



Licensing Sub-Committee agenda supplement

Date: Wednesday 29 September 2021

Time: 2.30 pm

Venue: Via Video Conference

Agenda Item	Time	Page No
5 74 Oxford Road, New Denham, Buckinghamshire UB9 4DN To consider an application under s.17 of the Licensing Act 2003 for a new premises licence in respect of 74 Oxford Road, New Denham, Buckinghamshire UB9 4DN (report attached).		3 - 30

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	Condition	Licensing Authority	Noise Pollution/EH	Thames Valley Police
			<p>See the following additional measures as being necessary and proportionate in this instance:</p> <ul style="list-style-type: none"> • A reduction in the terminal hour of the supply of alcohol to 23:00 daily • The exclusion of all regulated entertainment (and where music is permitted before 23:00 by virtue of the Live Music Act 2012 that the control measures within any Operating Schedule relating to noise control are applied before that hour} • The exclusion of late night refreshment 	
	Admission			
1	The designated queuing area shall be enclosed within appropriate barriers and ensure that a minimum width of 1.8m [or specify if greater] is maintained			

	on the footway to allow safe passage by pedestrians.			
2	An ID scanning system approved in writing by the licensing authority must be operated at the premises at all times it is open to the public. All persons entering the premises must provide verifiable ID and record their details on the system.	Conditions 2, 3 and 4 essentially requires all persons entering the premises to have their ID scanned and to be searched physically and with a hand held wand, on entry and re-entry, at all times the premises is open. The proposed opening times are from 12:00 until 01:00, 02:00 on Fridays and Saturdays. If this is the case there are significant cost implications for the applicant in terms of maintaining sufficient staff to fulfil this obligation and it is highly questionable whether this is sustainable. Furthermore it would be highly unusual for customers to be subject to such stringent requirements when visiting a “bar” or “shisha café”, particularly when visiting during the day.		An ID scanning system approved in writing by the licensing authority must be operated at the premises at all times it is open to the public. All persons entering the premises must provide verifiable ID and record their details on the system. The system must be able to photograph the person.
3	All persons entering or re-entering the premises must be searched by an SIA registered door supervisor [and all searches must be monitored by the premises CCTV system].			
4	No patron shall be admitted or readmitted to the premises unless they have been searched using hand-held electronic search wands and, if the search equipment is activated, have been physically searched in accordance with a procedure agreed with Thames Valley Police, which must include a 'pat			

	down search' and a full bag search. Search equipment must be kept in working order.			
5	No customer will be permitted to enter or re-enter the premises between the hours of 12.00am and 1 am save for persons who have temporarily left the premises (e.g. to smoke).	This is vague and open to a broad/lax interpretation of the word "temporarily". Furthermore, there is no reference to what happens after 1am, which means patrons could then continue to enter and re-enter if the premises were open to 2am, resulting in potential disturbance to neighbouring residents later into the evening.		No customer will be permitted to enter or re-enter the premises between the hours of 12.00am and closing time.
6	Between the above times no customer will be permitted to enter or leave the Premise.	Contradicts condition 5, and states between the above times no customers will be permitted to enter or leave. Not only is this contradictory but likely to be illegal if the intention is to stop customers leaving should they wish to do so.		
7	No more than 80 customers will be permitted on the premises at any one time.	Plans accompanying the application indicate accommodation for approximately 105. Furthermore condition 49 restricts the number of customers to 80 in the shisha		

		area at any one time. If the capacity of the premises is restricted as per condition 7, then condition 49 is not necessary.		
8	The premises licence holder shall ensure a suitable method of calculating the number of people present during licensable activities is in place.			
	Door Supervisors			
9	Door supervision must be provided on Monday through to Sunday from 12.00 until 3.00. Door supervisors must be on duty from opening until the close and must remain on duty until the premises are closed and all the customers have left.	Stipulates that door supervisors must be provided every day from 12:00 to 03:00, if this is what is truly intended again there will be significant cost implications which are likely to render this arrangement unsustainable.		Door supervision must be provided on Monday through to Sunday from 12.00 midday until closing. Door supervisors must be on duty from opening until the close and must remain on duty Until the premises are closed and all the customers have left. (Repeated)
10	On all days from opening time to close at least 5 SIA registered door supervisors must be on duty at the premises.	Again this arrangement would be extremely costly and is unlikely to be sustainable.		On all days from opening time to close at least 5 SIA registered door supervisors must be on duty at the premises. 2 of these being female

11	Door supervisors shall be employed at the ratio of 10 door supervisor for every 100 customers (or part thereof).	Assuming a capacity of 80, this means that a minimum of 8 door supervisors must be employed. Once again this would be extremely costly and unlikely to be sustainable.		
12	Door supervisors shall be employed by the premises based upon a risk assessment carried out in relation to the following factors: (i) Size of the venue (ii) Expected attendance (iii) Type of event taking place (iv) Location of the premises (v) Time of year (vi) Special occasion (New Year, Halloween, Local events etc.) (vii) Premises Licence Conditions 18. At least 2 female door supervisor(s) shall be on duty at the premises at such times as door supervisors are required to be provided.	Given that there is minimum of at least between 5 and 8 proposed, this condition implies that the numbers of door staff required could be even higher. Once again this would be highly irregular for a relatively small bar or shisha café to require such high numbers of door supervisors.		
13	All door supervisors, and other persons engaged at the premises for the			All door supervisors, and other persons engaged at the premises for the purpose of supervising or controlling queues or customers, must wear [high visibility jackets

	purpose of supervising or controlling queues or customers, must wear [high visibility jackets or vests or armbands].			or vests or armbands]. And display a valid SIA license.
14	Any door supervisors on duty at the premises must be supplied by an SIA-Approved Contractor Scheme company.			
15	The Designated Premises Supervisor or on-duty manager must ensure that all door supervisors on duty at the premises are correctly displaying their current SIA accreditation and are briefed on their responsibilities and relevant company operating procedures before they commence duty.			The Designated Premises Supervisor or on-duty manager (must be a personal license holder) must ensure that all door supervisors on duty at the premises are correctly displaying their current SIA accreditation and are briefed on their responsibilities and relevant company operating procedures before they commence duty.
16	Door supervisors must be provided with radios to enable them to contact each other and the duty manager at the premises.			
17	Where SIA registered door supervisors are used at the premises, a record			

	must be kept of their SIA registration number and the dates and times when they are on duty.			
	CCTV			
	<p>The premises licence holder must ensure that:</p> <p>(i) CCTV cameras are located within the premises to cover all public areas including all entrances and exits [The location of cameras could also be specified on the plan attached to the premises licence].</p> <p>(ii) The system records clear images permitting the identification of individuals.</p> <p>(iii) The CCTV system is able to capture a minimum of 24 frames per second and all recorded footage must be securely retained for a minimum of 28 days. (iv)</p> <p>(iv) The CCTV system operates at all times while the premises are open for licensable activities from 12.00 until 2.00am</p>	<p>CCTV will operate between 12:00 and 02:00, however door supervisors are employed until 03:00. It would be clearly appropriate that if door supervisors are required to 3am to promote the licensing objectives that the CCTV system should be in operation until at least the same hours.</p>		<p>The premises licence holder must ensure that:</p> <p>(i) CCTV cameras are located within the premises to cover all public areas including all entrances and exits [The location of cameras could also be specified on the plan attached to the premises licence].</p> <p>(ii) The system records clear images permitting the identification of individuals.</p> <p>(iii) The CCTV system is able to capture a minimum of 24 frames per second and all recorded footage must be securely retained for a minimum of 28 days.</p> <p>(iv) The CCTV system operates at all times while the premises are open for licensable activities from 12.00 until closing.</p>

<p>(v) All equipment must have a constant and accurate time and date generation.</p> <p>(vi) The CCTV system is fitted with security functions to prevent recordings being tampered with, i.e. password protected.</p> <p>(vii) There are members of trained staff at the premises during operating hours able to provide viewable copies on request to police or authorised local authority officers as soon as is reasonably practicable in accordance with the Data Protection Act 1998 (or any replacement legislation).</p>			<p>(v) All equipment must have a constant and accurate time and date generation.</p> <p>(vi) The CCTV system is fitted with security functions to prevent recordings being tampered with, i.e. password protected.</p> <p>(vii) There are members of trained staff at the premises during operating hours able to provide viewable copies on request to police or authorized local authority officers at all times in accordance with the Data Protection Act 1998 (or any replacement legislation).</p>
<p>Illegal Drug Use</p>			
<p>There shall be a lockable 'drugs box' at the premises to which no member of staff, except the DPS and/or [designated role-holder at business], shall have access. All controlled drugs (or items suspected to be, or containing controlled drugs) found at the premises</p>			

	<p>must be placed in this box as soon as practicable. Whenever this box is emptied, all its contents must be given to Thames Valley Police for appropriate disposal. Any person seen to be using controlled drugs on the premises will be reported to the police and barred from the premises.</p>			
	Incident Reporting			
18	<p>An incident log (which may be electronically recorded) shall be kept at the premises for at least six months, and made available on request to the police or an authorised officer of the licensing authority, which will record the following incidents including pertinent details.</p> <p>(i) All alleged crimes reported to the venue or by the venue to the police</p> <p>(ii) All ejections of patrons</p> <p>(iii) Any complaints received</p> <p>(iv) Any incidents of disorder</p>			

	<p>(v) Seizures of drugs, offensive weapons, fraudulent ID or other items</p> <p>(vi) Any faults in the CCTV system, searching equipment or scanning equipment</p> <p>(vii) Any refusal of the sale of alcohol</p> <p>Any faults in the CCTV system, searching equipment or scanning equipment</p> <p>(ix) Any visit by a responsible authority or emergency service</p> <p>(ix) The times on duty, names and the licence numbers of all licensed door supervisors employed by the premises.</p>			
	Staff Training			
19	<p>19a) All staff authorised to sell alcohol shall be trained in (delete as appropriate):</p> <p>(i) Relevant age restrictions in respect of products</p> <p>(ii) Prevent underage sales</p> <p>(iii) Prevent proxy sales</p> <p>(iv) Maintain the refusals log</p> <p>(v) Enter sales correctly on the tills so the prompts show as appropriate</p>			

<p>(vi) Recognising signs of drunkenness and vulnerability (vii) How overservice of alcohol impacts on the four objectives of the Licensing Act 2003 (viii) How to refuse service (ix) The premises' duty of care policy, understanding and dealing with situations involving vulnerable people, and incidents of harassment (x) Action to be taken in the event of an emergency, including the preservation of a crime scene and reporting an incident to the emergency services (xi) The conditions in force under this licence.</p> <p>19b) Training must include evidence that the trainee has gained knowledge and understanding of the training, which may consist of a test or quiz, completed and signed by the trainee.</p> <p>19c) Documented records of training completed shall be kept</p>			
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	<p>for each member of staff. Training shall be regularly refreshed and at no greater than 6 [or specify] monthly intervals. Training records shall be made available for inspection upon request by Thames Valley Police or Buckinghamshire Council.</p>			
	Preventing Drunkenness			
20	<p>The premises shall have a documented Duty of Care policy for managing intoxicated and vulnerable customers and dealing with incidents of harassment at the premises. The policy shall also include provision for persons refused entry to the premises who are also considered vulnerable by staff.</p>			
21	<p>The premises shall display prominent signage indicating that it is an offence to sell alcohol to anyone who is drunk.</p>			

22	A Personal licence Holder must be present at the premises to supervise all sales of alcohol.			
23	A minimum of 3 persons must be employed and on duty at the premises between Monday and Sunday at the hours of 12.00 through to 2am who are specifically tasked to maintain the safety of customers who may be vulnerable, ill or in distress as a result of alcohol and/or drug-related intoxication. Such persons must be trained on drunkenness, vulnerability, and drugs awareness in the night-time economy; and responding to these matters.			A minimum of 3 persons must be employed and on duty at the premises between Monday and Sunday at the hours of 12.00 through to closing who are specifically tasked to maintain the safety of customers who may be vulnerable, ill or in distress as a result of alcohol and/or drug-related intoxication. Such persons must be trained on drunkenness, vulnerability, and drugs awareness in the night-time economy; and responding to these matters.
24	The premises shall provide facilities for customers to securely recharge their mobile phones.			
25	Drinks must only be served in polycarbonate glasses to be used at specified events.	Ambiguous. If the intention is that polycarbonate drinking vessels are to be used at "specified events", these events should be defined.		

26	<p>Customers will not be permitted to remove from the premises any drinks supplied by the premises (alcoholic or otherwise) In open containers [except for consumption in any delineated external area as shown on the plan attached to the licence].</p>	<p>Implies that alcoholic drinks may be removed from the premises in un-opened containers. The licence application only specifies that alcohol will be sold for consumption on the premises. Reference is also made to a delineated area for consumption of alcohol away from the premises, this area is not shown and regardless would not be authorised by the licence</p>		
27	<p>Spirit, Champagne and all other glass bottles greater than [70cl] are restricted to customers seated at a [table] [booth] in the delineated area[s] as shown on the plan attached to the licence. These bottles must be secured to the table or ice bucket and must only be dispensed by a member of staff who is trained in the responsible service of alcohol. Customers must not be permitted to leave</p>	<p>The plan does not show a delineated area for the service of bottles greater than 70cl.</p>		

	their table carrying any such bottle, or be permitted to drink directly from the bottle.			
28	The Challenge 21 scheme must be operated to ensure that any person who appears to be under the age of 21 shall provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise a passport, photo card driving licence, an EU/EEA national ID card or similar document, an HM Forces warrant card, a card bearing the PASS hologram, or any electronic or biometric age verification technology approved by the licensing authority.			
29	The premises shall display prominent signage indicating in all areas where alcohol is located that the Challenge 21 scheme is in operation.			

30	The premises shall display prominent signage indicating in all areas where alcohol is located that it is an offence to buy or attempt to buy alcohol for a person who is under 18 and for a person under the age of 18 to buy or attempt to buy alcohol.			
31	A refusals record must be kept at the premises which details all refusals to sell alcohol. This record must include the date and time of the incident, a description of the customer, the name of the staff member who refused the sale, and the reason the sale was refused. All entries must be made within 24 hours of the refusal. The record must be made available for inspection and copying within [specify days/ hours or a reasonable time] of a request by an officer of a Responsible Authority.			

	Alcohol deliveries			
32	<p>The premises licence holder shall provide the following information in writing to the licensing authority before any sale of alcohol is carried out (and notify change to this information to the licensing authority within 7 days):</p> <p>(i) The trading name of any company that will operate under the licence</p> <p>(ii) All telephone numbers that will be used to accept orders</p> <p>(iii) The URL/website address that will be used to accept orders.</p>	<p>Deliveries of alcohol would not be permitted by the proposed application as alcohol would not be authorised for consumption off the premises.</p>		
33	<p>Any promotional material and/or any website home page used as part of the business operating under this licence will clearly state the premises licence number. For the avoidance of doubt, this includes flyers, leaflets and business cards promoting the business.</p>			

34	All deliveries of alcohol shall only be delivered to a premises address with a valid postcode and will only be delivered directly to that property.			
	Emergencies			
35	The premises licence holder shall ensure that at all times when the public is present there is at least one competent person able to administer first aid, that an adequate and appropriate supply of first aid equipment and materials is available on the premises, and that adequate records are maintained in relation to the supply of any first aid treatment. The competent person will be registered first aider.			
36	All external emergency exit doors shall be fitted with sensor alarms and visible indicators to alert staff when the doors have been opened.			

37	<p>All staff on duty at the premises shall be trained in the Emergency and Evacuation procedures for the premises and aware of their individual responsibilities. This includes any door supervisors. Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than every month. Training records shall be made available for inspection upon request by a police officer or an authorised officer of the Council.</p>			
	<p>Preventing noise and Public nuisances</p>			
38	<p>All external windows and doors must be kept shut at all times when regulated entertainment is being provided. Doors may be opened for normal entrance and egress of people but must be shut immediately thereafter.</p>	<p>States doors and windows must be closed when regulated entertainment is taking place. The application states that recorded music will be played indoors and outdoors so this measure will ineffective at container the latter.</p>		<p>All external windows, shutters and doors must be kept shut at all times when regulated entertainment is being provided. All windows, shutters and doors are to be closed after 11pm regardless to any entertainment being provided. Doors may be</p>

				opened for normal entrance and egress of people but must be shut immediately thereafter.
39	No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to a nuisance.			
40	A noise limiting device must be installed and must operate at all times regulated entertainment takes place at the premises. The device must be of a type, in a location and set at a level [specify if known] [approved in writing by the appropriate officer of the Council].			
41	The location and orientation of loudspeakers must be as specified on the attached premises plan.			
42	An [acoustic lobby/ acoustic door, acoustic door seals automatic door closer must be installed	Ambiguous, it is not clear whether all of the listed measures must be installed and on which doors. However it is noted that the plan only shows one exit door with a lobby.		

43	There shall be no noise or odours caused by the kitchen extraction equipment that gives rise to a nuisance.			
	Deliveries			
44	A direct telephone number for the duty manager must be prominently displayed where it can conveniently be read from the exterior of the premises by the public. The telephone must be manned at all times the premises is open for licensable activities.	Ambiguous and it is unclear what this refers to		
45	No deliveries or collections relating to licensable activities at the premises will take place between the hours of 23.00 through to 08.00. Delivery drivers shall conduct the delivery in a manner that will not cause a noise disturbance to the occupiers of any residential properties surrounding the delivery address. This includes the avoidance of slamming doors, playing			

	loud music, shouting, over-revving engines and sounding horns to signal their arrival. The driver shall turn the engine off immediately upon arrival at the delivery address and will park considerately without causing any obstruction to the highway.			
46	Customers must be instructed when placing the order that they will not be able to collect the order from the vehicle. All deliveries will only be made directly to the property address and customers will not be permitted to take orders from the vehicle.			
	Smoking/External Areas			
47	Customers permitted to temporarily leave and then re-enter the premises to smoke must be restricted to a designated smoking area defined as [specify location/ mark on plan]. No more than [insert number] of customers will be	Condition 47 refers to a delineated smoking area and maximum permitted numbers but the area is not shown and the permitted numbers are not included.		

	permitted to remain in the designated smoking area at any one time.			
48	Clear and legible notices must be prominently displayed at any area used for smoking requesting customers to respect the needs of local residents and use the area quietly.			
49	No more than 80 customers will be permitted to remain in the Shisha area at any one time.			
	Litter			
50	At all times outside the premises, all areas to be swept and/or washed, and litter and sweepings collected and stored.	Poorly worded and it is presumed that this is not what is intended.		No smoking will take place at the front of the premises if patrons are allowed to leave for the purpose of smoking then they will not be allowed to reenter. All other smoking areas will not be permitted to be used after 11pm
51	All takeaway packaging and wrappers shall clearly identify the premises, ie. by way of company logo or name.			

52	Where the premises provide late night refreshments for consumption off the premises sufficient waste bins must be provided at or near the exits, to enable the disposal of waste.	Condition 52 which refers to late night refreshment being consumed off the premises contradicts conditions 57 and 58 which prohibit this.		Where the premises provide late night refreshments for consumption off the premises sufficient waste bins must be provided at or near the exits, to enable the disposal of waste. No takeaway food will be consumed outside the premises.
53	Empty bottles which have been collected must be placed into locked bins when deposited outside.			
54	All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.			
55	Between the hours of 12.00 until 8am no waste/glass bottles will be moved or deposited outside.			
	Children			
56	No person under the age of 18 years of age is permitted to enter or remain on the licensed premises when alcohol is being sold or supplied.			

57	Any hot food or hot drink provided after 11pm (late night refreshment) under this licence must only be consumed on the premises.			
58	Between the hours of 11pm and 2 am customers must not be permitted to remove from the premises any hot food or hot drink (late night refreshment) provided at the premises.			
	Dispersal			
59	The dispersal of customers from the premises must be managed in accordance with the following: (i) Clear and legible notices must be prominently displayed at all exits requesting customers to respect local residents and leave the area quietly. (ii) Public announcements requesting customers to leave quietly to minimise disturbance to nearby residents	Condition 59(iii) which appears to refer to a wind down period for the playing of music and sale of alcohol is unclear.		The dispersal of customers from the premises must be managed in accordance with the following: (i) Clear and legible notices must be prominently displayed at all exits requesting customers to respect local residents and leave the area quietly. (ii) Public announcements requesting customers to leave quietly to minimise disturbance to nearby residents (iii) A 23.00 hrs between Sunday to Thursday and closing on Friday and Saturday period where [music volume is reduced and alcohol sales cease.].

	<p>(iii) A 23.00 hrs between Sunday to Thursday and 1.00am on Friday and Saturday period where [music volume is reduced and alcohol sales cease].</p> <p>(iv) A suitable member of staff or a Door Supervisor[s] will be visible at each public entrance/ exit to control the dispersal, to remind people to leave quietly, and to prevent patrons from re-entering the premises, and shall deter customers from using private hire vehicles without a prior booking</p> <p>(v) All drinks and glass vessels must be removed from patrons as they leave to ensure no glass leaves the premises.</p>			<p>(iv) A suitable member of staff or a Door Supervisor[s] will be visible at each public entrance/ exit to control the dispersal, to remind people to leave quietly, and to prevent patrons from re-entering the premises, and shall deter customers from using private hire vehicles without a prior booking</p> <p>(v) All drinks and glass vessels must be removed from patrons as they leave to ensure no glass leaves the premises.</p>
60	<p>From no later than 1 hour before the premises closes to the public, a member of staff shall be dedicated to monitor the dispersal of customers and ensure</p>			

<p>patrons do not contribute to anti-social behaviour in the vicinity, They will be easily identifiable by way of their uniform or high visibility jacket/ vest; will have a detailed knowledge of all transport options in the area and provide directions for patrons who may be loitering in the vicinity of the premises.</p>			
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