



SECTION 18 LICENSING ACT 2003
NOTICE OF DETERMINATION IN RESPECT OF A HEARING
WHICH TOOK PLACE ON FRIDAY 7 FEBRUARY 2025
TO DETERMINE AN APPLICATION BY THE HIGHER BUCK LIMITED
FOR A PREMISES LICENCE IN RESPECT OF THE WILD BUCK, CLITHEROE ROAD,
WADDINGTON, CLITHEROE, BB7 3HP .

The Licensing Sub-Committee met on 7 February 2025. The Sub-Committee comprised the following members:

Councillor I Brown - Chair
Councillor J Alcock
Councillor M Graveston

Also in attendance:

Solicitor (RVBC)
Licensing Officer (Alcohol & Entertainment) (RVBC)
Committee Clerk (RVBC)
Mr H Heathcote (Proposed DPS and manager)
Mr M Heathcote (Director of the Applicant)
Mr G Thompson (Objector)
Mrs T Thompson (Objector)
Mr J Nicholson (Objector)

The Sub-Committee met to consider the application of The Higher Buck Limited for a premises licence in respect of the Wild Buck, Clitheroe Road, Waddington, Clitheroe, BB7 3HP.

The Sub-Committee considered the contents of the report of the Head of Legal and Democratic Services dated 7 February 2025 and its appendices ("**Report**").

After the Chair gave an introduction, the solicitor explained the application and the procedure for the hearing. Those present were advised that the Sub-Committee had read and would take into account the written application and objections submitted.

The proposed DPS/manager and the Director of the Applicant made verbal representations to the Sub-Committee and explained that they were seeking to open a dining establishment, providing good food in a pleasant environment. It was intended that the premises would be open Tuesday to Sunday during the day, and from Thursday to Saturday in the evenings. They did not wish to create a drinking establishment; there would be no bar and there would only be table service. The focus would be on serving food, although, if a table was available,

and someone requested a cup of coffee or a glass of wine, they would be served. They might place tables on a small external area at the front of the premises for use in suitable weather although there would be no heating there.

It was anticipated that the typical customer might be of a more senior age, but there would be something for everyone from the mid-20s onwards. It was anticipated there would be a lot of appeal to cyclists.

A condition restricting times for bottle sorting/disposal would be acceptable

In response to questions, the Director of the Applicant and the proposed DPS/manager indicated that, were the licence granted, they would place signs in the premises requesting customers not to cause an obstruction by parking vehicles inconsiderately. They indicated that their solicitor, engaged in preparation of the application but not at the hearing, had advised to apply for supply of alcohol to 10.30 pm (and later on bank and other holidays over the festive period), but that they did not envisage serving alcohol after 9pm. They were prepared to amend the application to withdraw the application for longer hours on Christmas Eve, Christmas Day, Boxing Day and New Year's Eve.

There was no application for performance of live or recorded music to be a licensable activity. The applicant indicated that a single musical unit might be placed in the premises to create ambience.

The objectors queried the position in relation to parking close to the premises and outlined existing problems. The Director of the Applicant and the proposed DPS/manager indicated that they would do their utmost to remind their patrons of the need to park responsibly and not to block access to premises.

Although it was accepted that parking was a significant local issue, members of the sub-committee were advised that it was not a relevant licensing issue. The objectors drew attention to public safety concerns which could arise from inconsiderate parking. Members were advised that safe and considerate parking was the responsibility of the driver, enforceable by the police and highways authority, rather than being the responsibility of the licensee were a licence to be granted.

The objectors referred to occasional use of the café by a previous owner who had opened later around Christmas and had very occasionally permitted customers to bring in their own alcohol. This had given rise to noise issues and disorderly behaviour including customers being ill on the adjacent privately owned driveway. The Applicant's Director and proposed DPS/Manager reiterated their proposed business model, and that they would not admit inebriated people, nor serve or allow customers to remain if they became inebriated.

In their representations to the sub-committee, the objectors highlighted the issue of noise about which they were concerned if the application were to be granted, particularly in the evening. Noise could be heard in neighbouring properties on occasion, and the objectors were particularly concerned about the prospect of noise during evening hours. Whilst they had no concerns about the premises when opening as a café during the day, and indeed wanted the premises to re-open, they were apprehensive of the possible increase in noise arising from the service of alcohol, and the premises opening for longer than had previously been the case. Mr and Mrs Thompson made it clear that the land between their house and the applicant's property belonged to them, subject to a third party right of way.

The Applicant's Director and the proposed DPS/manager stressed that the intention was to run a café with provision, if granted, to serve alcohol within permitted hours, and that it was not intended to be a bar. They would endeavour to keep noise to a minimum, and repeated

the invitation, which they had made in their presentation, for anyone with concerns to approach them and to talk to them. They amended the application to withdraw the request for later hours on Christmas Eve, Christmas Day, Boxing Day and New Year's Eve.

The Licensing Sub-Committee gave careful consideration to the representations made by all parties, both verbal and written. The Sub-Committee also considered the requirements of the Licensing Act 2003, the Statutory Guidance, the licensing objectives, the relevant regulations, and the Council's licensing policy.

Having considered all of the above the Sub-Committee resolved to grant the Applicant's application for a premises licence as applied for (and clarified at the hearing), subject to an additional condition relating to bottle disposal as considered at the hearing and subject to an earlier terminal time for the sale of alcohol and for opening hours for the premises. Members were mindful of the steps being taken to promote the licensing objectives to address concerns about the operation of premises.

The operating schedule for the premises is as amended and as set out below:

Opening hours of the premises:	
Mon	07.00 – 21.30
Tues	07.00 – 21.30
Wed	07.00 – 21.30
Thurs	07.00 – 21.30
Friday	07.00 – 21.30
Sat	07.00 – 21.30
Sun	07.00 – 21.30
Supply of alcohol ON and OFF the premises:	
Mon	10.00 – 21.00
Tues	10.00 – 21.00
Wed	10.00 – 21.00
Thurs	10.00 – 21.00
Fri	10.00 – 21.00
Sat	10.00 – 21.00
Sun	10.00 – 21.00

The mandatory conditions will apply to the licence as set out in **Appendix 1** to this notice.

The Sub-committee also determined that the conditions proposed by the Applicant and those agreed at the hearing should be incorporated into Annex 2 of the licence. Those conditions shall be incorporated as follows:

General

- Upon commencement of their employment, all staff who are involved in the sale of alcohol will be trained in relation to the licensing objectives so as to reduce crime and disorder, promote public safety, prevent public nuisance and promote the protection of children from harm. Refresher training will be provided at least once every twelve months and all training will be documented and made available to an authorised officer on request.

The prevention of crime and disorder

- A CCTV system shall be installed at the premises and will meet the following criteria:
 1. The system will display on any recording the time and date of said recording;
 2. The system will be recording whenever the premises are open to the public;
 3. Any recordings will be retained for a minimum of 28 days after they are made and will be produced to an approved officer upon request so long as said request is in accordance with the principles of the Data Protection Act or any subsequent or alternative legislation;
 4. As a minimum, the CCTV will capture a “head and shoulders” image of any person who enters the premises through a public entrance.
- Appropriate signage alerting customers to the use of CCTV shall be displayed in a conspicuous position at the premises.
- A competent person trained in the use and operation of the CCTV will be in attendance at the premises at all times that licensable activities are taking place. Said person will be able to operate fully the CCTV system and be able to download data in a recognised format when requested.

Public safety

- Any sales of alcohol knowingly made for consumption off the premises will be made in a sealed container. This condition will not apply to any external area under the control of and operated by the Premises Licence Holder.

The prevention of public nuisance

- Any disposal of glass into external bins will not take place between the hours of 18.00 and 08.00.
- Notices will be displayed in a prominent position at the public exits requesting that patrons respect the needs of local residents and leave the premises and the area quickly and quietly
- The management of the premises will ensure that the area immediately outside the entrance to the premises is kept clean, tidy and free from litter.

The protection of Children from harm

- The premises shall have in place a written Challenge 25 Policy. This policy shall be actively promoted and state that any person to which the sale or supply is being made who looks or appears to be under 25 years of age shall be asked to provide identification that they are 18 years of age or over before they are permitted to purchase alcohol. The only forms of identification that are acceptable will be:-
 1. A Passport;
 2. A UK Photocard Driving Licence;
 3. An official ID card issued by HM Forces or EU bearing a photograph and the date of birth of the holder;
 4. Any other form of identification agreed on with a representative of the Police Licensing Unit.

- Any staff who are involved in the sale of alcohol will be trained in relation to the "Challenge 25" policy upon the commencement of their employment, following which they will undertake refresher training at least once every twelve months. Said training will be documented and will be made available to an authorised officer upon request.

The Sub-committee reached this decision because it considered that the licence, as applied for, and with the conditions imposed, would not breach the licensing objectives of the Licensing Act 2003.

The parties are hereby notified that they may appeal against this decision to the Magistrates Court within 21 days beginning with the date of notification of this decision.

ANNEX 1

MANDATORY LICENSING CONDITIONS

1. Section 19 of the Act provides that where a premises licence authorises the supply of alcohol, the licence must include the following conditions:
 - (1) 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.
 - (2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

2. Section 19A of the Act provides that where a premises licence authorises the supply of alcohol for consumption on the premises, the licence must include the following conditions:
 - (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 a disability).
- 3. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 4. (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.
- 5. 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: 25ml or 35ml; and
 - (iii) still wine in a glass: 125ml;
 - (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.
- 6. (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.