitimate, proportionate and balanced in that there is a need to find a fair balance between the protection of individual rights and the interests of the community at large – other than rights under Article 6 and 14 which are absolute rights and cannot be interfered with.
- 7.6 Therefore if Members refuse to grant the application to vary the Premises Licence in whole or part or grant it subject to Conditions this will be a breach of the rights of the Applicant unless such refusal (in full or part) is and/or the Conditions imposed are appropriate, proportionate and can be justified, on balance, by being outweighed by the rights of the community at large to peaceful enjoyment of their property/possessions. Any restriction placed upon the Premises Licence must not go beyond what is strictly necessary to achieve its legitimate purpose in order to mitigate the interference with the community at large's enjoyment of their property/possessions.
- 7.7 By taking into consideration all the material considerations relating to this application and balancing the interests/rights of all parties involved it is considered that the Licensing Sub-

Committees decision will be both proportionate and justified having had regard to the Human Rights Act 1998.

7.8 The Equality Act 2010, including the Council's Public Sector Equality Duty, must be taken into account when making decisions in relation to licensing applications.

8. Determination by the Licensing Sub-Committee

8.1 The Sub Committee is obliged to determine applications in the light of the above and any other material considerations with a view to promoting the four licensing objectives which are:

- The prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

Regard must also be had to the Council's Licensing Policy, Home Office Guidance issued under Section 182 of the Licensing Act 2003, as amended, relevant representations received and the evidence presented at the Hearing.

8.2 Each application must be considered on its own merits and any conditions attached to premises licences must be tailored to the individual style and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed, may be unlawful where they cannot be shown to promote the licensing objectives in any individual case.

8.3 The Sub Committee must avoid duplication of other legal requirements and should only impose conditions on a premises licence which are appropriate and proportionate for the promotion of the licensing objectives and where additional and/or supplementary measures are required in order to promote the licensing objectives.

8.4 The following options are available to the Licensing Sub Committee:

8.4.1 Grant the Variation Application in full or part - subject to any Conditions to be attached to the premises licence (which modify, or add to or vary the Conditions already imposed on it) which are consistent with the Operating Schedule and which are considered appropriate and proportionate for the promotion of the four licensing objectives in response to relevant representations received - and any relevant Mandatory Conditions.

On a "without prejudice" basis, a draft list of **proposed Conditions** is attached to this Report marked "The Schedule".

8.4.2 Reject the whole of the Variation Application.

8.4.3 Grant the Variation Application subject to different conditions for different parts of the premises or licensable activities if this is considered appropriate and proportionate to promote the four licensing objectives and in response to the representations received).

8.5 The Sub-Committee is asked to note that:

8.5.1 It may not reject the whole or part of the application or modify or add to or vary the existing conditions - merely because it considers it desirable to do so. It must actually be **appropriate and proportionate** in order to promote the four licensing

objectives and be in response to the representations received and full reasons must be given for the Sub-Committee's decision.

- 8.5.2 When determining the application to vary the Premises Licence consideration must be given to the effect of the variations proposed. Any modification or variation to Conditions or any additional Conditions to be added to the Premises Licence must also be as a result of the effect of the variation if granted on the promotion of the four licensing objectives.

THE SCHEDULE

The Mandatory Conditions

Annex 1 – Mandatory conditions

For the purposes of this schedule

"the Act" means the Licensing Act 2003;

"Anti-Social Behaviour" has the meaning given in section 36 of the Anti-social Behaviour Act 2003;

"Disability" has the meaning given in section 1 of the Disability Discrimination Act 1995;

"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 - 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 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 LICENSING 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 other 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 such older age as may be specified in the policy) to produce on request, before being served 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 whisky: 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 2013 (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 were 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.

Summary of Proposed conditions

General Licensing Objectives

- We adopt strict policies in respect of Dress Code
- Searching all customers before entry
- Members of Pubwatch
- Security staff licensed
- CCTV in all key areas of the club

The prevention of crime and disorder

- All customers are searched before being allowed to enter the premises
- CCTV in all key areas of the club which are monitored by the security staff
- Licensed security staff who constantly monitor customer activities whilst in the club
- Members of Pubwatch
- There shall be no entry or re-entry of patrons to the premises after 02.30 (this is to include patrons wishing to exit out onto the street to smoke) and that this shall be advertised outside the premises.
- On Thursdays, Fridays and Saturdays, at least two door supervisors shall be outside at the front of the premises whilst patrons are queuing to enter and at least one door supervisor shall be outside at the front when the premises are closing until the last patron has left.

Public Safety

- All customers are searched before being allowed to enter the premises
- CCTV in all key areas of the club which are monitored by the security staff
- Licensed security staff who constantly monitor customer activities whilst in the club
- Members of Pubwatch
- Function room and toilets are constantly monitored by security staff and general staff members
- The maximum capacity of the licensed premises is: 240 Persons

The prevention of public nuisance

- All customers are searched before being allowed to enter the premises
- CCTV in all key areas of the club which are monitored by the security staff
- Licensed security staff who constantly monitor customer activities whilst in the club
- Members of Pubwatch
- Function room and toilets are constantly monitored by security staff and general staff members
- Customers are refused alcohol if the management feel that consumption of more alcohol will result in nuisance to the general public
- There shall be no entry or re-entry of patrons to the premises after 02.30 (this is to include patrons wishing to exit out onto the street to smoke) and that this shall be advertised outside the premises.
- On Thursdays, Fridays and Saturdays, at least two door supervisors shall be outside at the front of the premises whilst patrons are queuing to enter and at least one door supervisor shall be outside at the front when the premises are closing until the last patron has left.

- A noise limiting device shall be fitted and maintained in such a manner as to control all sources of amplified noise (including music and speech) at the premises to the satisfaction of an authorised officer of the responsible Environmental Health Authority. Specifically, this shall mean that amplified noise (including music and speech) from the premises shall not be audible within any residential accommodation between 21:00 and 09:00 daily. The noise limiting device shall be adjusted as necessary in accordance with any reasonable written requirement from the said officer.

The protection of children from harm

- No children are allowed in the premises except on the occasion of a private party
- Children are located in one area and monitored by a dedicated member of staff
- Children are supervised at all times.

Informative/s -

This Premises Licence does not purport to grant planning permission for the use of the premises hereby permitted by this Licence and/or for the hours of operation hereby permitted by this Licence and the Applicant is advised to contact the Planning Department to check compliance with the relevant planning legislation/requirements and to submit any necessary planning applications prior to operation.

Officer Contact: Kerryann Ashton (01296 585 560)
 email address: kerryann.ashton@buckinghamshire.gov.uk

Background Papers:	<ul style="list-style-type: none"> • Application ref PR202408-353308 • Licensing Act 2003, as amended • Licensing Policy – Buckinghamshire Council published March 2022 • Home Office Guidance issued under Section 182 of the Licensing Act 2003, as amended
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